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of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

Regular Session of 1986

Volume II

Held in the State Capitol in the Capitol City of Frankfort, at
Frankfort, in the Year of Our Lord 1986, and
in the One Hundred and ninety-Fourth
Year of the Commonwealth

Begun on the Seventh Day of January, 1986, and Adjourned
Sine Die on the Fifteenth Day of April, 1986

Paid from State Funds.

FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Section 6.161, 6.162 and 57.151 of the *Kentucky Revised Statutes,* the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of this obligation for the Regular Session of the House of Representatives of 1986.

The text of a bill is spread in full when it receives a first reading. The vote on passage of a bill is indicated upon its receipt of a third reading, or upon concurrence by the originating house in amendments by the second house. Simple and concurrent resolutions are printed on first reading when applicable or when adopted, and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended. Rolls calls on motions to pass legislation have been compiled at Appendix A.

Mrs. Shan Stone Gray, Mrs. Jeanne Wallace, Mrs. Myra Aitken and Mrs. Delores Dearborn prepared the 1986 House Journal. The edited copy and index found in this volume reflect the cooperative efforts of the commission's staff.

VIC HELLARD, JR.
Director

The Capitol
Frankfort, Kentucky
1986

MONDAY, MARCH 10, 1986

FORTIETH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Dr. Billy Hurt, First Baptist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 7, 1986, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of SB 81, SB 196, SB 252, SB 301, SB 305, SB 309, SB 330, SB 341, SB 367, HJR 78 with Senate Amendment, HB 287, HB 412, HB 420 and HB 435.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: HB 942, HB 943, HB 946, HB 955, HB 959, HB 969, HB 978.

Banking and Insurance: HB 951, HB 962, HB 972, HB 974.

Business Organizations and Professions: HB 958, HB 965.

Cities: HB 954, HB 975.

Education: HB 950, HB 952, HB 979, HB 981, HB 983, SB 198.

Energy: HB 956, HB 976, HB 977.

Health and Welfare: HB 944, HB 948, HB 949, HB 953, HB 960, HB 961, HB 982, HB 984, HB 987, HB 988.

Judiciary-Criminal: HB 986.

Labor and Industry: HB 957, HB 971.

State Government: HB 947, HB 963, HB 964, HB 967, HB 970, HB 973.

Transportation: HB 945.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Health and Welfare: HB 868, HB 880, HCR 121, HB 785.

Education: HB 751, HB 889, HB 924.

Report of Committees

The Committee on Rules reported HB 262, HB 398, HB 632, HB 743, HR 86, SB 61, SB 159, SB 245, HB 343, HB 421, HB 547, HB 583, HB 670, HB 693, HB 716, HB 718, HB 748, HB 765, HB 808, HR 60, SJR 26, and HB 736 have been posted for passage in Orders of the Day on March 11, 1986.

The Committee on Rules reported HB 53 has been recommitted to the Committee on Appropriations and Revenue.

Calendar

HB 284, HB 311, HB 433, HB 621, HB 772, and HB 741 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

HB 298 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that HB 298 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 10, 1986, roll call on HB 298—Appendix A.)

HB 298 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 298 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 473, with Committee Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freibert moved the adoption of the Committee Amendment No. 1 to HB 473. Agreed.

Representative Freibert moved that HB 473, as amended, be passed.

On the roll call the vote was: Yeas 91, Nays 3. (See March 10, 1986, roll call on HB 473—Appendix A.)

HB 473, as amended, was passed and the title agreed to.

Representative Freibert moved that the vote by which HB 473, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 149, with Committee Amendments and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Floor Amendment No. 1 to HB 149. Agreed.

Representative Ford moved the adoption of the Committee Amendment No. 1 to HB 149. Agreed.

Representative Ford moved the adoption of the Committee Amendment No. 2 to HB 149.

Representative Ford moved the motion that the Committee Amendment No. 2 to HB 149 be adopted be withdrawn. Agreed.

Representative Morris moved that HB 149, as amended, be passed.

On the roll call the vote was: Yeas 74, Nays 12. (See March 10, 1986, roll call on HB 149—Appendix A.)

HB 149, as amended, was passed and the title agreed to.

Representative Morris moved that the vote by which HB 149, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 61, HB 218, HB 246, HB 315, HB 346, HB 417, HB 418 and HB 586 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—4:20 p.m.)

HB 61, HB 218, HB 246, HB 315, HB 346, HB 417, HB 418 and HB 586 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

HB 507 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative T. Jones moved that HB 507 be passed.

On the roll call the vote was: Yeas 96, Nays 1. (See March 10, 1986, roll call on HB 507—Appendix A.)

HB 507 was passed and the title agreed to.

Representative T. Jones moved that the vote by which HB 507 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 152, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved the adoption of the Floor Amendment No. 4 to HB 152.

On the roll call the vote was Yeas: 51—Allen, Blevins, Bronger, F. Brown, M. Brown, Caldwell, Clapp, L. Clark, Clarke, Cline, Cowan, Cyrus, Dawahare, Deskins, Farrow, Ford, Freibert, Gray, Gregory, Guenthner, K. Harper, Head, Heleringer, Holbrook, Holloway, Jensen, R. Jones, Keith, Lear, Lefevers, LeMaster, Little, Long, Lyne, Maggard, Mann, McBee, McElroy, Moberly, Napier, Pearman, Preston, Pritchett, Richards, B. Richardson, Rose, Siler, Smith, Thomas, Todd, Turner. Nays: 26—Arnold, Barrows, Bennett, Burch, P. Clark, Crupper, Curd, Donnermeyer, Ellington, Gedling, Hancock, J. Harper, Kerr, Layman, McNutt, Meyer, Nett, Noland, Reinhardt, P. Richardson, Stewart, Stone, Strong, Stumbo, White, Yates.

Floor Amendment No. 4 to HB 152 was adopted.

Representative R. Jones moved the adoption of the Floor Amendment No. 5 to HB 152. Rejected.

Representative R. Jones moved the adoption of the Floor Amendment No. 6 to HB 152. Rejected.

Representative R. Jones moved the adoption of the Floor Amendment No. 3 to HB 152. Rejected.

Representative P. Richardson moved the adoption of the Committee Amendment No. 1 to HB 152. Agreed.

Representative P. Richardson moved that HB 152, as amended, be passed.

Representative Hancock moved the adoption of the Floor Amendment No. 2 to HB 152. Agreed.

Representative P. Richardson moved that HB 152, as amended, be passed.

On the roll call the vote was: Yeas 37, Nays 59. (See March 10, 1986, roll call on HB 152—Appendix A.)

HB 152, as amended, was defeated.

HB 680 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that HB 680 be passed.

On the roll call the vote was: Yeas 88, Nays 2. (See March 10, 1986, roll call on HB 680—Apendix A.)

HB 680 was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 680 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 722 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBee moved that HB 722 be passed.

On the roll call the vote was: Yeas 96, Nays 1. (See March 10, 1986, roll call on HB 722—Appendix A.)

HB 722 was passed and the title agreed to.

Representative McBee moved that the vote by which HB 722 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 760, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Committee Amendment No. 1 to HB 760. Agreed.

Representative Morris moved that HB 760, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 1. (See March 10, 1986, roll call on HB 760—Appendix A.)

HB 760, as amended, was passed and the title agreed to.

Representative Morris moved that the vote by which HB 760, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 203, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved the adoption of the Committee Amendment No. 1 to HB 203. Agreed.

Representative R. Jones moved that HB 203, as amended, be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 10, 1986, roll call on HB 203—Appendix A.)

HB 203, as amended, was passed and the title agreed to.

Representative R. Jones moved that the vote by which HB 203, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 769 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that HB 769 be passed.

On the roll call the vote was: Yeas 72, Nays 18. (See March 10, 1986, roll call on HB 769—Appendix A.)

HB 769 was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 769 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 76, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that SB 76 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 10, 1986, roll call on SB 76—Appendix A.)

SB 76 was passed and the title agreed to.

Representative Bruce moved that the vote by which SB 76 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 240, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative M. Brown moved that SB 240 be passed.

On the roll call the vote was: Yeas 92, Nays 1. (See March 10, 1986, roll call on SB 240—Appendix A.)

SB 240 was passed and the title agreed to.

Representative M. Brown moved that the vote by which SB 240 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 86, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Floor Amendment No. 2 to SB 86. Agreed.

Representative Heleringer moved the adoption of the Floor Amendment No. 1 to SB 86.

Representative Overstreet inquired as to whether Floor Amendment No. 1 to SB 86 was germane to the bill and whether it complied with Rule 61.

The Speaker ruled Floor Amendment No. 1 was germane to SB 86.

On the roll call the vote was Yeas: 43—Allen, Arnold, Bendl, Bennett, Brinkley, Bronger, F. Brown, M. Brown, Burch, Caldwell, L. Clark, Cline, Crupper, Cyrus, Dawahare, Ellington, Farrow, Gray, Guenthner, Handy, J. Harper, Head, Heleringer, Hines, Johnson, Keith, Lile, Little, Mack, Meyer, Noland, O'Brien, Pearman, Priddy, Reinhardt, Riner, Rose, Scorsone, Stewart, Stone, Turner, White, Worthington. Nays: 39—Blevins, Burnette, Clapp, Clarke, Curd, Deskins, Freibert, Gedling, Gregory, Hancock, K. Harper, Holbrook, Holloway, R. Jones, Kerr, Layman, Lear, Lefevers, LeMaster, Long, Lyne, Maggard, McBee, McElroy, McNutt, Moberly, Nett, Noe, Overstreet, Preston, Pritchett, Rapier, Richards, B. Richardson, Siler, Smith, Strong, Stumbo, Yates.

Floor Amendment No. 1 to SB 86 was adopted.

Representative Overstreet moved that SB 86, as amended, be passed.

On the roll call the vote was: Yeas 81, Nays 11. (See March 10, 1986, roll call on SB 86—Appendix A.)

SB 86, as amended, was passed.

Representative Overstreet moved the adoption of the Floor Title Amendment No. 1 to SB 86. Agreed; and the title was agreed to.

Representative Overstreet moved that the vote by which SB 86, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 1 to the Committee Substitute to HB 398, by Representative Farrow:

Amend printed copy of Committee Substitute to HB 398:

On page 178, line 2, by adding after the word "Act" the following:

"and for purposes specified elsewhere in this Act"

On page 178, after line 2, by adding the following:

"In the event the Federal tobacco program's price support level for a particular year, minus the no net cost assessment fee for the same year, results in an amount less than $1.45, an amount shall be allotted from the Budget Reserve Trust Fund up to an amount not to exceed the revenues estimated for that particular year from the cigarette tax levied under the provisions of KRS 138.140. The allotment from the Budget Reserve Trust Fund shall be made to the No Net Cost Tobacco Fund, established under the provisions of 1986 HB 665, to pay the costs of the income tax credit provided for in 1986 HB 665."

Floor Amendment No. 4 to HB 709, by Representative Lear:

Amend printed copy of HB 709:

On page 8, line 10 by placing brackets and strikethroughs around "*bank's*"

On page 8, line 11 after "*surplus*" by inserting "*of the bank, or, in the case of a bank holding company that controls at least one bank organized under the laws of this state, ten percent (10%) of the consolidated actual paid-in capital and surplus of the bank holding company which owns the bank and its bank subsidiaries in this state, whichever is greater*".

Floor Amendment No. 2 to HB 665, by Representative Worthington:

Amend printed copy of HB 665:

On page 1, after line 10, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) In the event the federal tobacco program's price support level for a particular year, minus the no net cost assessment fee for the same year, results in an amount less than one dollar and forty-five cents ($1.45), then a cigarette excise surtax shall be imposed, as provided for in Section 4 of this Act to pay for the income tax credit provided for in Section 6 of this Act.

(2) For purposes of this Act, "no net cost assessment fee deficit" shall mean the amount less than one dollar and forty-five cents ($1.45), if any, produced by the calculation described in subsection (1) of this section."

On page 1, line 11, after the word "Section", by deleting the "2" and inserting in lieu thereof a "3";

On page 2, line 6, by deleting the numeral "*3*" and inserting in lieu thereof the numeral "*6*";

on line 16, by deleting the numeral "*3*" and inserting in lieu thereof the numeral "*6*";

On page 3, after line 6, by adding the following:

"SECTION 4. A NEW SECTION OF KRS 138.130 TO 138.207 IS CREATED TO READ AS FOLLOWS:

(1) In the event the federal tobacco program's price support level for a particular year, minus the no net cost assessment fee for the same year results in an amount less than one dollar and forty-five cents ($1.45), then a cigarette excise surtax shall be imposed to pay for the income tax credit provided to tobacco growers in section 6 of this Act.

(2) The rate of the cigarette excise surtax provided for in subsection (1) of this section shall be determined annually by a committee composed of the secretaries of the revenue and finance cabinets, and the commissioner of agriculture. The determination of such tax rate by the committee shall be based exclusively on information received from the federal government regarding the following:

(a) the average price support level for tobacco;

(b) the no net cost assessment fees charged to tobacco growers in accordance with the provisons of Public Law 97-812, the No Net Cost Tobacco Program Act of 1982; and

(c) the amount of federally controlled tobacco quota allotments assigned to Kentucky growers for the year.

(3) The cigarette excise surtax shall be set at a rate equal to that which will produce the amount of revenues needed to provide Kentucky's tobacco growers with an income tax credit as provided for in Section 6 of this Act. In no event however, shall the surtax rate exceed five (5) cents on each twenty (20) cigarettes received by resident wholesalers required under the provisions of KRS 138.140—138.207 to pay the cigarette excise tax.

(4) The cigarette excise surtax shall be collected at the same time and in the same manner as the cigarette excise tax imposed under the provisions of KRS 138.130—138.207. The revenue cabinet shall be responsible for promulgating rules and regulations necessary for the administration of the cigarette excise surtax.

(5) Proceeds from the tax imposed under the provisions of this section shall be deposited to the credit of the no net cost tobacco fund, and shall be used for the purposes set out in Section 3 of this Act."

SECTION 5. A NEW SECTION OF KRS 138.130 to 138.207 IS CREATED TO READ AS FOLLOWS:

(1) In any year in which a cigarette excise surtax is imposed for the purpose of funding the income tax credit provided in section 6 of this Act, every retailer of cigarettes in Kentucky shall, within fifty (50) days of the effective date of the surtax, report and pay to the revenue cabinet a floor stocks tax equal to the rate of the surtax, as determined in section 4 of this Act. The floor stocks tax shall be applied to the number of cigarettes in the possession of such retailers in this state at the close of business on the day immediately preceeding the effective date of the cigarette excise surtax.

(2) Proceeds from the floor stocks tax imposed under the provisions of this section shall be deposited to the credit of the no net cost tobacco fund, and shall be used for the purposes set out in section 3 of this Act.

On page 3, line 7, by deleting the numeral "*3*" and inserting in lieu thereof the numeral "*6*".

On page 7, by deleting in its entirety the language on lines 7, 8 and 9;

and on line 10 by deleting the words: "*cabinets, and the commissioner of agriculture*", and by inserting in lieu thereof the following:

"*Such credit shall be allowed in each taxable year in which the difference between the federal tobacco programs's average price support level and the no net cost assessment fee falls below one dollar and forty five cents ($1.45) per pound of tobacco. The amount of credit allowed to each taxpayer shall be equal to the no net cost assessment fee deficit, multiplied by the number of pounds of tobacco grown and sold by the taxpayer in the taxable year. The total amount of income tax credit allowed under this subsection is limited, in the aggregate, to the amount of funds transfered from the no net cost tobacco fund to the General Fund, as provided for in section 3 of this Act.*"

Floor Amendment No. 1 to HB 665, by Representative Gedling:

Amend printed copy of HB 665:

On page 1, after line 10, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) In the event the federal tobacco program's price support level for a particular year, minus the no net cost

assessment fee for the same year, results in an amount less than one dollar and forty-five cents ($1.45), then a cigarette manufacturers tax shall be imposed, as provided for in Section 4 of this Act to pay for the income tax credit provided for in Section 5 of this Act.

(2) For purposes of this Act, "no net cost assessment fee deficit" shall mean the amount less than one dollar and forty-five cents ($1.45), if any, produced by the calculation described in subsection (1) of this section."

On page 1, line 11, after the word "Section", by deleting the "2" and inserting in lieu thereof a "3";

On page 2, line 6, by deleting the numeral "*3*" and inserting in lieu thereof the numeral "*5*";

On line 16, by deleting the numeral "*3*" and inserting in lieu thereof the numeral "*5*";

On page 3, after line 6, by adding the following:

"SECTION 4. A NEW SECTION OF KRS 138.130 TO 138.140 IS CREATED TO READ AS FOLLOWS:

(1) Every manufacturer shall apply for and obtain from the secretary of revenue a license for the privilege of doing business in this state. The manufacturer shall pay a fee of five dollars ($5.00) for this license.

(2) In addition to the license fee imposed by subsection (1) of this section, the manufacturer shall, within ten (10) days after the last day of each month, report to the secretary the number of cigarettes manufactured during the month and pay a tax, at a proportionate rate, on each twenty (20) cigarettes manufactured during the month. The additional tax is due when the report is filed.

(3) The rate of the cigarette manufacturer's tax provided for in subsection (2) of this section shall be determined annually by a committee composed of the secretaries of the revenue and finance cabinets, and the commissioner of agriculture. The determination of such tax rate by the committee shall be based exclusively on information received from the federal government regarding the following:

(a) the average price support level for tobacco;

(b) the no net cost assessment fees charged to tobacco growers in accordance with the provisons of Public Law 97-812, the No Net Cost Tobacco Program Act of 1982; and

(c) the amount of federally controlled tobacco quota allotments assigned to Kentucky growers for the year.

(4) The cigarette manufacturer's tax shall be set at a rate equal to that which will produce the amount of revenues needed to provide Kentucky's tobacco growers with an income tax credit as provided for in Section 5 of this Act. In no event however, shall the manufacturer's tax rate exceed two (2) cents on each twenty (20) cigarettes manufactured in Kentucky.

(5) Proceeds from the tax imposed under the provisions of this section shall be deposited to the credit of the no net cost tobacco fund, and shall be used for the purposes set out in Section 3 of this Act."

On page 3, line 7, by deleting the numeral "*3*" and inserting in lieu thereof the numeral "*5*".

On page 7, by deleting in its entirety the language on lines 7, 8 and 9;

and on line 10 by deleting the words: "*cabinets, and the commissioner of agriculture*", and by inserting in lieu thereof the following:

"Such credit shall be allowed in each taxable year in which the difference between the federal tobacco programs's average price support level and the no net cost assessment fee falls below one dollar and forty five cents ($1.45) per pound of tobacco. The amount of credit allowed to each taxpayer shall be equal to the no net cost assessment fee deficit, multiplied by the number of pounds of tobacco grown and sold by the taxpayer in the taxable year. The total amount of income tax credit allowed under this subsection is limited, in the aggregate, to the amount of funds transfered from the no net cost tobacco fund to the General Fund, as provided for in section 3 of this Act."

Floor Amendment No. 1 to HJR 102, by Representative Arnold:

Amend printed copy of HJR 102:

On page 1, line 1,

by deleting "sixteen" and inserting in lieu thereof "seventeen";

And on page 1, line 2,

by deleting "(16)" and inserting in lieu thereof "(17)";

And on page 2, line 8,

by inserting before the ";" and after the word "Directors" the words "Kentucky Vocational Association"

Floor Amendment No. 4 to the Committee Substitute to HB 134, by Representative Riner:

Amend printed copy of Committee Substitute for HB 134 on page 1, line 4, following "*sweepstakes*" to add "*, in which only persons eighteen (18) years of age or older may participate,*"

Floor Amendment No. 1 to HB 825, by Representative Heleringer:

Amend printed coy of HB 825:

On page 4, after line 16, by adding the following language:

"*(4) The tax credit provided to race tracks in subsections (1) and (2) of this act shall be allowed subject to the following requirements:*

(a) In the event that either the racing association or a union representing a unit of the racing association's employes believe that they have reached impasse in negotiating the wages, hours, or other terms and conditions of employment of said employes, the racing association or the union may invoke the procedures set out in this subsection.

(b) If either the racing association or the union desires to have the dispute resolved by binding arbitration, it shall so notify the secretary of the labor cabinet in writing and request such binding arbitration. If the secretary of the labor cabinet, or his designee determines that an impasse exists, the secretary shall direct binding arbitration of the dispute.

(c) When the secretary so directs binding arbitration, either the union or the racing association may request a panel of seven (7) arbitrators from the federal mediation and conciliation service. The racing association and the union shall select an arbitrator from the panel by alternately striking one (1) name from the list until one (1) name is left. The remaining name shall be the name of the arbitrator. The party who strikes the first name shall be determined by a coin toss.

(d) The provisions of KRS 417.090-417.130 and KRS 417.150-417.240 shall apply to the arbitration of disputes under the provisions of this act.

(e) The parties to the dispute shall cooperate to the fullest extent reasonable in expediting the hearing and the award.

(f) The responsibility and authority of the arbitrator shall be to determine whether the last offer of the racing association or the last offer of the union is the fairer, and the arbitrator shall direct that the fairer of the two offers shall constitute the contract. The arbitrator shall not issue an award which contains a compromise between the two offers but shall choose between them .

(g) If either the racing association or the union refuses to submit the dispute to arbitration, the last offer of the other party shall automatically constitute the contract of the employes represented by the union. Upon application to a court having jurisdiction over the racing association and the union, the court shall enforce said contract.

(h) The fees and expenses of the arbitrator shall be shared equally by the racing association and the union.

(i) The arbitrator's award shall be retroactive to the date of the expiration of the last collective bargaining agreement.

(j) When the arbitration procedures established under the provisions of this act are invoked, the wages, hours, and other terms and conditions of employment of the last collective bargaining agreement shall remain in effect until the arbitrator's award is made.''

Floor Amendment No. 1 to HB 693, by Representative Yates:

Amend printed copy of HB 693:

Beginning on page 1, line 10, place a bracket before the word ''In'' and on line 18, place a bracket after the period and strike through language between brackets; and

On page 1, line 15, delete the words: ''*at least seventy-five percent (75%)*''; and

On page 1, line 18, insert between the words ''of'' and ''the'' the following: ''*of a seven (7) member board nor more than five (5) members of an eight (8) member*'';and

On page 1, line 18, place brackets around the word ''the''; and

On page 2, line 1, after the period, add the following sentence: ''*In a county containing a city of the first class, the county judge/executive, with approval of the fiscal court, shall appoint one (1) additional member to the board of such district who may be a resident of any state senatorial district in the county.*''

Floor Amendment No. 2 to the Committee Substitute to HB 398, by Representative Turner:

Amend printed copy of Committee Substitute to HB 398:

On page 6, line 9, by deleting ''$9,715,000'' and inserting in lieu thereof ''$10,715,000'';

On line 10, by deleting ''$10,387,700'' and inserting in lieu thereof ''$11,387,700'';

and after line 13, by adding the following language:

''Included in the above appropriation is $1,000,000 in fiscal year 1986-87 and $1,000,000 in fiscal year 1987-88 to create an incentive program to encourage new agricultural product lines.''

On page 7, line 4, by deleting ''$2,253,300'' and inserting in lieu thereof ''$3,253,300'';

On line 5 by deleting ''$2,331,000'' and inserting in lieu thereof ''$3,331,000'';

after line 9, by adding the following language:

''Included in the above appropriation is $1,000,000 in fiscal year 1986-87 and $1,000,000 in fiscal year 1987-88 to create an incentive fund for the establishment and certification of volunteer fire departments.''

On line 25 by deleting ''$7,381,200'' and inserting in lieu thereof ''$8,381.200'';

On line 26 by deleting ''$7,697,100'' and inserting in lieu thereof ''$8,697,100'';

On page 73, on line 10, by deleting ''$2,921,790,400'' and inserting in lieu thereof ''$2,923,790,400''; and

On line 11, by deleting ''$3,190,098,400'' and inserting in lieu thereof ''$3,192,098,400''.

On page 134, after line 20, by inserting the following:

''V. Agriculture Regulatory Service

Building Construction

General Fund—$3,200,000''

Floor Amendment No. 2 to the Committee Substitute to HB 262, by Representative Keith:

Amend printed copy of Committee Substitute to HB 262:

On page 2, line 2, by deleting the figures "$59,006,400" and "$64,716,800", and inserting in lieu thereof the figures "$59,109,200" and "$64,816,400";

and on line 5, after the word "personnel", by replacing the period punctuation mark with a comma, and inserting therein the following:

"*and funds to support one new circuit judgeship in the 41st circuit.*"

On page 3, line 3, by deleting the figures "$2,188,400" and "$2,210,300", and inserting in lieu thereof the figures "$2,195,900" and "$2,217,800".

and on line 14, by deleting the figures "$70,042,200" and "$76,611,300" and inserting in lieu thereof the figures "$70,152,500" and "$76,718,400".

Floor Amendment No. 1 to HB 503, by Representative P. Richardson:

Amend printed copy of HB 503:

On page 10, line 24 by inserting the word "*limestone*" after the word "excluding"; and

On page 28, line 17 by inserting the phrase "*other than limestone*" after the word "minerals" and before the first comma.

Floor Amendment No. 2 to HB 825, by Representative Rapier:

Amend printed copy of HB 825:

On page 2, line 2, by deleting the words "*and approved by*".

Floor Amendment No. 3 to the Committee Substitute to HB 398, by Representative Cowan:

Amend printed copy of Committee Substitute for HB 398:

On page 19, line 1, by deleting the amount "$300,000" and inserting in lieu thereof the amount "$169,400"; and

On page 19, line 2, by deleting the amount "$200,000" and inserting in lieu thereof the amount "$69,400"; and

On page 20, line 18, by deleting the amount "$52,695,500" and inserting in lieu thereof the amount "$52,564,900"; and

On page 20, line 19, by deleting the amount "$56,229,000" and inserting in lieu thereof the amount "$56,098,400"; and

On page 25, line 14, by deleting the amount "$96,413,800" and inserting in lieu thereof the amount "$96,283,200"; and

On page 25, line 15, by deleting the amount "$106,505,100" and inserting in lieu thereof the amount "$106,374,500"; and

On page 40, line 5, by deleting the amount "$20,735,100" and inserting in lieu thereof "$20,765,100"; and

On page 40, line 6, by deleting the amount "$16,213,900" and inserting in lieu thereof the amount "$16,243,900"; and

On page 40, line 7, by deleting the amount "$3,115,900" and inserting in lieu thereof the amount "$3,145,900"; and

On page 40, line 8, by deleting the amount "$3,213,800" and inserting in lieu thereof the amount "$3,243,800"; and

On line 17, after the period, by inserting the following language: "Included in the amount appropriated for Out-of-District Children is $30,000 each fiscal year for two teachers to be involved in the development and implementation of a Juvenile Sex Offender Treatment program to be operated by the Cabinet for Human Resources."; and

On page 42, line 12, by deleting the amount "$1,221,523,600" and inserging in lieu thereof the amount "$1,221,553,600"; and

On page 42, line 13, by deleting the amount "$1,344,723,300" and inserting in lieu thereof the amount "$1,344,753,300"; and

On page 47, line 13, by deleting the amount "$1,423,390,900" and inserting in lieu thereof the amount "$1,423,420,900"; and

On page 47, line 14, by deleting the amount of "$1,571,559,800" and inserting in lieu thereof the amount "$1,571,589,800."; and

On page 58, line 19, by deleting the amount "$68,458,700" and inserting in lieu thereof the amount "$68,559,300"; and

On page 58, line 20, by deleting the amount "$76,934,300" and inserting in lieu thereof the amount "$77,034,900"; and

After line 20, by inserting the following language: "Included in the above appropriation is $100,600 each year for the development and implementation of a Juvenile Sex Offender Treatment Program."; and

On page 61, line 8, by deleting the amount "$490,302,300" and inserting in lieu thereof the amount "$490,402,900"; and

On page 61, line 9, by deleting the amount "$534,559,000" and inserting in lieu thereof the amount "$534,659,600"; and

On page 62, line 2, by deleting the amount "$496,387,400" and inserting in lieu thereof the amount "$496,488,000"; and

On page 62, line 3, by deleting the amount "$541,197,800" and inserting in lieu thereof the amount "$542,298,400";.

Floor Amendment No. 1 to HB 632, by Representative Donnermeyer:

Amend printed copy of HB 632:

On page 3, line 7, after the period, by inserting the following:

"*(3) A member of the commission may not:*

(a) Be an officer, employee, or paid consultant of a business entity that has, or of a trade association for business entities that have, a substantial interest in the automated information industry;

(b) Own, control, or have directly or indirectly, more than a ten percent (10%) interest in a business entity that has a substantial interest in the automated information industry;

(c) Be in any manner connected with any contract or bid for furnishing any state governmental body with automated information systems, the computers on which they are automated, or a service related to the automation of information systems or the computers in which they are automated, or a related service.

(4) It is a ground for removal of a member of the commission if the member violates a prohibition established by subsection (3) of this section. The validity of an action of the committee is not affected by the fact that it was taken when a ground for removal of a member existed. If the chairman of the commission has

knowledge that a potential ground for removal of a commission member exists, the chairman shall notify the governor of the potential ground for removal."

On page 5, line 8, before the word "Commission" by placing brackets around "(3)" and inserting in lieu thereof "*(5)*";

On page 5, line 12, before the word "Members" by placing brackets around and striking through "(4)" and inserting in lieu thereof "*(6)*";

On page 5, line 15, before the word "A" by placing brackets around and striking through "(5)" and inserting in lieu thereof "*(7)*".

Floor Amendment No. 4 to the Committee Substitute to HB 398, by Representative Freibert:

Amend printed copy of Committee Substitute for HB 398:

On page 49, line 18, by deleting "$10,218,200" and inserting in lieu thereof "$10,293,200";

and on line 19 by deleting "$16,110,300" and inserting in lieu thereof "$21,860,300".

On page 50, after line 19, by adding the following language:

"Included in the above appropriation is $75,00 in fiscal year 1986-87 and $3,750,000 in fiscal year 1987-88 for Commonwealth Centers; $2,000,000 in fiscal year 1987-88 for endowed chairs";

On page 73, on line 10, by deleting "$2,921,790,400" and inserting in lieu thereof "$2,921,865,400"; and

On line 11, by deleting "$3,190,098,400" and inserting in lieu thereof "$3,195,848,400."

Floor Amendment No. 1 to HB 781, by Representative Nett:

Amend printed copy of HB 781:

On page 1, line 20, after "*properties*" insert "*or the Kentucky department for libraries and archives*"; and

on page 2, line 1, after "*properties*" insert "*or the Kentucky department for libraries and archives*"; and

on page 2, line 4, after "*properties*" insert "*or for retention and public research use at the state archives*".

Floor Amendment No. 5 to the Committee Substitute to HB 398, by Representative Turner:

Amend printed copy of Committee Substitute for HB 398:

On page 6, line 9, by deleting "$9,715,000" and inserting in lieu thereof "$10,715,000";

On line 10, by deleting "$10,387,700" and inserting in lieu thereof "$11,387,700";

and after line 13, by adding the following language:

"Included in the above appropriation is $1,000,000 in fiscal year 1986-87 and $1,000,000 in fiscal year 1987-88 to create an incentive program to encourage new agricultural product lines."

On page 7, line 4, by deleting "$2,253,300" and inserting in lieu thereof "$3,253,300";

On line 5 by deleting "$2,331,000" and inserting in lieu thereof "$3,331,000";

after line 9, by adding the following language:

"Included in the above appropriation is $1,000,000 in fiscal year 1986-87 and $1,000,000 in fiscal year 1987-88 to create an incentive fund for the establishment and certification of volunteer fire departments."

On line 25 by deleting "$7,381,200" and inserting in lieu thereof "$8,381.200";

On line 26 by deleting "$7,697,100" and inserting in lieu thereof "$8,697,100";

On page 73, on line 14, by deleting "$2,921,790,400" and inserting in lieu thereof "$2,923,790,400"; and

On line 15, by deleting "$3,190,098,400" and inserting in lieu thereof "$3,192,098,400".

On page 134, after line 20, by inserting the following:

"V. Agriculture Regulatory Service

Building Construction

General Fund—$3,200,000"

On page 15, line 9, by deleting "$130,983,500" and inserting in lieu thereof "$132,983,500"; and

on line 10, by deleting"$140,698,800" and inserting in lieu thereof "$142,698,800".

Floor Title Amendment to SB 233, by Representative Dawahare:

Amend printed copy of GA Copy of SB 233:

By amending the title to read:

"AN ACT relating to citizens of the Commonwealth and declaring an emergency."

Floor Amendment No. 1 to SB 233, by Representative Dawahare:

Amend printed copy of GA Copy of SB 233:

By adding on page 2, after line 9, the following:

"Section 2. KRS 161.600 is amended to read as follows:

(1) Effective July 1, 1978, a member of the retirement system may qualify for service retirement by meeting either of the following requirements:

(a) Attainment of age fifty-five (55) years and completion of five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, or

(b) Completion of *twenty-seven (27)* [~~thirty (30)~~] years of Kentucky service, two (2) years of which are subsequent to July 1, 1941. [~~A member having less than thirty (30) years of service may retire with benefits reduced according to the following schedule:~~

~~29 years—90% of benefits~~

~~28 years—80% of benefits~~

~~27 years—70% of benefits.~~]

[~~(c)~~]

Benefits will be reduced in accordance with KRS 161.620 for persons qualifying under *paragraph* (a) *of this subsection* who are less than age sixty (60) years.

(2) Any member shall be automatically retired as of July 1 next following his seventieth (70th) birthday, providing, however, that a member reaching age seventy (70) and having fewer than five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, shall receive a refund of the member's accumulated contributions as provided in KRS 161.470(6) in lieu of a retirement annuity.

(3) Any person who has been a teacher in Kentucky for twenty-seven (27) years or more and who withdraws from teaching after July 1, 1941, and before reaching the age of sixty-five (65) years may continue to pay into the fund each year, until the end of the fiscal year in which he reaches the age of sixty-five (65) years, the current contribution rate based on the annual compensation received during his last full year as a teacher. If he so elects he shall at any time be entitled to receive a retirement allowance as provided in KRS 161.620. No member shall make contributions as provided for above if such member is at the same time making contributions to another retirement system in Kentucky supported wholly or in part by public funds.

(4) Service credit in the Kentucky employes retirement system, the state police retirement system, the legislators' retirement plan, the county employes or the judicial retirement system may be used in meeting the service requirements of subsections (1)(a) and (1)(b) of this section, provided such service is subsequent to July 1, 1956.

(5) No retirement annuity shall be effective until written application and option election forms are filed with the retirement office in accordance with regulations of the board of trustees.

(6) The surviving spouse of an active contributing member, if named as beneficiary of the member's account, may purchase retirement credit that the member was eligible to purchase prior to his death.

Section 3. KRS 161.620 is amended to read as follows:

(1) The retirement allowance, in the form of a life annuity with refundable balance, of a member retiring for service shall be calculated as follows:

(a) For retirements effective July 1, 1980, and thereafter, the annual allowance for each year of service performed prior to July 1, 1941, shall be one hundred dollars ($100) and the annual allowance for each year of service performed after July 1, 1941, shall be two percent (2%) of the final average salary. Actuarial discounts due to age or service credit at retirement may be applied as provided in this section.

(b) For retirements effective January 1, 1984, and thereafter the annual allowance shall be determined as set out in subsection (1)(a) of this section, except that the allowance for service performed after January 1, 1984, shall be valued at the annual rate of two and one-half percent (2 1/2%) of the final average salary for all members not employed by a state university or college. For purposes of implementing the change in the value of a year of service, the board of trustees shall establish by regulation, the value of services performed during the 1983-84 fiscal year but in no case shall the value of service performed during the 1983-84 fiscal year exceed two and one quarter percent (2.25%).

(c) If the member has five (5) years or more of Kentucky service, but less than *twenty-seven (27)* [~~thirty (30)~~] years of such service credit, the allowance shall be reduced actuarially for the number of years the member is less than sixty (60) years of age or by the number of years the service credit is less than *twenty-seven (27)* [~~thirty (30)~~] years, whichever is the lesser number. The board of trustees shall adopt an actuarial table of discounts for the purpose of calculating these allowances.

(2) Effective July 1, 1980, and annually on July 1 thereafter, the retirement allowance of each retired member and of each beneficiary of a retirement option who has been retired at least ten (10) months shall be increased in the amount of one percent (1%).

(3) Any member qualifying for retirement under a life annuity with refundable balance shall be entitled to receive an annual allowance amounting to not less than eighty-eight dollars ($88) multiplied by the service credit years of the teacher, except that no retired teacher who was sixty (60) years of age or older at retirement, and who has five (5) years or more service credit in a position covered by the teachers' retirement system shall receive a monthly benefit of less than seventy-five dollars ($75). The above minimums shall be effective July 1, 1978, and shall apply to those members retiring on or subsequent to that date.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option other than a life annuity with refundable balance in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries as provided in the duly adopted option tables at the time of the member's retirement.

(5) Effective July 1, 1982, the monthly allowance of each member retired on or before July 1, 1981, and each recipient of a retirement option of such retired members shall be increased in the amount of one percent (1%)

of the monthly allowance for each year the member has been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(6) Effective July 1, 1983, the monthly allowance of each member retired on or before July 1, 1982, and each recipient of a retirement option of such retired member shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member had been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(7) Effective July 1, 1980, monthly payments of two hundred dollars ($200) shall be payable for the benefit of an adult child of a member retired for service when the child's mental condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of such child or until such time as the mental condition creating the dependency no longer exists. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto.

(8) The cost of providing the statutory cost-of-living increases for retired members during 1980-82 and 1982-84 shall be funded by annual appropriations from the state on an amortized basis over the lifetime of the recipients. When the earnings on investments of the retired teacher savings exceeds the actuarial assumed rate of interest, the board of trustees may allocate such excess earnings toward the funding of the amortized payments required during the 1982-84 biennium for the cost-of-living increases approved under subsections (5) and (6) of this section.

Section 4. KRS 161.540 is amended to read as follows:

(1) Effective *July 1, 1986* [~~July 1, 1984~~], each member shall contribute to the retirement system *nine and eight hundred and fifty-five thousandths percent (9.855%)* [~~nine and six-tenths percent (9.6%)~~] of annual compensation except that university faculty members shall contribute *eight and three hundred and seventy-five thousandths percent (8.375%)* [~~eight and twelve-hundredths percent (8.12%)~~] of annual compensation. The contribution of members shall not exceed these applicable percentages on annual compensation. When a member retires, if it is determined that he has made contributions on a salary in excess of the amount to be included for the purpose of calculating his final average salary, any excess contribution shall be refunded to him in a lump sum at the time of the payment of his first retirement allowance.

(2) Each public board, institution or agency, as listed in KRS 161.220(4)(a) through (f) shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employe contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(9). However, each public board, institution or agency shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employe until such time as the contributions are distributed or made available to the employe. The picked up employe contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982 by the employe contribution, and the picked up employe contribution shall be in lieu of an employe contribution. Each employer shall pay these picked up employe contributions from the same source of funds which is used to pay earnings to the employe. The employe shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employe contributions picked up after August 1, 1982 shall be treated for all purposes of KRS 161.220 to 161.714 in the same manner and to the same extent as employe contributions made prior to August 1, 1982.

Section 5. Whereas contributions to the retirement system must be made at the beginning of the fiscal year, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Amendment No. 6 to the Committee Substitute to HB 398, by Representative Jones:

Amend printed copy of Committee Substitute for HB 398:

On page 16, after line 9, by adding the following:

Included in the above appropriations and bond funds authorized in this Act for the agencies B. 22 (Office of the Secretary), B. 23 (department of economic development), and B. 24 (Kentucky development finance authority) are $12.6 million to be used for training workers for the Toyota economic development project. These funds are in addition to the funds appropriated in the department for employment services, p. 57, lines 21 and 22 of this Act. These funds shall be allotted on an as needed basis at the discretion of the secretary of finance and administration after the funds appropriated to the department for employment services for this same purpose have been totally expended. Any unexpended balance remaining in the Toyota training account in either the human resources cabinet or the commerce cabinet at the close of fiscal year 1987 or fiscal year 1988 shall not lapse but shall continue into the following fiscal year.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Tuesday, March 11, 1986.

On the roll call the vote was yeas 72—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, M. Brown, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gray, Guenthner, Hancock, J. Harper, K. Harper, Head, Hines, Holloway, Jensen, Johnson, R. Jones, Keith, Layman, Lear, Lefevers, Lile, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Moberly, Morris, Nett, Noe, Noland, O'Brien, Pearman, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Siler, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Worthington, Yates. Nays 6—Bronger, Gedling, Holbrook, LeMaster, Meyer, Williams.

The motion to adjourn was adopted.

TUESDAY, MARCH 11, 1986

FORTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend K. L. Moore, First Baptist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the ready of the Journal of March 10, 1986, be dispensed with and the same approved. Agreed.

Introduction of Resolutions

HCR 145, by Representative Clarke: A CONCURRENT RESOLUTION urging the Interim Joint Committee on State Government to study and make recommendations concerning the status relating to the Auditor of Public Accounts.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and resolutions:

Appropriations and Revenue: SB 84, SB 151, SB 236, SB 237, SB 325, SB 341.

Banking and Insurance: SB 309, SB 330.

Cities: SB 306, SB 358, SB 360.

Education: SB 81.

Energy: SB 299.

Health and Welfare: HCR 141.

Judiciary-Civil: SB 310.

Judiciary-Criminal: SB 196.

Labor and Industry: SB 252.

Natural Resources and Environment: SB 305.

Transportation: SB 301.

Posting of Bills for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Agriculture and Small Business: HB 897, HB 926, HB 916.

Business Organizations and Professions: SB 212, HB 958.

Cities: HB 954, HB 975, SB 264, SB 265, SB 278, SB 284, SB 228, SB 302, SB 303, SB 304, SB 312 and SB 313.

Energy: HB 956.

Labor and Industry: HB 876.

Natural Resources and Environment: HB 476, HB 898, HB 878, HB 869 and HB 798.

State Government: HB 886, HB 841, HB 885, HB 967, HB 831, HB 964 and HB 919.

Appropriations and Revenue: HB 915, HB 639, HB 40, HB 725, HB 696, HB 774, HB 545, HB 578, HB 70, HB 535, HB 828, HB 850, HB 842, HB 843, HB 844, HB 959, HB 942, HB 946, HB 938 and SB 214.

Senate Message

Announcing passage of SB 148, SB 266, SB 280, SB 311, SB 319, SB 340, SB 343, SB 344, SB 350, SB 361, SCR 78, HB 470 with Senate Amendment, HB 464, HCR 39, and HCR 46.

Report on Enrolled Bills

The Committee on Enrollment reported HB 287, HB 412, HB 420, HB 435, HB 220, and HB 579 had been examined and found correctly enrolled. Said Bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:09 p.m.)

HB 287, HB 412, HB 420, HB 435, HB 220, and HB 579 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Report of Committees

The Committee on Appropriations and Revenue reported HB 348 with Committee Amendment attached thereto, HB 59 with Committee Amendments attached thereto, and HB 126 with Committee Substitute and Committee Amendments attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 1 to HB 348 is as follows:

Amend printed copy of HB 348:

On page 1, lines 1 through 21, by deleting all of lines 1 through 21; and on page 2, lines 1 through 21, by deleting all of lines 1 through 21; and on page 2, line 22, by deleting "Section 2." and by substituting therefor "Section 1."; and

on page 3, line 1, by deleting "*eight-tenths*" and by substituting therefor "*eighty-five hundredths*"; and

on page 3, line 2, by deleting "*percent (1.8%)*" and by substituting therefor "*percent (1.85%)*"; and

on page 5, line 7, by deleting "*twenty-seven (27)*[" and by deleting the closing bracket "]" and eliminating the strike throughs; and

on page 5, line 25, by deleting "Section 3." and by substituting therefor "Section 2."; and on page 6, line 14, by deleting "Section 4." and by substituting therefor "Section 3."; and

on page 8, line 7, by deleting "Section 5." and by substituting therefor "Section 4."; and

on page 10, line 17, by deleting "Section 6." and by substituting therefor "Section 5.".

The Committee Amendment No. 1 to HB 59 is as follows:

Amend printed copy of HB 59:

On page 8, after line 21, by adding the following:

(c) Each teacher of agriculture employed twelve (12) months per year shall submit an annual plan for summer program to the local school superintendent for approval. The summer plan shall include: a list of tasks to be performed, purposes for each task, and time to be spent on each task. Approval by the local school superintendent shall be in compliance with the guidelines developed by the state department of education. The supervision and accountability of teachers of vocational agriculture's summer programs shall be the

responsibility of the local school superintendent. The local school superintendent shall submit to the state superintendent of public instruction a completed report of summer tasks for each vocational agriculture teacher employed for twelve (12) months. Twenty percent (20%) of the approved twelve (12) month vocational agriculture programs shall be audited annually by the state department of education to determine that the summer plan has been properly executed.

The Committee Amendment No. 2 to HB 59 is as follows:

Amend printed copy of HB 59:

On page 8, line 4 by deleting the words "*Classroom units*" and inserting in lieu thereof "*Instructional salaries*".

The Committee Amendment No. 1 to the Committee Substitute to HB 126 is as follows:

Amend printed copy of Committee Substitute for HB 126:

on page 1, line 4, after the number "138.220" and before the "and" to insert "*(1) and (2)*".

on page 1, line 4, after the number "138.220" to place brackets around the word "and" and on page 1, line 6, to place brackets around the number "138.210(10)" and strikethrough the material therein.

on page 8, line 1, after the ";" to place brackets around the word "except" and on page 8, line 4, to place brackets around the ";" and to strikethrough the material therein.

on page 8, line 17, after the "(2)" to delete the ",".

on page 12, line 1, after the number "138.220" and before the "and" to insert "*(1) and (2)*".

on page 12, line 1, after the number "138.220" to place brackets around the word "and" and on page 12, line 2, to place brackets around the number "138.210(10)" and strikethrough the material therein.

on page 12, line 6, after the number "138.220" and before the "," to insert "*(1) and (2)*".

on page 15, line 16, after the "," to place brackets around the word "fifteen" and on page 15, line 17, to place brackets around the number "(15.6%)" and to strikethrough the material therein and insert in lieu thereof: "*eighteen and three-tenths percent (18.3%)*".

on page 15, line 18, after the number "138.660" to delete the ",".

on page 15, line 18, after the number "138.660" to insert "*(1) and (2)*".

on page 15, line 19, to remove the brackets around the word "and" and the strikethroughs therein.

on page 15, line 19, after the number "234.320" and on page 15, line 21, before the word "shall" to delete the material therein.

on page 16, line 4, after the "," to place brackets around the word "six" and on page 16, line 5, to place brackets around the number "(6.7%)" and to strikethrough the material therein and insert in lieu thereof "*seven and seven tenths percent (7.7%)*".

on page 16, line 7, after the "(2)" to delete the ",".

on page 16, line 7, to remove the brackets around the word "and" and the strikethroughs therein.

on page 16, line 7, after the number "234.320" and on page 16, line 9, before the word "shall" to delete the material therein.

on page 17, line 4, after the "." to insert the following:

SECTION 10. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) (a) For the purpose of assuring adequate, economical, and stable supplies of fuel-grade alcohol for the use and benefit of residents and motorists in this state; to preserve and stimulate the existing fuel-grade alcohol industry; and to encourage the establishment and growth of new fuel-grade alcohol facilities, the cabinet is hereby authorized to establish and make available from the revenues collected pursuant to KRS 138.220, a fuel-grade alcohol credit fund, and to use the fund, for and on behalf of the Commonwealth, to partially offset the operating costs of those fuel-grade alcohol producers that contribute to the economy of this state, by participating in and subsidizing the market costs for fuel-grade alcohol offered for sale in this state in the manner and form hereinafter provided; and

(b) Any dealer in gasoline shall receive a credit for each gallon of fuel-grade alcohol, or fuel-grade alcohol contained in a gasoline-alcohol blend, which is blended or purchased by a dealer and on which the tax imposed by KRS 138.220 is due and payable, except as otherwise provided in subsection (6) of this section. The credit shall be in the amount specified in subsection (2) of this section for two (2) annual periods beginning on July 1, 1986, and ending on June 30, 1988. Any such credit shall be reduced by the same amount per gallon as any increase per gallon in the federal excise tax exemption for alcohol fuels effective on the date of such increase.

(2) The amount of the credit authorized to a dealer by subsection (1) of this section shall be twenty-five (25) cents per gallon for fuel-grade alcohol certified to a dealer or a dealer's supplier by a licensed alcohol producer to be qualified for the credit pursuant to subsection (3) of this section. The credit shall also be twenty-five (25) cents per gallon for fuel-grade alcohol certified to a dealer or a dealer's supplier by a licensed alcohol producer to have been distilled within Kentucky. The total amount of all credits authorized pursuant to this subsection in any annual period shall not exceed fifteen million dollars ($15 million):

(a) In the event that the total credits authorized during any annual period pursuant to this subsection exceed fifteen million dollars ($15 million), the cabinet shall assess the amount of each such excess credit as a reimbursement excise tax to the licensed alcohol producer certifying the fuel-grade alcohol to a dealer or a dealer's supplier in respect of which the excess credit was claimed. The reimbursement excise tax shall be payable within thirty (30) days from the date of assessment and shall be collectable in the manner and form prescribed for taxes assessed pursuant to KRS 138.220; and

(b) The cabinet shall maintain during each annual period a cumulative monthly record of all credits authorized pursuant to this subsection and shall upon request report the status of such record to licensed alcohol producers.

(3) The fuel-grade alcohol or gasoline-alcohol blend eligible for the credit authorized by this section shall be limited to alcohol distilled within this state and region, except as provided by paragraphs (a) and (b) of this subsection. For purposes of this section "distilled within this state and region" shall include alcohol distilled at a plant located in this state or in a bordering state, employing residents of this state to the extent of one-third (1/3) of its total work force, and purchasing one-half (1/2) of its annual requirements of grain or coal from producers within this state:

(a) If the cabinet certifies that another state provides an exemption, credit, or refund from that state's motor fuel excise tax or sales tax that is applicable to fuel-grade alcohol, or a gasoline alcohol blend which contains fuel-grade alcohol distilled in Kentucky, and if the distiller in the other state otherwise meets the requirements of this section and secures the license provided in subsection (7) of this section, then the alcohol distilled in the other state shall be eligible for the credit provided in subsection (2) of this section to the extent that this credit would be allowed by such other state; and

(b) Under no circumstances shall the per gallon value of the credit for alcohol distilled in the other state, as provided by paragraph (a) of this subsection, exceed the per gallon value of the credit for fuel-grade alcohol provided in subsection (2) of this section.

(4) Every dealer claiming a credit authorized by this section shall file his claim as a supplement to the dealer report required by KRS 138.240. The claim shall be made under oath or affirmation on forms the cabinet may prescribe of the total number of gallons of fuel-grade alcohol upon which a credit is claimed and the total amount of the credit claimed. The claim shall include the following information:

(a) An itemized statement of the total number of gallons of fuel-grade alcohol, or fuel-grade alcohol contained in gasoline-alcohol blends, upon which a credit is claimed, showing the date of receipt of each shipment, the name and address of the licensed alcohol producer or supplier of each shipment, the invoice number, the point of origin, the point of destination, the quantity of each purchase or shipment, the method of

transportation, and the name and address of the carrier; and if blended by the dealer with received gasoline, the date and place of blending and such details of the sale, distribution or use of the gasoline-alcohol blend as the cabinet may require;

(b) A written certification from a licensed alcohol producer confirming that the fuel-grade alcohol supplied by it to the dealer, or to the dealer's supplier, was distilled by a licensed alcohol producer in conformity with the requirements of this section and is qualified for the credit authorized by subsection (2) of this section; and

(c) The dealer shall also furnish such other information relating to the purchase, receipt, inventory, transportation, sale, distribution, exchange or use of fuel-grade alcohol or gasoline-alcohol blends as the cabinet may require.

(5) Upon determination by the cabinet of a dealer's right to receive the credit authorized by this section, the credit shall be determined by multiplying the number of gallons of fuel-grade alcohol for which the credit is claimed by the appropriate amount as provided under subsection (2) of this section. The credit shall be applicable to the dealer's tax liability under KRS 138.220 for the following month but under no circumstances shall the credit exceed the dealer's tax liability for such month. Any residual credit may be carried over to the following month.

(6) (a) The credit provided in this section shall not apply to gasoline-alcohol blend delivered to storage facilities of persons qualifying, under the provisions of KRS 138.341, 138.344, 138.445, and 138.662, for a refund of the tax paid pursuant to the provisions of KRS 138.210 to 138.340;

(b) The revenue cabinet may require the dealer to report such information as is necessary to administer the provisions of this subsection;

(c) Refunds due under the provisions of KRS 138.341, 138.344, 138.445, and 138.662 for tax paid pursuant to the provisions of KRS 138.210 to 138.340 on gasoline-alcohol blend dispensed from storage facilities serving both persons qualifying and not qualifying for the refund due, shall be reduced by the amount of the credit provided for in this section;

(d) Notwithstanding the provisions of any other section to the contrary, the cabinet may require persons applying for a refund under the provisions of KRS 138.341, 138.344, 138.445 and 138.662 to furnish the cabinet such information as is necessary to administer the provisions of this subsection;

(e) The credit provided in this section shall not be allowed in respect of any fuel-grade alcohol improperly certified to a dealer or a dealer's supplier by a licensed alcohol producer, and any such certification which is fraudulent shall constitute cause for the suspension, revocation, cancellation or refusal to renew the license authorized by subsection (7) of this section; and

(7) (a) Any distiller who desires to qualify fuel-grade alcohol distilled by it for purposes of this section shall procure a license and post bond pursuant to regulations prescribed by the cabinet. No such license shall be granted:

1. Unless the cabinet has determined to its satisfaction that the aggregate present and proposed operations and activities of the licensee in this state will significantly assist in providing adequate, economical, and stable supplies of fuel-grade alcohol to dealers in this state and will tend to directly or indirectly confer measurable investment, trade, employment, or other economic or market benefits upon this state;

2. Unless the distillery owned or operated by the licensee is regulated by the United States; and

3. Unless, as a condition precedent for the grant of such license, the licensee shall agree to subject itself to the jurisdiction of this state for the purpose of paying all taxes required by law and filing such reports and permitting such audits of its records and inspection of its premises as the cabinet may prescribe;

(b) Such licensee shall also post and keep in force a continuous surety bond, issued by a surety authorized to do business in this state and approved by the cabinet. The bond shall be in the amount of not less than fifty thousand dollars ($50,000), or such greater amount as may be fixed from time to time by the cabinet having due regard to the quantity of fuel-grade alcohol supplied by the licensee and eligible for credit in this state, and shall be conditioned upon the faithful compliance by the licensee with the requirements of law and with all regulations of the cabinet. No bond shall be required if the distillery of the licensee is located entirely within this state;

(c) Upon the grant of any annual license pursuant to this subsection the licensee shall pay a regulatory license fee to the cabinet in the amount of ten thousand dollars ($10,000), for each annual license period, which shall commence on July 1 and end on June 30 of each year. No annual license fee shall be required if the distillery of the licensee is located within this state; and

(d) The cabinet may revoke, suspend, or cancel the license herein authorized at any time for cause and may for cause refuse to renew any annual license. Any ruling by the cabinet in respect of the refusal to grant such license or the revocation, cancellation, or suspension thereof shall be made by written notice and shall constitute a final ruling of the cabinet for all purposes.

(8) Every licensed alcohol producer selling or distributing fuel-grade alcohol to dealers or dealers' suppliers in this state shall file a report with the cabinet on or before the twenty-fifth day of each month in respect of the production, sale, use, distribution and exchange of fuel-grade alcohol during the immediately preceding calendar month. The report shall be made under oath or affirmation on such forms as the cabinet may prescribe of the total number of gallons of fuel-grade alcohol sold, used, distributed or exchanged and certified by it to dealers or dealers' suppliers in this state as qualified for the credit authorized by this section. The report shall include the following information:

(a) An itemized statement of the total number of gallons of fuel-grade alcohol sold or distributed to dealers or dealers' suppliers in this state or exchanged with another licensed alcohol producer, showing the date of each shipment, the name and address of the dealer or dealer's supplier, or, if exchanged, the name and address of the licensed alcohol producer, the invoice number, the point of origin, the point of destination, the quantity of each purchase, shipment or exchange, the method of transportation, and the name and address of the carrier;

(b) A copy of the written certification furnished by the licensed alcohol producer confirming that the fuel-grade alcohol supplied by it to the dealer, or to the dealer's supplier, was distilled by a licensed alcohol producer in conformity with the requirements of this section and is qualified for the credit authorized by subsection (2) of this section; and

(c) The licensed alcohol producer shall also furnish such other information relating to the production, purchase, receipt, inventory, transportation, sale, distribution, exchange or use of fuel-grade alcohol or gasoline-alcohol blends, if any, as the cabinet may require.

SECTION 11. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

There is hereby created a fund in the road fund of the Commonwealth of Kentucky entitled the debt payment acceleration fund. The fund shall consist of twenty percent (20%) of the revenues to the state road fund provided by the adjustments in KRS 138.220(2) excluding the provisions of KRS 177.320 and 177.365. Annually the transportation cabinet shall use the funds generated to accelerate the payment of debt service including principal and interest, over and above the annual debt service payments appropriated for each fiscal year, for all bonds issued and any refinancings thereof by the Kentucky turnpike authority. The transportation cabinet shall notify the interim joint committee on appropriations and revenue by January 1 of each fiscal year of the debt payments which are to or have been accelerated in the fiscal year. In the event that, due to bond market conditions, the terms of the bonds issued or other factors, the transportation cabinet is unable to accelerate debt service payments, the transportation cabinet shall provide documentation to the interim joint committee on appropriations and revenue that such acceleration is not possible and the reasons therefor. In such an event, the funds not available for debt acceleration shall be placed in a special escrow account in the transportation cabinet. Such funds shall not be expended for any of the lawful purposes of the transportation cabinet but shall be held in the escrow account until such time as the debt acceleration described by this section is possible. The transportation cabinet shall invest the funds allocated to the escrow account and any funds generated from these investments shall remain in the escrow account. Any funds remaining in the escrow account at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year for use as provided in this section. In the event that all principal and interest outstanding on any bonds issued or any refinancing thereof by the turnpike authority has been paid, the transportation cabinet shall so report. In that event, any funds remaining in the escrow account shall remain in the fund until such time as the funds are appropriated by the general assembly for any of the lawful purposes of the transportation cabinet.

Section 12. KRS 138.210 is amended to read as follows:

As used in KRS 138.220 to 138.340, unless the context requires otherwise:

(1) "Accountable loss" of gasoline means loss or destruction of "received" gasoline through wrecking of transportation conveyance, explosion, fire, flood or other casualty loss, or "received" gasoline contaminated and returned to storage; provided that any such loss shall have been reported within thirty (30) days after discovery of such loss to the cabinet in a manner and form prescribed by the cabinet, supported by proper evidence which in the sole judgment of the cabinet substantiates the alleged loss or contamination and which is confirmed in writing to the reporting dealer by the cabinet. The cabinet may make any investigation deemed necessary to establish the bona fide claim of the loss.

(2) "Dealer" means any person who:

(a) Imports into this state and stores, or causes to be imported into and stored in this state, gasoline for use, distribution or sale and delivery in this state after it has been stored in this state; provided that the term "dealer" as used in KRS 138.220 to 138.340 shall not include any person who imports gasoline acquired from a refiner or other supplier who, at the time of such importation, is a duly licensed dealer in this state, except as may otherwise be provided under regulations of the cabinet.

(b) Receives or accepts delivery of gasoline within this state into bulk storage facilities owned or operated for the storage of gasoline for transshipment within or without this state.

(c) Refines, produces, distills, manufactures, blends or compounds gasoline in this state.

(d) Receives or accepts delivery within this state of gasoline for resale within this state in amounts of not less than an average of 100,000 gallons per month during any prior consecutive twelve (12) months' period, when in the opinion of the cabinet, such person has sufficient financial rating and reputation to justify the conclusion that he will pay all taxes and comply with all other obligations imposed upon a dealer.

(3) "Cabinet" means the revenue cabinet.

(4) "Gasoline" means all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments and all other products so usable except propane, butane or other liquefied petroleum gases, kerosene, cleaner solvent, fuel oil, diesel fuel and crude oil.

(5) "Received" or "received gasoline" shall have the following meanings:

(a) Gasoline produced, manufactured or compounded at any refinery in this state or gasoline acquired by any dealer and delivered into or stored in refinery, marine or pipeline terminal storage facilities in this state shall be deemed to be received when it has been loaded for bulk delivery into tank cars or tank trucks consigned to destinations within this state. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax and to enforce the duty of the dealer to collect the tax, it shall be presumed that all gasoline loaded by any licensed dealer within this state into tank cars or tank trucks is consigned to destinations within this state unless the contrary is established by the dealer pursuant to rules and regulations prescribed by the cabinet.

(b) Gasoline acquired by any dealer in this state, and not delivered into refinery, marine or pipeline terminal storage facilities, shall be deemed to be received when it has been placed into storage tanks or other containers for use or subject to withdrawal for use, delivery, sale or other distribution. Dealers may sell gasoline to licensed bonded dealers in this state in transport truckload, carload or cargo lots, withdrawing such gasoline from refinery, marine, pipeline terminal or bulk storage tanks, without paying the tax on such gasoline. In such instances the licensed bonded dealer purchasing such gasoline shall be deemed to have received such gasoline at the time of withdrawal from the seller's storage facility and shall be responsible to the state for the payment of the tax thereon and shall report and pay the tax on such gasoline purchased and received.

(6) "Refinery" means any place where gasoline is refined, manufactured, compounded or otherwise prepared for use.

(7) "Storage" means all gasoline produced, refined, distilled, manufactured, blended or compounded and stored at a refinery storage or delivered by boat at a marine terminal for storage or delivered by pipeline at a pipeline terminal, delivery station or tank farm for storage.

(8) "Transporter" means any person who transports gasoline on which the tax has not been paid or assumed.

(9) "Bulk storage facility" means gasoline storage facilities of not less than twenty thousand (20,000) gallons owned or operated at one (1) location by a single owner or operator for the purpose of storing gasoline for resale or delivery to retail outlets or consumers.

(10) "Average wholesale price" shall mean:

(a) The weighted average per gallon wholesale tank wagon price of gasoline, exclusive of the *nine (9)* [~~four (4)~~] cents per gallon federal tax in effect on January 1, *1984* [~~1980~~], *any increase in the federal gasoline tax after July 1, 1984, and any fee on imported oil imposed by the congress of the United States after July 1, 1986,* as determined by the revenue cabinet from information furnished by licensed gasoline dealers. Dealers shall furnish within twenty (20) days following the end of the first month of each calendar quarter, such information regarding wholesale selling prices for the previous month as may be reasonably required by the cabinet.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, for purposes of the taxes levied in KRS 138.220, 138.565, 138.660 and 234.320, in no case shall "average wholesale price" be deemed to be less than one dollar and eleven cents ($1.11) per gallon, and in no case shall "average wholesale price" be deemed to be more than one dollar and fifty cents ($1.50) per gallon on or before June 30, 1982. In fiscal year 1982-83 the "average wholesale price" shall not be deemed to increase more than ten percent (10%) over the "average wholesale price" at the close of fiscal year 1981-82; in each subsequent fiscal year the "average wholesale price" shall not be deemed to increase more than ten percent (10%) over the "average wholesale price" at the close of the previous fiscal year.

(11) "Gasoline-alcohol blend" means a mixture of gasoline and fuel-grade alcohol in which the fuel-grade alcohol content is ten percent (10%) or less of the mixture.

(12) "Fuel-grade alcohol" means *ethyl* [~~methyl~~] alcohol *which is:*

(a) At least one hundred and ninety-eight (198) proof;

(b) Denatured in accordance with legal requirements;

(c) Derived from United States produced corn, grain, or renewable resources, that is, ground, fermented and distilled by a licensed alcohol producer, in a plant facility that is powered primarily by United States produced coal; and

(d) Suitable for use in gasoline-alcohol blends [~~or at least one hundred ninety-eight (198) proof ethyl alcohol derived from United States produced coal or United States produced renewable resources that is denatured in accordance with legal requirements and is used in an internal combustion engine~~].

(13) "Licensed alcohol producer" means a distiller of fuel-grade alcohol who is licensed and bonded pursuant to this chapter.

Section 13. KRS 138.220 is amended to read as follows:

(1) An excise tax at the rate of nine percent (9%) of the average wholesale price rounded to the third decimal when computed on a per gallon basis shall be paid on all gasoline received in this state. No other excise or license tax shall be levied or assessed on gasoline by the state or any political subdivision of the state. The tax herein imposed shall be paid by the dealer receiving the gasoline to the state treasurer in the manner and within the time specified in KRS 138.230 to 138.340 and all such tax may be added to the selling price charged by the dealer or other person paying the tax on gasoline sold in this state. Nothing herein contained shall authorize or require the collection of the tax upon any gasoline after it has been once taxed under the provisions of this section.

(2) *In addition to the excise tax provided in subsection (1) of this section, there is hereby levied a supplemental highway user motor fuel tax to be paid in the same manner and at the same time as the tax provided in subsection (1) of this section. Such tax shall be calculated, starting with the quarter beginning July 1, 1986, by taking the excise tax resulting from the calculation provided for in subsection (1) of this section and adjusting such tax calculated, for each quarter, to reflect decreases in the average wholesale price, as defined in KRS 138.210(10)(a). The adjustment shall be made by calculating the difference between the average wholesale price computed for the quarter beginning October 1, 1985, and ending December 31, 1985, and the average wholesale price computed for the quarter beginning July 1, 1986, and each succeeding quarter. In the event of a*

decrease in the average wholesale price computed for the quarter beginning October 1, 1985, and ending December 31, 1985, and the average wholesale price computed for the quarter beginning July 1, 1986, and each succeeding quarter, the excise tax shall be adjusted upward for that quarter. The upward adjustment shall equal one-half (1/2) of the decrease between the two (2) quarterly periods, rounded to the third decimal. In no case shall the adjustment provided by this subsection result in a supplemental highway user motor fuel tax for the quarter of greater than five (5) cents and notwithstanding any adjustment which may be calculated as provided by this subsection, in no case shall the supplemental highway user motor fuel tax for the quarter be less than the previous quarter. The supplemental highway user motor fuel tax provided by this subsection and the provisions of subsection (1) of this section shall constitute the tax on motor fuels imposed by KRS 138.220.

(3) Effective with the calendar quarter beginning July 1, 1980, the cabinet shall determine on a consistent basis the average wholesale price for each calendar quarter, on the basis of sales data accumulated for the first month of the preceding quarter. Notification of the average wholesale price shall be given to all licensed dealers at least twenty (20) days in advance of the first day of each calendar quarter.

(4)[~~(3)~~] Dealers with a tax-paid gasoline inventory at the time an average wholesale price becomes effective, shall be subject to additional tax or appropriate tax credit to reflect the increase or decrease in the average wholesale price for the new quarter. For the purpose of this adjustment, average wholesale price on June 30, 1980, shall be deemed to be one dollar ($1). The cabinet shall promulgate such rules and regulations to properly administer this provision.

Section 14. KRS 138.270 is amended to read as follows:

(1) From the total number of gallons of gasoline received by the dealer within this state during the next preceding calendar month, the following deductions shall be made:

(a) The total number of gallons of gasoline received by the dealer within this state that were sold or otherwise disposed of during the next preceding calendar month as set forth in subsection (2) of KRS 138.240.

(b) That number of gallons of gasoline equal to two and one-fourth percent (2 1/4%) of the total number of gallons of gasoline received by the dealer within this state during the next preceding calendar month, less the total number of gallons deducted under paragraph (a) of this subsection, this deduction being allowed to cover evaporation, shrinkage, unaccountable losses, collection costs, bad debts and handling and reporting the tax.

(2) The tax imposed by KRS 138.220*(1) and (2)* shall be computed on the number of gallons remaining after the deductions set forth in subsection (1) of this section have been made, and shall constitute the amount of gasoline tax payable for the next preceding calendar month.

Section 15. KRS 138.565 is amended to read as follows:

(1) An excise tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] is hereby levied and shall be paid by the special fuels dealer to the cabinet:

(a) For all special fuels delivered into any tank or other container equipped with a hose or other apparatus designed to dispense such fuels into the fuel supply tank of a motor vehicle except when such deliveries are made to another licensed special fuels dealer. The tax imposed by this section shall not apply to special fuels delivered into storage facilities of consumers or persons engaged in the business of selling special fuels for use in motor vehicles when such special fuels are to be sold or used for nonhighway purposes and provided that the storage facilities for such special fuels have been approved and identified as nontaxable storage pursuant to regulations of the cabinet provided that the cabinet may not refuse to approve such nontaxable storage except for adequate cause.

(b) For all special fuels withdrawn by any special fuels dealer and dispensed into the fuel supply tank of a motor vehicle. An allowance of one percent (1%) of the tax shall be made to the special fuels dealer to cover unaccountable losses, bad debts, and handling and reporting the tax. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax and to enforce the duty of the special fuels dealer to collect the tax, it shall be presumed that all special fuels delivered by any special fuels dealer within this state are taxable unless the contrary is established by the special fuels dealer pursuant to regulations prescribed by the cabinet.

(2) No other excise or license tax shall be levied or assessed on special fuels by any political subdivision of the state.

Section 16. KRS 234.320 is amended to read as follows:

(1) An excise tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] is hereby levied and shall be paid by the liquefied petroleum gas motor fuel dealer to the cabinet on all taxable liquefied petroleum gas motor fuel delivered to the licensed liquefied petroleum gas motor fuel user-seller or withdrawn by the liquefied petroleum gas motor fuel dealer to propel motor vehicles on the public highways, either within or without this state. An allowance of one percent (1%) of the tax shall be made to the liquefied petroleum gas motor fuel dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) No other excise or license tax shall be levied or assessed on liquefied petroleum gas motor fuel by any political subdivision of the state, except the licenses under KRS 234.120.

(3) No provision of KRS 234.310 to 234.440 shall in any way affect the surtax imposed on heavy equipment motor carriers under KRS 138.660.

Section 17. KRS 234.380 is amended to read as follows:

Liquefied petroleum gas motor fuel dealers using, selling, and/or delivering liquefied petroleum gas to motor vehicles, or into storage for use in motor vehicles, shall report and pay the state tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] on all such fuel to the revenue cabinet. The dealer shall issue an invoice to the customer whenever the sale or delivery is consummated giving the invoice date, name and address of the customer, and number of taxable gallons sold or delivered. The number of taxable gallons to be invoiced shall be determined in the following manner by the dealer:

(1) The metered gallons, if placed into a fuel tank of a motor vehicle;

(2) The metered gallons, if placed into storage, all of which is to be used or sold for use in motor vehicles;

(3) The number of gallons to be used in motor vehicles, if the storage is for multiple uses. The number of taxable gallons to be determined by the user and the dealer based on the best estimate possible from mileage and efficiency records available;

(4) If the motor vehicle carburetor is connected to a fuel line leading from a fuel tank where another, or other motors are supplied with fuel also, then the number of gallons to be invoiced as taxable motor fuel shall be determined from mileage and fuel efficiency records.

Section 18. KRS 177.020 is amended to read as follows:

(1) The state primary road system shall consist of such public roads and city streets within the state as the department of highways determines shall be established, constructed or maintained by the department of highways.

(2) The department shall, in its discretion, determine which public roads, or city streets, shall be established, constructed or maintained by it, and shall determine the type of construction or maintenance for that road or city street.

(3) In the establishment of the state primary road system, the department of highways is authorized to select new routes, deviate from an existing route whenever it deems such deviation proper, eliminate from the state primary system roads or city streets which have been replaced as proper part of the system by the construction of a new facility or the selection of a new route. No permanent ingress or egress ramp of the state primary road system on fully controlled access facilities shall be closed, except for repairs, unless a public hearing is first held in the area to be affected by the closing. The department of highways shall at least twenty (20) days before the hearing, advertise in a newspaper of general circulation in the area to be affected by the closing, the date, time and place of the hearing.

(4) The department shall notify the fiscal court of the county at least four (4) months before it eliminates a road, road segment, bridge or street in that county from the state primary road system. Upon receiving notice, the fiscal court may reject title and notify the department that the road will not become part of the county road system. If the fiscal court declines, the department shall give notice to all private persons entitled to a necessary

access over this road of their rights under this chapter, and by petition of any private party entitled to such access the road shall be deemed a discontinued state road and shall be closed to public use but remain open in accordance with its condition and use for the access of the private parties involved. In the absence of such petition title shall be transferred to the owner or owners of the tract or tracts of land to which the road originally belonged.

(5) *As used in this section, the term "rural secondary roads" shall mean such system of roads in this state which are usually considered farm to market roads and that were classified as part of the rural secondary road system by the department of highways on January 1, 1986. By January 1, 1987, the department of highways shall meet with the fiscal courts in each of the counties to receive recommendations regarding the transfer of roads, included as part of the county road system on January 1, 1986, to the rural secondary system. Prior to such meeting with the department of highways, the fiscal court shall consult with the legislative bodies of municipalities within the county regarding their recommendations for the transfer of county roads located within the jurisdiction of the municipality. On July 1, 1987, the transportation cabinet shall by official order accept at least two thousand (2,000) miles of roads in the county road system into the rural secondary system. In accepting such roads into the rural secondary system, the transportation cabinet shall accept in each county at least seventy five percent (75%) of the total number of miles in each county generated by multiplying the total number of county road miles accepted in the rural secondary system by the percentage of county road aid funds received in each county in fiscal year 1984-85 compared to the total amount of county road aid funds generated in fiscal year 1984-85. The determination of the total funds received by each county from the county road aid program in fiscal year 1984-85 and the total amount of county road aid funds generated in fiscal year 1984-85 shall be made by the department of rural and municipal aid. The roads so transferred shall be maintained with the proceeds of the provisions of KRS 177.320(1) and in no case shall the rural secondary system, as defined in this subsection, be less than eleven thousand eight hundred (11,800) miles.*

(6) The establishment, construction or maintenance of the state primary road system shall be under the direction and control of the department of highways. The commissioner of highways is authorized to adopt regulations necessary to the administration of this authority.

on page 17, line 5, after the word "Section" to delete the number "10" and insert in lieu thereof the number "*19*".

on page 17, line 9, to delete the lines 9, 10, 11, and 12 in their entirety.

on page 17, line 8, after the "." to insert the following:

Section 20. KRS 138.755 Attorney General to confirm federal action affecting gasoline, diesel or special motor fuel tax, rates—Cabinet to announce any increase; and KRS 138.223 Tax credit for use of gasoline—Alcohol blend—dealers report—Use of coal produced in Untied States—Use of distilled spirits produced in Kentucky—Refunds are repealed.

Section 21. (1) The effective date of Sections 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 20 of this Act shall be July 1, 1986.

(2) The effective date of Sections 1, 2, 3, 4, 5, 7, and 19 of this Act shall be January 31, 1987.

Section 22. Whereas, motor fuel taxes are collected on a quarterly basis, an emergency is declared to exist and the provisions of Section 21(1) shall become effective July 1, 1986.

The Committee Amendment No. 2 to the Committee Substitute to HB 126 is as follows:

Amend printed copy of Committee Amendment No. 1 to Committee Substitute for HB 126:

On page 43, line 2, by deleting the date "January 31, 1987" and inserting in lieu thereof "January 1, 1987".

The Committee on Appropriations and Revenue reported HB 119, HB 250, HB 302, HB 569, HB 749 with Committee Substitute attached thereto, and HB 825 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 119, AN ACT relating to the property tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half (31 1/2) cents upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half (1 1/2) cents upon each one hundred dollars ($100) of value of all privately-owned leasehold interests in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half (1 1/2) cents upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five (25) cents upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half (1 1/2) cents upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by *or leased to* a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowl, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81, fifteen (15) cents upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen (15) cents upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen (15) cents upon property which has been certified as a pollution control facility as defined in KRS 224.850, one-tenth of one cent ($.001) upon property which has been certified as an alcohol production facility as defined in KRS 247.910, twenty-five (25) cents upon each one hundred dollars ($100) of value of motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043, and forty-five (45) cents upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) An annual ad valorem tax for state purposes of one and one-half (1 1/2) cents upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten percent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) Thirty (30) cents of the thirty-one and one-half (31 1/2) cents state tax rate on real property and thirty (30) cents of the forty-five (45) cents state tax on tangible personalty subject to local taxation shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said districts as replacement for ad valorem taxes lost on property acquired by a governmental agency. Should the equivalency ever be less than thirty (30) cents, as certified by the department of education, the direct payments shall be reduced proportionately.

(7) The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that such increase exceeds the preceding year's assessment by more than four percent (4%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(8) By July 1 each year, the revenue cabinet shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020(6) and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessments for all counties have not been certified by July 1, the cabinet shall, when real property assessments of at least seventy-five percent (75%) of the total number of counties of the Commonwealth have been certified, make an estimate of the real property assessments of the uncertified counties and compute the state tax rate.

(9) In the event that the tax rate set by the cabinet as provided in subsection (8) of this section produces more than a four percent (4%) increase in real property tax revenues, the rate shall be adjusted in the succeeding year so that the cumulative total of each year's property tax revenue increase shall not exceed four percent (4%) per year.

(10) An ad valorem tax for state purposes on distilled spirits shall be levied according to the following rate schedule:

Calendar Year	Rate per $100 of Assessed Value
1982	$.225
1983	$.1125
1984 and after	$.001

Section 2. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by *or leased to* a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowl;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half (1 1/2) cents on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half (4 1/2) cents on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies;

(8) All privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103;

(9) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(10) Property which has been certified as an alcohol production facility as defined in KRS 247.910;

(11) On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests;

(12) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(2) in determining the amount of county appropriation to the office of the property valuation administrator;

(13) Tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81; *and*

(14) Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.450 based on the vehicle's fair market value at the time of sale.

HB 250, AN ACT relating to individual income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Secretary" means the secretary of revenue;

(2) "Cabinet" means the revenue cabinet;

(3) For tax years beginning on or after January 1, 1982, except as otherwise provided in this section, "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 1981, including the provisions of the Economic Recovery Tax Act of 1981 effective on the dates specified in that law, but excluding the provisions of Section 168(f)(8) of the Internal Revenue Code, exclusive of any amendments made subsequent to that date;

(4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) For taxable years beginning on or after January 1, 1974, "federal income tax" means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude employe pension contributions picked up as provided for in KRS 61.560, 16.545, 78.610, 161.540, 21.360, 6.505, 67A.320, 67A.510, and 65.155 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employe;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and adjusted as follows, except that deductions shall be limited to amount allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Include all overpayments of federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct federal income tax;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code, [~~and by Section 214 of the Internal Revenue Code as it existed on December 31, 1975~~] except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;

(b) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(h);

(c) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code, except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) Any deduction allowed for amounts determined under Section 168 of the Internal Revenue Code. In lieu of such deduction, the taxpayer may calculate a deduction by either of the following alternatives:

1. a. By dividing the total of the deductions allowed under Section 168 of the Internal Revenue Code by a factor of:

(i) One and four-tenths (1.4) for tax year beginning on or after July 1, 1984 to June 30, 1985;

(ii) One and four-tenths (1.4) for tax year beginning on or after July 1, 1985 to June 30, 1986;

(iii) One and two-tenths (1.2) for tax year beginning on or after July 1, 1986 to June 30, 1987.

b. For taxable years beginning July 1, 1987 and thereafter, the provisions of Section 168 of the Internal Revenue Code shall be fully adopted.

c. The taxpayer's basis in such property shall at all times be the same as the basis in such property for federal income tax purposes.

d. Effective for tax years beginning on or after July 1, 1984, the total of the deductions allowed for any tax year, commencing after June 30, 1987, under Section 168 of the Internal Revenue Code shall be the total allowed for Kentucky tax purposes.

e. Effective for the tax year beginning on or after July 1, 1987 and, for the five (5) successive tax years thereafter, corporations which computed depreciation deductions under the provisions of paragraph (b) 1., of this subsection shall be allowed to deduct from gross income one-sixth (1/6) of the total difference between the amount of depreciation calculated under Section 168 of the Internal Revenue Code for tax years commencing between June 30, 1984 and June 30, 1987, and the amount of depreciation determined under the provisions of paragraph (b) 1., of this subsection.

2. By following the provisions of Section 167 of the Internal Revenue Code. For the first taxable year beginning on or after July 1, 1984, the taxpayer's basis in any individual property, including any such property placed in service between December 31, 1980 and July 1, 1984, shall be the same as the basis in such property for federal income tax purposes.

(c) The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;

(d) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(e) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(14) (a) "Taxable net income," in the case of corporations having property or payroll only in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations having property or payroll both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120; and

(c) "Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction;

(15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the secretary, "taxable year" means the period for which such return is made;

(17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employe" means "employe" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), and (q) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(24) "Corporations" means "corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;

(25) "Electing small business corporations" means "electing small business corporations" as defined in Section 1371(b) of the Internal Revenue Code. Stockholders of a corporation qualifying after December 31, 1979 as "electing small business corporations" under Chapter 141 may elect to treat such qualification as an initial qualification under Internal Revenue Code Sections 1371-1378.

SECTION 2. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

A resident individual shall be allowed to deduct from the tax computed under the provisions of KRS 141.020 a credit for household and dependent care services necessary for gainful employment. Such credit shall be twenty percent (20%) of the federal credit allowed under Section 44A of the Internal Revenue Code.

HB 302, AN ACT relating to sales and use taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations;

(10) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(11) Tombstones and other memorial grave markers; and

(12) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of such facilities;

(13) Gasoline, special fuels, and liquefied petroleum gas used to operate or propel stationary engines or tractors for agricultural purposes. As used in this subsection:

(a) "Gasoline" is defined as in KRS 138.210(4);

(b) "Special fuels" is defined as in KRS 138.560(3);

(c) "Liquefied petroleum gas" is defined as in KRS 234.100(1); and

(d) "Agricultural purposes" is defined as in KRS 138.343(4);

(14) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but does not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;

(15) Any property which has been certified as an alcohol production facility as defined in KRS 247.910; and

(16) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property *or passengers* for hire. Nominal intrastate use will not subject the property to the taxes imposed by this chapter.

HB 569, AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state;

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;

(6) Gross receipts from sales of tangible personal property *sold through coin-operated bulk vending machines, if such sale amounts to twenty-five (25) cents or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the cabinet. As used in this subsection, "bulk vending machine" means a vending machine containing unsorted merchandise which, upon insertion of a coin, dispenses the same in approximately equal portions, at random and without selection by the customer* [~~made in one (1) cent portions through vending machines~~];

(7) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities or special districts as defined in KRS 65.005. This exemption applies only to purchases of property or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit is not entitled to the exemption even though such purchaser may be the recipient of public funds or grants;

(8) (a) Gross receipts from the sale of sewer services, water and fuel to Kentucky residents for use in heating, water heating, cooking, lighting, and other residential uses. As used in this subsection, "fuel" shall include, but not be limited to, natural gas, electricity, fuel oil, bottled gas, coal, coke and wood. Determinations of eligibility for the exemption shall be made by the revenue cabinet.

(b) In making such determinations of eligibility, the cabinet shall exempt from taxation all gross receipts derived from sales classified as "residential" by a utility company as defined by applicable tariffs filed with and accepted by the public service commission. Where the service is classified as residential, use other than for "residential" purposes by the customer will not negate the exemption.

(c) The exemption does not apply where charges for sewer service, water and fuel are billed to an owner or operator of a multi-unit residential rental facility or mobile home and recreational vehicle park other than residential classification.

(d) The exemption applies also to residential property which may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight (98) years.

(9) Any rate increase for school taxes and any other charges or surcharges added to the total amount of a residential telephone bill.

HB 749, AN ACT relating to budget and financial administration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO READ AS FOLLOWS:

In the event of the introduction of any legislation which according to a fiscal analysis by the legislative research commission, would either decrease expenditures or increase revenues in the general fund but which require the expenditure of road fund dollars or reduce anticipated road fund receipts, then the chair of the appropriations and revenue committee of the chamber in which such measure was introduced shall request that the auditor of public accounts review such measure. The auditor of public accounts shall, within ten (10) days of receipt of the request, report the fiscal impact of the proposed legislation to the appropriate chairman of the appropriations and revenue committee, as it relates to either decreasing or increasing expenditures and revenues in the general fund and road fund. In the event that the impact on expenditures and revenues in the general fund and road fund are indeterminable, then the auditor of public accounts shall so report. In so reporting, the auditor of public accounts shall provide an explanation of ways road fund and general fund expenditures and revenues could be impacted. In the event that such legislation is adopted by the general assembly and that the impact on road fund revenues and expenditures is determinable, then the general assembly shall provide in the biennial budget bill, for the biennium in which such legislation was adopted, funding from the general fund to the road fund. Such funding shall be sufficient to offset the one-time and annual cost to the road fund as it relates to decreased revenues or increased expenditures. In each subsequent biennium, the general assembly shall provide sufficient funding from the general fund to the road fund, to offset the annual cost to the road fund as it relates to decreased revenues or increased expenditures. Road funds so transferred shall be available for any and all lawful purposes of the transportation cabinet as provided by the general assembly in the biennial appropriation bill.

The Committee Substitute to HB 749 is as follows:

HB 749, AN ACT relating to budget and financial administration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO READ AS FOLLOWS:

In the event of the passage of any legislation which according to a fiscal analysis by either the legislative research commission, the transportation cabinet or the revenue cabinet, would either decrease expenditures or increase revenues in the general fund but which require the expenditure of road fund dollars or reduce anticipated road fund receipts, then within one (1) year after the effective date of such legislation the legislative research commission shall request that the auditor of public accounts review such measure. The review by the auditor of public accounts shall be to determine the impact of such measure on general fund and road fund revenues and expenditures. The transportation cabinet, the revenue cabinet and the finance and administration cabinet shall cooperate with the auditor of public accounts and provide any and all information requested by the auditor of public accounts in its review. The auditor of public accounts shall maintain a record of all costs and expenditures associated with reviewing this legislation and any expenses incurred by the auditor of public accounts shall be reimbursed by the finance and administration cabinet. By the tenth legislative day of the next regular session of the general assembly, the auditor of public accounts shall report the actual fiscal impact of the legislation to the secretary of the finance and administration cabinet and the legislative research commission on expenditures and revenues in the road fund and general fund in the previous biennium and that anticipated in the upcoming biennium. In the event that the impact on expenditures and revenues in the general fund and road fund are indeterminable, then the auditor of public accounts shall so report. In so reporting the *auditor of public accounts shall provide an explanation of ways road fund and general fund expenditures and revenues are impacted. In the event that the impact on road fund revenues and expenditures is determinable, then the general assembly shall provide in the biennial budget bill, for that biennium, funding from the general fund to the road fund. Such funding shall be sufficient to offset the one-time and annual cost to the road fund as it relates to decreased revenues or increased expenditures in the biennium when such legislation was adopted and the annual cost in the upcoming biennium. In each subsequent biennium, based on its own analysis and documentation provided by the executive branch, the general assembly shall provide sufficient funding from the general fund to the road fund, to offset the continuing annual cost to the road fund as it relates to decreased revenues or increased expenditures. Road funds so appropriated shall be available for any and all lawful purposes of the transportation cabinet as provided by the general assembly in the biennial appropriation bill.*

HB 825, AN ACT relating to the pari-mutuel tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 138.510 is amended to read as follows:

(1) An excise tax is imposed on every person, corporation or association which operates a running horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to four and three-fourths percent (4 3/4%) of all money wagered during the year. A year as used herein shall begin at 12:01 a. m. July 1 and end at 12 midnight June 30. From July 15, 1982, until June 30, *1988* [~~1986~~], tracks with a daily average handle of less than $900,000 shall receive a tax credit amounting to three percent (3%) of money wagered, *with one and one-half percent (1.5%)* to be allocated *to purses, one percent (1%) to capital improvement and one-half percent (.5%) for administration. From July 15, 1986 until June 30, 1988, tracks with a daily average handle of nine hundred thousand dollars ($900,000) or more shall receive a tax credit amounting to one percent (1%) of money wagered, to be allocated to purses. All money from the tax credit allocated to purses shall be in addition to purse money allocated by contractual agreement or by regulation of the commission. All expenditures of tax credit money shall be reported to and approved by the commission in such form and frequency as the commission by regulation may require. Copies of all such reports shall also be sent to the legislative research commission* [~~by contractual agreement between the qualified tracks and the horsemen's benevolent and protective association and if no such agreement exists, the percentage of pari-mutuel handle paid in purses in 1983 shall prevail~~]. An amount equal to three quarters of one percent (3/4 of 1%) of all pari-mutuel wagering shall be deducted from the tax and deposited in the Kentucky thoroughbred development fund created and described in KRS 230.400. From July 13, 1984, the effective date of this Act until September 15, *1988* [~~1986~~], any track with a daily average handle of less than nine hundred thousand dollars ($900,000), which experienced an overlap of its racing dates in 1983 with another thoroughbred track, shall be exempt from payment of the tax levied under this subsection, with exception of the amount to be paid to the thoroughbred development fund, and the license tax levied in KRS 137.170, for the period of the overlap should the 1983 overlap of racing dates be continued. Monies retained under this provision shall be allocated in the same manner as the tax credit is allocated.

(2) An excise tax is imposed on every person, corporation or association which operates a standardbred horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to five percent (5%) of all money wagered during the year. A year as used herein shall begin at 12:01 a. m. July 1 and end at 12 midnight June 30. An amount equal to one percent (1%) of all pari-mutuel wagering shall be deducted from the tax and set aside by the revenue cabinet and shall be deposited in the Kentucky standardbred development fund created and described in KRS 230.770. From July 15, 1982, until June 30, *1988* [~~1986~~], associations conducting a harness race meet with a daily average handle of less than three hundred thousand dollars ($300,000) shall receive a tax credit of *three* [~~two~~] percent *(3%)* [~~(2%)~~] of all money wagered, *two percent (2%)* to be allocated to the associations for capital improvements, promotions, including advertising, or purses, as the association shall elect *and three-quarters of one percent (3/4 of 1%) to be allocated to overnight purses and one-quarter of one percent (1/4 of 1%) to be allocated to the Kentucky standardbred development fund.* Said expenditures shall be *reported to and* approved by the harness racing commission *in such form and frequency as the commission by regulation may require. Copies of all such reports shall also be sent to the legislative research commission.* From July 13, *1988* [~~1984~~], until September 15, 1986, any association with a daily average handle of less than three hundred thousand dollars ($300,000), which experienced an overlap of racing dates in 1983 with a thoroughbred track within fifty (50) miles, shall be exempt from payment of the tax levied in this subsection, with exception of the amount to be paid to the standardbred development fund, for the period of the overlap should the 1983 overlap of racing dates be continued. Monies retained under this provision shall be allocated fifty percent (50%) to purses and fifty percent (50%) to the association.

(3) Two-tenths of one percent (.2%) of the total amount wagered in Kentucky shall be deducted from the pari-mutuel tax levied in subsections (1) and (2) of this section and allocated to the equine industry program trust and revolving fund to be used for funding the equine industry program at the university of Louisville.

The Committee on Banking and Insurance reported HB 807, HB 888, HB 902, HB 966 with Committee Amendment attached thereto, HJR 58, HJR 139, SB 274, SB 275, SB 277 and SCR 59 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 807, AN ACT relating to investments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 386.020 is amended to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the federal government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. 2001 and amendments thereto;

(d) Notes and bonds secured by mortgage or trust deed insured by the federal housing administrator, obligations issued or insured by the federal housing administrator, and securities issued by national mortgage associations;

(e) Obligations representing loans and advances of credit that are eligible for credit insurance by the federal housing administrator, and the fiduciary may obtain such insurance;

(f) Loans secured by real property or leasehold, that the federal housing administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(g) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities (including securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940) which would be regarded by prudent businessmen as a safe investment. *The fact that the fiduciary is providing services to the foregoing investment company or trust as investment advisor, custodian, transfer agent, registrar or otherwise shall not preclude the fiduciary from investing in the securities of such investment or trust*;

(h) Real estate, after obtaining the approval of the district court for such investment;

(i) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the district court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment;

(j) Notes, other interest-bearing obligations, and purchases of participations in such instruments, that are guaranteed in whole or in part by the United States of America or by any agency or instrumentality thereof;

(k) Certificates of deposit and savings accounts of any state or national bank whose deposits are insured by the federal deposit insurance corporation and whose main office is in this state, including itself, if such fiduciary is a bank. Such investments shall be insured by the federal deposit insurance corporation and the amount of the investments shall not exceed the limits of insurance of the federal deposit insurance corporation; and

(l) United States government securities or United States government agency securities, the payment of the principal and interest on which the full faith and credit of the United States is pledged, said investments being made under the terms of a repurchase agreement between the fiduciary and any state or national bank whose main office is in this state, including itself, if such fiduciary is a bank.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

Section 2. KRS 386.030 is amended to read as follows:

(1) Banks, trust companies, insurance companies, savings and loan associations, executors, administrators, trustees or others acting in a fiduciary capacity, trust funds, and other financial institutions, originating mortgagee institutions, and other institutions approved as mortgagees and meeting otherwise the requirements of the secretary of housing and urban development, the federal housing administration or veterans' administration to act as mortgagees under that agency's approval program, subject to the laws of this state, may:

(a) Make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for credit insurance or guaranty by the secretary of housing and urban development, the federal housing administrator or administrator of veterans' affairs, and may obtain such insurance, guaranty or other approval;

(b) Make such loans secured by real property or leasehold, as the secretary of housing and urban development, the federal housing administrator or administrator of veterans' affairs insures or issues a guaranty or makes a commitment to insure, or guaranty, and may obtain such insurance, or guaranty;

(c) Invest their funds, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the secretary of housing and urban development, the federal housing administrator or administrator of veterans' affairs, and in debentures issued by the secretary of housing and urban development, the federal housing administrator or administrator of veterans' affairs, and also in securities issued by national mortgage associations.

(d) Invest their funds in real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities (including securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940) which would be regarded by prudent businessmen as a safe investment. *The fact that the persons listed in this subsection are providing services to the foregoing investment company or trust as investment advisor, custodian, transfer agent, registrar or otherwise shall not preclude such persons from investing in the securities of such investment company or trust.*

(2) This state and any of its political subdivisions, or any agency or instrumentality thereof may invest its funds and the monies in its custody or possession, eligible for investment, in notes or bonds described in paragraph (c) of subsection (1) of this section.

(3) No law of this state requiring security upon which loans or investments may be made, or prescribing the nature, amount or form of the security, or prescribing or limiting interest rates upon loans or investments, or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall apply to loans or investments made pursuant to this section.

HB 888, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.17-305 is amended to read as follows:

(1) *When* [~~Whenever~~] any policy of health insurance issued in this state provides for reimbursement for any service which is within the lawful scope of practice of an optometrist duly licensed as provided in KRS Chapter 320, the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician, osteopath, or optometrist, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

(2) *When any policy of health insurance issued in this state provides for reimbursement for any service which is within the lawful scope of practice of a chiropractor duly licensed under KRS Chapter 312, the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, whether*

such services are performed by a duly licensed physician osteopath or chiropractor, notwithstanding any provision contained in such policy; or if the policy so provides, payment may be made directly to the provider of the services [~~All insurers issuing individual health insurance policies in this Commonwealth providing coverage on an expense-incurred basis shall make available and offer to the purchaser coverage for services which are within the lawful scope of practice of a chiropractor duly licensed under KRS Chapter 312~~].

Section 2. KRS 304.18-095 is amended to read as follows:

(1) *When* [~~Whenever~~] any policy or group insurance or blanket health insurance issued in this state provides for reimbursement for any service which is within the lawful scope of practice of an optometrist duly licensed as provided in KRS Chapter 320, the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician, osteopath, or optometrist, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

(2) When any policy or group insurance or blanket health insurance issued in this state provides for reimbursement for any service which is within the lawful scope of practice of a chiropractor duly licensed under KRS Chapter 312, the insured or other person entitled to benefits under such policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician, osteopath, or chiropractor, notwithstanding any provision contained in such policy; or if the policy so provides, payment may be made directly to the provider of the services [~~All insurers issuing group or blanket health insurance policies and certificates issued thereunder in this Commonwealth providing coverage on an expense-incurred basis shall make available and offer to the master policyholder coverage for services which are within the lawful scope of a chiropractor duly licensed under KRS Chapter 312~~].

Section 3. KRS 304.32-157 is amended to read as follows:

(1) *When* [~~Whenever~~] any contract, plan or policy issued in this state by any corporation subject to the provisions of this subtitle provides for reimbursement for any service which is within the lawful scope of practice of an optometrist duly licensed as provided in KRS Chapter 320, the insured or other person entitled to benefits under such contract, plan or policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician, osteopath, podiatrist, or optometrist, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

(2) When any contract, plan or policy issued in this state by any corporation subject to the provisions of this subtitle provides for reimbursement for any service which is within the lawful scope of practice of a chiropractor duly licensed under KRS Chapter 312, the insured or other person entitled to reimbursement for such services, whether such services are performed by a duly licensed physician, osteopath, podiatrist or chiropractor, notwithstanding any provision contained in such policy; or if the policy so provides, payment may be made directly to the provider of the services [~~Any corporation subject to the provisions of this subtitle which issues contracts, plans, or policies in this state pursuant to the terms and conditions of this subtitle shall make available and offer to the respective subscriber coverage for services which are within the lawful scope of practice of a chiropractor duly licensed under KRS Chapter 312~~].

HB 902, AN ACT relating to mortgage loan companies and mortgage loan brokers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 294.010 is amended to read as follows:

Unless the context otherwise requires:

(1) "Affiliate" means any person who directly or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Department" means the department of financial institutions.

(3) "Commissioner" means the commissioner of financial institutions.

(4)[~~(3)~~] "Mortgage loan" means any loan secured by a mortgage on *residential* real property *or any loan secured by collateral which has a mortgage lien interest in residential real property.*

(5) "Residential real property" means any single family residence or multiple dwelling structure containing four (4) or less single dwelling units for four (4) or less family units, living independently of each other, or any single family condominium unit.

(6) [~~(4)~~] "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries is evidenced by a security, an unincorporated organization, a government, [~~or~~] a political subdivision of a government, *or any other group however organized.*

(7)[~~(5)~~] "Mortgage loan company" means any person who directly or indirectly:

(a) [~~Holds himself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien or mortgage on real property;~~

~~(b) Holds himself out for hire to serve as an agent for any person who has money to loan, which loan is or will be secured by a lien or mortgage on real property;~~

~~(c)~~] Holds himself out as being able to make, purchase[~~, place, sell or exchange~~] loans secured by [~~liens or~~] mortgages on *residential* real property;

(b)[~~(d)~~] Holds himself out as being able to service loans secured by [~~liens or~~] mortgages on *residential* real property; *and*

(c) Holds himself out as being able to buy or sell notes secured by mortgares on residential real property.

(8) "Mortgage loan broker" means any person who for compensation or gain, or in the expectation of compensation or gain, directly or indirectly:

(a) Holds himself out as being able to serve as an agent for any person in an attempt to obtain a loan which will be secured by a mortagage on residential real property; and

(b) Holds himself out as being able to serve as an agent for any person who has money to loan, which loan is or will be secured by a mortgage on residential real property.

[~~(e) Holds himself out to be a loan broker.~~

~~(6) "Loan broker" means any person who engages in the business of purchasing wages or salaries or who acts as a go-between, finder or agent of a lender or borrower of money for the purpose of procuring a loan of money, or who engages in the business of guaranteeing or endorsing notes and other evidences of indebtedness.~~]

Section 2. KRS 294.020 is amended to read as follows:

(1) The following shall be exempt from this chapter:

(a) Any person doing business under the laws of this state *or any other state* or the United States relating to banks, bank holding companies, [~~mutual savings banks,~~] trust companies, *credit unions,* savings and loan associations, service corporation subsidiaries of savings and loan associations, [~~common and~~] consumer finance companies, industrial loan companies, insurance companies or real estate investment trusts as defined in 26 U.S.C. Section 856 and the affiliates of such [~~banks or bank holding~~] companies;

(b) An attorney at law *licensed to practice law in Kentucky who is not principally engaged in the business of negotiating mortgage loans when such person renders* [~~rendering~~] services in the *course* [~~performance~~] of his *practice* [~~duties~~] as an attorney at law;

(c) Any person doing any act under order of any court;

(d) *Any natural person making a mortgage loan with his own funds for his own investment without intent to resell such morgage loan* [~~Any one natural person, or husband or wife, who provides funds for investment in loans secured by a lien on real property, on his own account, who does not charge a fee or cause a fee to be paid for any service other than the normal and scheduled rates for escrow, title insurance and recording services, and who does not collect funds to be used for the payment of any taxes or insurance premiums on the property securing any such loans~~];

(e) Any person doing business under the laws of this state or the United States relating to any broker-dealer, agent or investment adviser duly registered with the Kentucky division of securities;

(f) The United States of America, the Commonwealth of Kentucky or any other state, and any Kentucky city, county or other political subdivision, and any agency, division or corporate instrumentality of any of the foregoing;

(g) *Any person licensed in this state as a real estate broker or real estate sales associate, not actively engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as a real estate broker or real estate associate* [~~A real estate agent rendering services in the performance of his duties as a real estate agent~~].

(2) [~~The following shall be exempt from the registration, net capital and bond requirements of KRS 294.030 to KRS 294.060, 294.080 and 294.090:~~

~~(a) A Kentucky licensed real estate broker, associate broker, or salesman rendering services in the performance of his duties as real estate broker who obtains financing for a real estate transaction, if the real estate broker does not act as a loan broker in more than five (5) transactions during any twelve (12) month period; and if he does not receive a fee for his activities as a loan broker until the proceeds of the loan are actually disbursed; and if he files with the commissioner within thirty (30) days of each transaction a disclosure statement describing the transaction, which statement shall contain such information as the commissioner by rule or order may require. A Kentucky licensed real estate broker rendering services in the performance of his duties as a real estate broker who acts as a loan broker and who is not exempt under this paragraph must register under this chapter but is exempt from the bond and net capital requirements herein;~~

~~(b) Any mortgage loan company which is subject to licensing, supervision or auditing by the federal national mortgage association, or the U. S. veterans administration, or the government national mortgage association or the U. S. department of housing and urban development as an approved seller or servicer; provided however, such mortgage loan company shall submit an annual audited financial statement of its books and records accompanied by an opinion of a certified public accountant to the commissioner. Said audit shall be filed with the commissioner within one hundred twenty (120) days of the close of its fiscal year.~~

~~(3)~~] Any person relying upon an exemption under *subsection* [~~subsections~~] (1) [~~or (2)~~] of this section shall file with the commissioner a claim of exemption. The commissioner shall thereafter determine the availability of the claimed exemption and he may not disallow an exemption that is validly claimed.

Section 3. KRS 294.030 is amended to read as follows:

(1) It is unlawful for any person to transact business in this state, either directly or indirectly, as a mortgage loan company or *mortgage* loan broker *if he is not licensed under this chapter, unless such person is exempt under KRS 294.020* [~~without first filing an application with the commissioner and obtaining a registration~~].

(2) Neither the fact that a *license* [~~registration certificate~~] has been issued nor the fact that any person, business or company is effectively registered, constitutes a finding by the commissioner that any document filed under this chapter is true, complete, and not misleading. Nor does such fact directly or indirectly imply approval of the registrant by the commissioner or the Commonwealth of Kentucky. It is unlawful to make or cause to be made to any prospective customer or client any representation inconsistent with this subsection.

SECTION 4. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) A license as a mortgage loan company or a mortgage loan broker may be obtained by filing a written application with the commissioner.

(2) The application shall:

(a) Be verified;

(b) State the name of the applicant and each of the applicant's affiliates engaged in business as a mortgage loan company or a mortgage loan broker;

(c) State the name under which the applicant will conduct business in Kentucky;

(d) State the location of the applicant's principal office and branch offices in Kentucky;

(e) List the name, residence, and business address of each person having an interest in the business as principal, partner, officer, trustee and director, specifying the capacity and title of each;

(f) Indicate the general plan and character of the business;

(g) Contain a corporate surety bond or other instrument as prescribed by KRS 294.060;

(h) Contain a verified financial statement of the applicant prepared by a certified public accountant or by a public accountant registered in this state;

(i) Require payment of the appropriate registration fees; and

(j) Require such other information as the commissioner determines necessary.

(3) No mortgage loan broker's license may be granted to a person unless he is a bona fide resident of this state for a period of at least six (6) months immediately preceding the date of licensing.

(4) No mortgage loan broker's license may be granted unless the applicant has and maintains a principal place of business in this state for the transaction of business.

(5) If a license is a person other than a natural person, the license issued to it shall entitle all officers and employes of the person, if a corporation, and all members, partners, trustees, and employes, if an association, partnership, or trust, to engage in the mortgage loan business licensed pursuant to this chapter.

SECTION 5. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) An applicant for a license under this chapter must provide the commissioner with separate checks payable to the Kentucky state treasurer for:

(a) An investigation fee of one hundred and fifty dollars ($150) for the principal office and forty dollars ($40) for each branch office; and

(b) A license fee of three hundred dollars ($300) for the principal office and two hundred dollars ($200) for each branch if the applicant applies for a license on or between July 1 and December 31 or of one hundred fifty dollars ($150) for the principal office and one hundred dollars ($100) for each branch if the applicant applies for a license on or between January 1 and June 30.

(2) A license under this chapter expires June 30 next after the date of issuance if it is not renewed.

(3) A license may be renewed by filing an application for renewal and paying the annual fee for renewing a license which is three hundred dollars ($300) for the main office and two hundred dollars ($200) for each branch office.

(4) The application and payment must be received by the commissioner on or before July 15 following the June 30 expiration date. If the application and payment are not received by July 15, the license is cancelled. The commissioner may reinstate the license if the licensee pays the filing fee and a reinstatement fee of one hundred dollars ($100).

(5) The department shall provide a licensee with a duplicate copy of any license upon a satisfactory showing of its loss and payment of a ten dollar ($10) replacement fee.

SECTION 6. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) Each license issued under this chapter shall state the address or addresses at which business is to be conducted, the name of the licensee, and the date and place of its incorporation, if applicable.

(2) A licensee shall post a copy of such license in a conspicuous place in the office to which it pertains.

(3) A license may not be transferred or assigned without the prior written approval of the commissioner.

(4) No licensee shall transact the business provided for by this chapter under any other name or maintain an office at any location other than that designated in the license.

Section 7. KRS 294.060 is amended to read as follows:

(1) *Except as otherwise provided in this section, at the time of filing an application for registration as a mortgage loan company or mortgage loan broker, the applicant* [~~Each mortgage loan company~~] shall post corporate surety bonds in an amount that the commissioner determines by *administrative regulation* [~~rule~~] to be necessary and appropriate under the circumstances but not less than twenty-five thousand dollars ($25,000) *for mortgage loan companies and not less than five thousand dollars ($5,000) for mortgage loan brokers.* [~~Any appropriate deposit of cash or securities issued by the federal government, the Commonwealth of Kentucky, or any political subdivision thereof shall be accepted in lieu of any corporate surety bond required. Such deposits of cash or securities shall not be withdrawn until five (5) years after the last effective date of the registration.~~] Every bond shall provide for suit thereon by any person who has a cause of action under this chapter. In no event shall the total liability of the surety, to all persons, cumulative or otherwise exceed the amount specified in the bond. Every bond shall provide that no suit shall be maintained to enforce any liability on the bond unless brought within *three (3)* [~~five (5)~~] years after the act upon which it is based.

(2) In lieu of posting corporate surety bonds, the applicant may:

(a) Deposit with the commissioner an irrevocable letter of credit for an amount equal to the required bond upon which the applicant is the obligor, issued by a bank approved by the commissioner, whose deposits are insured by the federal deposit insurance corporation;

(b) Establish an account payable to the commissioner in a federally insured financial institution in this state and deposit money of the United States in an amount equal to the amount of the required bond; or

(c) Deposit with the commissioner a savings certificate of a federally insured financial institution in this state for an amount payable which is equal to the amount of the required bond and which is not available for withdrawal except by direct order of the commissioner. Interest earned on the certificate accrues to the applicant [~~The bond of the mortgage loan company shall be in substantially the form as the commissioner by rule prescribes~~].

(3) If the commissioner shall at any time reasonably determine that the bond or securities aforesaid are insecure, deficient in amount, or exhausted in whole or part, he may by written order require the filing of a new or supplemental bond or the deposit of new or additional securities in order to secure compliance with this chapter, such order to be complied with within thirty (30) days following service thereof upon the registrant.

[~~(4) Each mortgage loan company shall have net capital of not less than twenty-five thousand dollars ($25,000). Computation of "net capital" shall be defined by the commissioner by rule pursuant to KRS 294.140.~~]

Section 8. KRS 294.070 is amended to read as follows:

(1) The use of the words "certified" or "registered" or any form thereof separately or in any combination thereof with other words or syllables, is prohibited as part of the name of a mortgage loan company. No registration certificate of a proposed mortgage loan company having the same name as a corporation authorized to do business under the laws of this state or a name so nearly resembling it as to be calculated to deceive shall be issued by the commissioner.

(2) No person, unless lawfully authorized to do business in this state under the provisions of this chapter, and actually engaged in carrying on a mortgage loan or loan broker business, shall do business under any name or title which contains the terms "mortgage company," "mortgage loan company," "mortgage loan broker," "loan broker," "financial broker," or any combination employing the words "mortgage," "loan," or "broker," with one or more of the words "association," "institution," "society," "company," "corporation," or words of similar import, or use any name or represent in any manner which indicates or reasonably implies that his or its business is that of a mortgage loan company *or mortgage loanbroker* as defined by KRS 294.010.

SECTION 9. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage company; or

(b) A transfer of at least ten percent (10%) of the outstanding voting stock of a mortgage company.

(2) The commissioner must approve a transfer of voting stock of a mortgage company which constitutes a change of control.

(3) The owner, president, chief executive officer or a partner shall apply to the commissioner for approval of a transfer of voting stock in his mortgage company which constitutes a change in control. The application must contain information which shows that the requirements of this chapter for obtaining a license will be satisfied after the change of control.

Section 10. KRS 294.080 is amended to read as follows:

Upon receipt of the application the commissioner shall first determine whether or not it complies with the provisions of *this chapter* [~~KRS 294.040~~] and, if he so finds, he shall then inquire into the advisability of approving the application by determining whether the applicant demonstrates such financial responsibility, financial condition, and business expertise, character and general fitness to reasonably warrant the belief that the applicant's business will be conducted honestly, fairly and efficiently and in such a way as to justify public confidence. The commissioner may investigate and consider the qualifications of officers and directors or principals of an applicant in determining whether this qualification has been met. If the commissioner finds that the applicant meets all the above requirements, he shall approve the application.

Section 11. KRS 294.090 is amended to read as follows:

The commissioner may deny, suspend, or revoke any *license* [~~registration~~] when the applicant or *licensee* [~~registrant~~]:

(1) Does not meet *or has failed to comply with* the *requirements* [~~net capital requirement~~] of this chapter;

(2) Is unfit through lack of financial responsibility or experience[~~, as the commissioner shall define by rule~~] to conduct the business of a mortgage loan company or *mortgage* loan broker, as the case may be;

(3) Does not conduct his business in accordance with law or the method of business includes or would include activities which are illegal where performed, or has willfully violated any provision of this chapter or any *regulation* [~~rule or order~~] hereunder;

(4) Collects interest at a usurious rate;

(5) Is in such financial condition that he cannot continue in business with safety to his customers;

(6) Has been guilty of fraud in connection with any transaction governed by this chapter, or is the subject of an administrative cease and desist order or similar order, or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the registrant; but the commissioner may not institute a proceeding under this subsection more than one (1) year from the date of the order or injunction relied on, and he may not enter an order under this subsection on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for an order under this section;

(7) Has made any misrepresentations or false statements to, or concealed any essential or material fact from, any person in the course of *acting as a* [~~the~~] mortgage loan company *or mortgage loan broker* [~~business~~], or has engaged in a course of business which has worked or tended to work a fraud upon any person or would so operate;

(8) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the applicant or *licensee* [~~registrant~~] possesses, and which if submitted by him would have rendered the applicant or *licensee* [~~registrant~~] ineligible to be registered under this chapter;

(9) Has failed to account to persons *interest* [~~interested~~] for all funds received for the escrow account required under KRS 294.130;

(10) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner under the provisions of this chapter;

(11) Has been convicted of any misdemeanor of which an essential element is fraud or any felony, or has pending against him any felony charge.

Section 12. KRS 294.100 is amended to read as follows:

(1) No mortgage loan company *or mortgage loan broker* may establish or maintain a branch office without prior written approval of the commissioner.

(2) Each application for approval of the establishment and maintenance of a branch office shall state the proposed location, the functions to be performed and *such other information which the commissioner may require* the information required by KRS 294.040 if different from that contained in the original application for registration.

(3) Each application under this section shall be verified and accompanied by a non-refundable fee of *two* [~~one~~] hundred [~~fifty~~] dollars *($200)* [~~($150)~~].

(4) Upon the receipt by the commissioner of such an application and the required fee, if he finds that the applicant is otherwise in compliance with the provisions of this chapter, he shall approve the application.

[~~(5) Mortgage loan companies exempt under KRS 294.020(2)(b) shall advise the commissioner of the opening or closing of any branch office within thirty (30) days thereafter.~~].

Section 13. KRS 294.110 is amended to read as follows:

(1) Mortgage loan companies are *prohibited from making loans and mortgage loan brokers are prohibited from brokering loans* [~~authorized to make loans~~] at rate or rates [~~not~~] in excess of *those* [~~that~~] provided by KRS 360.010 and 360.025 *or other applicable usury statutes.*

(2) Every loan shall be evidenced by a note for the amount of the loan. Every note evidencing a loan under this subsection shall contain the following information and provisions: The original principal amount of the loan excluding any charge for the loan; a statement of the total charge for the loan; the terms of repayment including the amount and date of installments and penalty or charge for late payment; the date of final maturity; and may contain all other terms of the loan contract. The borrower shall be given a copy of the note, at the time the loan is made and shall thereafter be given a receipt for each cash payment.

(3) Every real estate loan shall be secured by a mortgage or other instrument constituting a lien, upon the real estate securing the loan, according to any lawful or well recognized practice which is best suited to the transaction. Any such instrument, constituting a lien, is herein termed a "mortgage." All such mortgages shall be recorded in accordance with the law of this Commonwealth.

(4) Delinquency charges may be made for each installment more than ten (10) days in arrears, and only one (1) delinquency charge shall be made on any one (1) installment. No delinquency charge shall be made unless disclosed as required under subsection (2). In addition to such delinquency charges, attorneys' fees not exceeding fifteen percent (15%) of the unpaid balance shall be taxed as cost and court costs may be collected, provided that the note is referred to an attorney not a salaried employe of the holder for collection.

(5) Any charges to be assessed against the borrower, in the event a loan is paid prior to maturity shall be *prominently* [~~promptly~~] displayed and made part of the note and the loan closing statement regarding the method of computation of any rebate.

SECTION 14. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

At least seven (7) days prior to the time any person signs a contract for the services of a loan broker, or the time of the receipt of any consideration by the loan broker, whichever occurs first, the broker must provide to *the party with whom he contracts a written document, the cover sheet of which is entitled in at least 10-point bold face capital letters "DISCLOSURES REQUIRED BY KENTUCKY LAW." Under this title shall appear the statement in at least 10-point type that "The state of Kentucky has not reviewed and does not approve, recommend or endorse any loan brokerage contract. The information contained in this disclosure has not been verified by the state. If you have any questions, see an attorney before you sign a contract or agreement." Nothing except the title and required statement shall appear on the cover sheet. The disclosure document shall contain the following information:*

(1) The name of the broker and each of the broker's affiliates, whether the broker is doing business as an individual, partnership, or corporation, and all names under which the broker is doing business in Kentucky;

(2) The name, address, and title of each person having an interest in the business as principal partner, officer, trustee, director and manager;

(3) A balance sheet for the most recent fiscal year of the applicant prepared by a certified public accountant;

(4) A statement as to the length of time the applicant and its principals have operated a mortgage loan broker as defined in KRS 294.010;

(5) The total number of loan brokerage contracts in which the broker has entered within the past twelve (12) months;

(6) The number of loan brokerage contracts in which the broker has successfully obtained a loan for the prospective borrower within the past twelve (12) months;

(7) A full and detailed description of the services the broker undertakes to perform for the prospective borrower; and

(8) A specific statement of the circumstances in which the broker will be entitled to obtain or retain consideration from the party with whom he contracts.

Section 15. KRS 294.120 is amended to read as follows:

(1) Every mortgage loan company may require borrowers to pay all necessary and reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting, or renewing of loans. Without limiting the generality of the foregoing, such expenses may include appraisal, attorneys' fees, abstract, recording and registration fees, title examination, title insurance, mortgage insurance, credit report, survey, drawing of papers, origination fees, loan closing costs, and taxes or charges imposed upon or in connection with the making and reporting of any mortgage.

(2) Every mortgage loan company also may require the borrowers to pay the cost of all other necessary and incidental services rendered by the mortgage loan company or by others in connection with loans in reasonable amounts. Without limiting the generality of the foregoing, such costs may include the cost of services of inspectors, engineers, and architects.

(3) Such initial charges as described in subsections (1) and (2) may be collected by the mortgage loan company from the borrower and paid to any person rendering such services, or paid directly by the borrower.

(4) In lieu of such initial charges to cover such expenses and costs as described in subsections (1) and (2), a mortgage loan company may make a reasonable charge, part or all of which may be retained by the mortgage loan company which renders such service, or part or all of which may be paid to others who render such services.

(5) The fees and charges authorized by this section shall be in addition to interest authorized by law, and shall not be deemed to be a part of the interest collected or agreed to be paid on such loans within the meaning of any law of this Commonwealth which limits the rate of interest which may be exacted in any transaction.

(6) No person shall receive any fee or other compensation of any kind in connection with procuring any loan, except for services actually rendered as above provided, and in no event shall a mortgage loan company require the payment of a fee greater than one hundred dollars ($100) as a condition to submitting a loan application unless the commissioner shall otherwise prescribe by rule.

(7) Upon receipt of a loan application, the mortgage loan company shall provide the applicant with a written explanation of the nature of all fees, expenses and other costs allowable under subsections (1) and (2) which, whether certain or uncertain, may be incurred or required of the borrower in connection with the approval, making, closing and disbursement of the loan.

(8) The mortgage loan company shall furnish a loan settlement statement to each borrower *upon request* one (1) business day prior to the settlement date in a form consistent with the provisions of the real estate settlement procedures act of 1974 *and any amendments thereto* [~~as amended~~], and in all other regards the mortgage loan company shall make the necessary and appropriate disclosures consistent with the provisions of that act *and any amendments thereto.* A copy of the loan settlement statement and any other disclosure documents shall be retained in the records of the mortgage loan company.

(9) All "letters of commitment," or any other contracts or agreements between prospective borrowers and a mortgage loan company or a loan broker, where the borrowers employ services, for a fee or commission, to obtain a loan commitment or funding from a lending institution shall indicate the terms and conditions thereof, including *a full and detailed description of the services the broker or company undertakes to perform, a specific statement of the circumstances in which the broker or company will be entitled to obtain or retain consideration and* the period that such agreement shall remain in effect.

(10) Failure on the part of any party, with the exception of the borrower, to fulfill the terms of any loan commitment, letter of commitment, agreement or contract for the loan of money within the time and on such terms specified therein, or the failure to make a bona fide effort to secure a loan after receiving a fee for such service, shall constitute default by the mortgage loan company and any other person so in default; and any person damaged by such default may sue at law or equity for damages, reasonable attorneys' fees and interest at *the legal rate of interest under KRS 360.010* [~~eight (8) percent~~]. Every cause of action for damages under this subsection survives the death of any person who might have been a plaintiff or defendant. No person may sue under this subsection more than five (5) years after any act constituting default.

(11) The failure to disclose a dual agency capacity or effecting transactions upon terms and conditions other than those stated in the letter of commitment, loan commitment or any other contract for the loan of money, or entering into an agreement which establishes unfair terms and conditions or compensation, as the commissioner shall define by rule; or any contract of loan in the making or collection of which any act shall have been done which constitutes a willful violation of any provision of this section or of KRS 294.110 shall be void, and the mortgage loan company or the lender, if not the mortgage loan company, shall have no right to collect, receive or retain any interest or charges whatsoever on such loan, but the unpaid principal of the loan shall be paid in full.

Section 16. KRS 294.140 is amended to read as follows:

The commissioner shall exercise general supervision and control over mortgage loan companies and *mortgage* loan brokers doing business in the Commonwealth of Kentucky. In addition to the other duties imposed upon him by law, the powers and duties of the commissioner are:

(1) To prescribe such rules, regulations and forms and to promulgate such orders as are deemed to be necessary and appropriate to accomplish the basic purposes of and the provisions contained within this chapter. The commissioner may from time to time make, amend, and rescind such rules, forms and orders, including rules and forms governing applications, registration, reports, and loan disclosure statements and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify loans, persons, and matters within his jurisdiction, and prescribe different requirements for different classes. No rule, form, or order may be made, amended, or rescinded unless the commissioner finds that the action is necessary or appropriate in the public interest and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the commissioner may cooperate with other state and federal agencies with a view to achieving maximum uniformity in the form and content of applications, reports and loan disclosure statements whenever practical;

(2) To conduct such investigations as may be necessary to determine whether any person has engaged in or is about to engage in any act, practice or course of conduct constituting a violation of any provision of this chapter;

(3) To conduct such examinations, investigations and hearings, in addition to those specifically provided for by law, as may be necessary and proper for the efficient administration of *this chapter* [~~the mortgage loan company laws of this state~~].

Section 17. KRS 294.160 is amended to read as follows:

Every mortgage loan company *and mortgage loan broker* shall make and keep such accounts, correspondence, memoranda, papers, books, data and other records as the *commissioner* [~~director by rule~~] prescribes. All records so required shall be preserved for *three (3)* [~~five (5)~~] years *from the date of collection of the last installment payment due under each agreement* unless the commissioner by rule prescribes otherwise for particular types of records. Every mortgage loan company *and mortgage loan broker* shall file such financial reports as the commissioner by *regulation* [~~rule~~] prescribes. If the information contained in any document filed with the commissioner is or becomes inaccurate or incomplete in any material respect, the registrant shall promptly file a correcting amendment.

Section 18. KRS 294.170 is amended to read as follows:

(1) Every mortgage loan company *and mortgage loan broker* shall keep at its principal office correct and complete books of accounts and minutes of proceedings of its directors, principals, or partners. Complete records of all business transactions at the principal office shall be maintained at the principal office. Each branch office shall keep detailed records of all transactions at such branch office and shall furnish full control records to the principal office.

(2) No mortgage loan company *or mortgage loan broker* by any system of accounting or any device of bookkeeping shall, either directly or indirectly, enter any of its assets upon its books in the name of any person, partnership, association, or corporation, or under any title, designation or value that is not thoroughly descriptive of any assets.

(3) The affairs of every mortgage loan company *and mortgage loan broker* and the records required to be maintained by KRS 294.160 are subject at any time or from time to time to such periodic, special, or other examinations by the commissioner or an examiner of the commissioner within or without this state and with or without notice to the mortgage loan company *and mortgage loan broker*, as the commissioner deems necessary or appropriate in the public interest. All books, papers, and records of assets of the mortgage loan company shall be subject to his inspection.

(4) The examiner shall make a thorough examination into the condition, workings and affairs of the association and report any violation of law or any unauthorized unsafe practices or any failure to keep and have correct any required books and records as he may find to the commissioner.

(5) A mortgage loan company *or mortgage loan broker* shall pay a fee for each such examination *based on fair compensation for time and actual expense* [~~not to exceed one hundred dollars ($100) per day, or fraction thereof, that any and all examiners are absent from the office of the commissioner for the purpose of making such examinations, and in addition thereto shall pay the actual travel, lodging and meal expenses of such authorized examiner or examiners.~~] For the purpose of avoiding unnecessary duplication of examinations, the commissioner, insofar as he deems it practicable in administering this section, may cooperate with any agency of the state or federal government, other states, or the federal national mortgage association and may accept such examinations in whole or in part in lieu of an examination by the commissioner.

(6) The commissioner or his examiners or designated representative shall have access to all books and papers of a mortgage loan company *and mortgage loan broker* which relate to *their* [~~its~~] business, and books and papers kept by any officers, agents, or employes, relating to or upon which any record of its business is kept.

Section 19. KRS 294.220 is amended to read as follows:

(1) It is unlawful for any person to make or cause to be made, in any document filed with the commissioner or in any proceeding under this chapter, any statement which is, at the time and in light of the circumstances under which it is made, false or misleading in any material respect.

(2) It is unlawful for any mortgage loan company *or mortgage loan broker*, in connection with the operation of a mortgage loan business or the management or servicing of mortgage contracts, directly of indirectly:

(a) To employ a device, scheme or artifice to defraud;

(b) To engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

(3) It is unlawful for any person to transact any mortgage business in this state unless it:

(a) Qualifies to do business in Kentucky as required by KRS Chapter 271A; and

(b) Complies with the provisions of this chapter unless exempted by KRS 294.020.

Section 20. KRS 294.240 is amended to read as follows:

KRS 294.010 to 294.230 shall be known and may be cited as the "mortgage loan company and *mortgage* loan broker act."

Section 21. The following KRS sections are repealed:

294.040 Contents of verified application for registration.

294.050 Fee for registration or renewal—Statement of condition to be filed annually with commissioner.

HB 966, AN ACT relating to insurance.

WHEREAS, Kentucky law does not provide that the insurance commissioner or any regulatory body approve the rates that an insurance company can charge for liability insurance; and

WHEREAS, competitive market forces have not operated to maintain reasonable liability insurance rates; and

WHEREAS, there have been unconscionable increases in liability insurance rates, especially professional liability rates; and

WHEREAS, citizens of Kentucky do not have protection from arbitrary or abusive action of the insurance industry in establishing liability insurance rates; and

WHEREAS, there is a need for information and objectivity in assessment and establishment of liability insurance rates; and

WHEREAS, Kentucky experience and expense should be used to determine the rates charged to Kentucky citizens; and

WHEREAS, funds currently exist for the establishment and maintenance of a regulatory board and its functions; and

WHEREAS, it is in the public interest to establish a regulatory body to review insurance industry practices and liability insurance rates to assure that the rates are not excessive, inadequate or discriminatory;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.13-021 is amended to read as follows:

KRS 304.13-011 to 304.13-161 apply to all types of insurance written on risks in this state by any insurer authorized under this chapter to do business in this state, except:

(1) Life insurance;

(2) Annuities;

(3) Ocean marine insurance;

(4) Accident and health insurance;

(5) Reinsurance;

(6) Assessment or cooperative companies operating under the provisions of KRS Chapter 299; and

(7) Individual and group workers' compensation self-insurers*; and*

(8) Liability insurance, except workers' compensation, automobile liability and homeowners' liability.

Section 2. KRS 304.1-050 is amended to read as follows:

(1) "Commissioner" means the commissioner of insurance of this state.

(2) "Department" means the department of insurance of this state, unless context otherwise requires.

(3) "Board" means the Kentucky insurance regulatory board.

SECTION 3. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky insurance regulatory board is hereby created and established. The board shall consist of three (3) members appointed by the governor. There shall be a chairman who shall be chosen by the membership. The board shall be attached to the department of insurance for administrative purposes and shall be included under it in the cabinet for public protection and regulation.

(2) An action or decision concurred in by any two (2) members of the board shall constitute an action or decision of the board.

(3) Each member shall be twenty-five (25) years of age and have resided in the Commonwealth for three (3) years.

(4) No member shall have a pecuniary interest in an insurance company. No member shall accept anything of value from an insurance company or agency. No member shall engage in an occupation or business inconsistent with his duties as a member.

(5) Of the members initially appointed to the board, one (1) shall serve until July 1, 1987, one (1) until July 1, 1988, and one (1) until July 1, 1989. Thereafter, each term shall run for four (4) years from the date of expiration of the term for which his predecessor was appointed, except that persons appointed to fill a vacancy prior to the expiration of a term shall be appointed for the remainder of the term. Each member of the board shall be qualified pursuant to KRS 12.070 and shall hold office until his successor is appointed and qualifies.

(6) Members shall receive two hundred dollars ($200) per diem plus necessary expenses incurred in discharging their duties.

SECTION 4. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) It shall be the duty of the board to administer the provisions of this Act.

(2) To carry out its functions, the board shall have the same powers as conferred upon the commissioner which are necessary to perform its responsibilities under this Act, including, but not limited to, the power to adopt rules and regulations and issue orders.

(3) The duties of the board shall include but not be limited to:

(a) Conducting public hearings into, and performing an in-depth study of, the current marketing practices generally prevailing among insurers that effect the cost and availability of insurance coverages subject to this Act and reporting to the governor its findings including any recommendations for remedial action, either administrative or legislative, which it believes to be in the public interest.

(b) Conducting in-depth studies of and making recommendations for the establishment of a system to continuously monitor the prevailing rate structures of insurance coverages subject to this Act and disseminating to the public such information on a regular basis in order that the insuring public may have available understandable and factual information on which to base an intelligent choice in the purchase of coverages.

SECTION 5. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) All books, papers, records or documents possessed, controlled, filed, held or used by the commissioner in the exercise of functions relating to liability insurance, except workers' compensation, automobile liability and homeowners' liability, shall be transferred to the possession, custody, and control of the board.

(2) Any pending or unfinished business subject to this Act shall be taken over and completed by the board with the same power and authority as the commissioner from whom the functions are assumed. In the performance of its duty, the board shall be the successor in every way to the commissioner, and every act done by the board in the exercise of such functions shall be deemed to have the same force and effect as if done by the commissioner.

(3) Every rate, rating plan, manual of rates, rating rule, classification or schedule of rates, deviation statistical plan and rate formula filed with the commissioner prior to the effective date of this Act shall continue to remain in full force and effect until terminated by lawful action of the board or by the person to whom such approval was granted.

SECTION 6. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The board shall be funded by the insurance administration improvement fund in KRS 304.2-390. All monies in the fund on the effective date of this Act shall be transferred to the exclusive use of the board.

Section 7. KRS 304.2-390 is amended to read as follows:

There is created in the state treasury the "insurance administration improvement fund" for the use of the *board* [~~department~~]. The commissioner shall promptly deposit one-half of all of the funds received under KRS 304.4-010(12) and (15) with the state treasurer to the credit of such fund.

SECTION 8. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Every insurer shall file with the board, and a copy thereof with the attorney general, every rate, rating plan, rating rule, rate modification and the rate formula which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated.

(2) No rate shall be charged unless filed with and approved by the board in accordance with this subtitle.

(3) When a filing is not accompanied by the information upon which the insurer supports such filing, and the board does not have sufficient information to determine whether such filing meets the requirements of this subtitle it shall require the insurer to furnish the information upon which it supports the filing and the period for approval provided in Section 9 of this Act shall commence as of the date such information is furnished.

(4) A filing and any supporting information shall be open to public inspection.

SECTION 9. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The board shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this subtitle.

(2) A filing shall be deemed to meet the requirements of this subtitle unless disapproved by the board within forty-five (45) days or unless notice of a hearing is given within that time. If a hearing is held, the filing shall be deemed approved thirty (30) days after the close of the hearing, unless disapproved.

(3) The board may hold a public hearing on any filing before the filing becomes effective to determine whether or not the filing meets the requirements of this subtitle. Before the hearing the insurer making the filing shall be given ten (10) days' written notice of the time and place of such hearing, and the public shall be given notice by publication pursuant to KRS Chapter 424.

(4) In the review of any filing made pursuant to this subtitle, the burden of establishing that the filing under consideration meets the requirements of this subtitle shall be on the insurer which made the filing.

(5) If the board finds that a filing does not meet the requirements of this subtitle, it shall give written notice of disapproval of such filing to the insurer which made the filing, specifying in what respects the filing fails to meet the requirements of this subtitle and that the filing shall not become effective.

SECTION 10. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

If at any time subsequent to the applicable review period provided for in Section 9 of this Act the board finds that a filing does not meet the requirements of this subtitle, it shall, after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at the hearing, to every insurer which made the filing, issue an order specifying in what respects it finds that the filing fails to meet the requirements of this subtitle, and stating when, within a reasonable period thereafter, the filing shall be no longer effective. Copies of the order shall be sent to every insurer. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

SECTION 11. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Any person aggrieved with respect to any filing which is in effect may make written application to the board for a hearing thereon, except that the insurer that made the filing shall not be authorized to proceed under this section. Such application shall specify the grounds to be relied upon by the applicant.

(2) If the board finds that the application is made in good faith, that the applicant would be aggrieved if his grounds are established, and that such grounds otherwise justify holding a hearing, it shall, within thirty (30) days after receipt of such application, hold a hearing upon not less than ten (10) days' written notice to the applicant and to every insurer which made such filing.

SECTION 12. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Rates shall be made in accordance with the following provisions:

(a) Rates shall not be excessive, inadequate or unfairly discriminatory;

1. A rate shall be deemed to be inadequate if it is less than "pure premium" as defined in KRS 304.13-011(15); and

2. A rate that increases more than fifty percent (50%) in any twelve (12) month period or between filings, whichever is longer, shall be presumed to be excessive.

(b) Due consideration shall be given:

1. To past and prospective loss experience within this state;

2. To the conflagration and catastrophe hazards;

3. To a reasonable margin for underwriting profit and contingencies;

4. To dividends, savings or premium deposits allowed or returned by insurers to their policyholders, members or subscribers;

5. To past and prospective expenses applicable to this state;

6. To investment income; and

7. To all other relevant factors.

(c) Risks may be grouped by classifications for the establishment of rates. Classification rates may be

modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks which have a probable effect upon losses or expenses.

(2) Rates made in accordance with this section may be used subject to this subtitle.

SECTION 13. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The board may promulgate reasonable rules and statistical plans which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss, expense and other experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid it in determining whether rating systems comply with the applicable standards set forth in this subtitle.

(2) In order to further the administration of this subtitle, the board may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and application of rating systems.

SECTION 14. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to the board.

(2) A violation of this section shall subject the one (1) guilty of such violation to the penalties provided in KRS 304.99-010 and 304.99-00.

The Committee Amendment No. 1 to HB 966 is as follows:

Amend printed copy of HB 966:

On page 2, line 17 by deleting ''*, automobile liability and homeowners' liability*''

On page 5, line 20 by deleting ''*automobile liability and homeowners' liability,*''.

HJR 58, A JOINT RESOLUTION directing an investigation of the insurance industry in Kentucky and calling upon the President and the Congress of the United States and the Governors and Legislatures of the 49 states to join in this effort.

WHEREAS, the cost of all lines of insurance has increased dramatically during the past two years; and

WHEREAS, all lines of insurance have become so expensive that cities, counties, providers of professional, and institutional services, business, and the general public can no longer afford to pay the exorbitant rates and accept the deceased coverage; and

WHEREAS, the contention of the insurance industry that the explosion of tort litigation in recent years has necessitated the vastly increased rates is not fully substantiated; and

WHEREAS, employers and injured workers should not be expected to suffer because of the alleged insolvency of insurance carriers; and

WHEREAS, national consumer organizations have studied the insurance industry and found that its problems are cyclical, that loss figures are a result of the unique accounting methods used by the industry, and that international reinsurance firms have undue influence on the industry; and

WHEREAS, insurance policy holders throughout the nation should not have to bear the financial burden of poor judgment, poor management and creative accounting by insurance industry officials; and

WHEREAS, consumer organizations have recommended changes in federal legislation which would: (1) end the insurance industry's anti-trust exemption, (2) permit the Federal Trade Commission to investigate the industry, (3) establish a federal office of insurance regulation to review and set standards for state regulators, and (4) establish a federal reinsurance program and permit the formation of product group insurance;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor order an investigation of the insurance industry in Kentucky utilizing all the powers and prerogatives of her office and the statutory mandates conferred upon the Department of Insurance. A published report of the investigation, including recommendations, shall be submitted to the General Assembly on or before January 1, 1987.

Section 2. That a special committee be appointed by the Legislative Research Commission to receive the Governor's report, to develop legislation and to hold public hearings on these legislative proposals. Such legislation as is developed shall be introduced in the 1988 General Assembly.

Section 3. A copy of this resolution shall be sent to the President of the United States, the Vice-President of the United States, The Speaker of the United States House of Representatives, and the Governors, the Speakers of the Houses of Representatives, and the Presidents Pro Tempore of the Senates of the 49 states.

HJR 139, A JOINT RESOLUTION directing the Legislative Research Commission to appoint a task force to study and investigate the entire insurance industry, including the Kentucky department of insurance, and its effects on Kentucky.

WHEREAS, liability insurance premium increases of 25% to more than 1000% are being imposed on municipalities, and businesses of all sizes, including day care centers, nursing homes, and restaurants, as well as professionals such as accountants, architects, doctors, midwives, and lawyers; and

WHEREAS, residents in some parts of the Commonwealth are unable to obtain homeowners insurance, while others face high premiums for motor vehicle insurance; and

WHEREAS, some physicians in this state are taking early retirement and others are giving up their practices in obstetrics rather than pay exorbitant medical malpractice insurance premiums; and

WHEREAS, the department of insurance claims it is restricted in what it can do to end skyrocketing premiums and increase the availability of insurance due, in part, to its lack of jurisdiction over reinsurers who are demanding price increases ranging from 50% to 500%; and

WHEREAS, some persons question whether the current insurance crisis can be supported by insurance industry data and allege the crisis is a manufactured one to increase profits of insurers; and

WHEREAS, dissatisfaction with the insurance industry is widespread and the citizens of Kentucky are demanding that some action be taken to assure the availability of insurance at affordable rates;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is directed to appoint a task force to study and investigate the entire insurance industry, including the Kentucky department of insurance, and its effects on Kentucky. The task force shall be appointed no later than July 1, 1986.

Section 2. All state departments and agencies shall cooperate with the task force and make available, upon request, such documents, data and records as are relevant, and provide full assistance and information to the task force.

Section 3. The task force may require information on oath of any person touching any matter which is under study, investigation or audit by the task force, and shall have the power to subpoena witnesses and records for such purposes, and otherwise compel the giving of evidence of any matters under study.

Section 4. The Legislative Research Commission may appoint a director of the task force if such is deemed necessary. The task force shall have the power to hire a staff and to issue personal service contracts as it deems necessary.

Section 5. The task force shall study and investigate insurance laws and regulations, insurance companies, the department of insurance, the availability of insurance to Kentuckians, the rate making process, and other areas of insurance as necessary.

Section 6. The task force may work with other legislative committees, task forces, and special committees. The task force shall consider and, as necessary, develop legislative proposals and recommendations. The task force shall report its findings and recommendations to the Legislative Research Commission on or before December 1, 1987.

Section 7. Staff services to be utilized in completing this investigation and study shall be provided from the regular Legislative Research Commission budget, subject to the limitations and other research responsibilities of the Commission.

SB 274, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.18-110 is amended to read as follows:

(1) *As used in this section:*

(a) "Group policy" means group health insurance policies as defined in KRS 304.18-020 and blanket health insurance policies which the commissioner, in his discretion, designates as subject to this section, which:

1. Affect the rights of a Kentucky insured and bear a reasonable relation to Kentucky, regardless of whether delivered or issued for delivery in Kentucky;

2. Provide hospital or surgical expenses benefits, other than for a specific disease or accidental injury only; and

3. Are delivered, issued for delivery, or renewed after the effective date of this Act;

(b) "Medicare" means Title XVIII of the United States social security act as amended or superseded [~~Any group policy as defined in KRS 304.18-020 affecting the rights of a Kentucky insured and bearing a reasonable relation to Kentucky which provides hospital or surgical expense benefits, other than for specific disease or accidental injury only, shall provide that with respect to employes or members having been covered under the group policy for at least three (3) months, such employes or members shall have the right upon termination of employment or membership in the group to have the existing group coverage continued for themselves and their eligible dependents. For purposes of this section, a Kentucky insured is a resident of this state covered under a policy of insurance, whether such policy is delivered or issued for delivery in this state or in any other state. Written notice of employe's right to continue existing group coverage shall be given by the insurance company in each master policy, certificate and group policy issued after July 15, 1982. The insurance company shall furnish each employer or group policyholder an adequate supply of attachments for each master policy, certificate or group policy already in effect. An employe or member electing continuation of coverage shall provide the insurance company written notice of election together with the first monthly premium contribution within thirty-one (31) days of the date coverage would otherwise terminate. The group rate premium shall be paid by the employe directly to the insurance company. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate. Continuation of coverage shall not be available for any employe or member who is or could be covered by medicare, nor who is or could be covered by any other group coverage insured or uninsured providing similar benefits. Continuation of coverage shall terminate on the earlier of:~~

~~(a) The date nine (9) months after the date on which the group coverage would otherwise have terminated because of termination of employment or membership,~~

~~(b) If the employe or member fails to make timely payment of premium to the insurance company, the end of the period for which premium payment was made, or~~

~~(c) The date the group policy is terminated and is not replaced by another group policy within thirty-one (31) days~~].

(2) Persons insured under group policies have the right upon termination of group membership to continue coverage for themselves and their dependents upon meeting the following conditions:

(a) The group member has been covered by the group policy or any group policy it replaced for at least three (3) months; and

(b) Notice is given to the insurer and payment of the group rate is made to the insurer within thirty-one (31) days after notice pursuant to subsection (9) of this section [~~Any group policy described in subsection (1) of this section shall also provide that an employe or member having elected continuation of coverage pursuant to subsection (1) of this section and any covered spouse of an employe or member upon the death or divorce of such employe or member, shall be entitled to have issued to them without evidence of insurability, a health insurance policy on a form then available for conversion from the group coverage, by making written application therefor, accompanied by the first quarterly, semiannual or annual premium, at the option of the person or members, to the insurer not later than thirty-one (31) days after such termination of coverage. Such premium shall be in accordance with the insurer's table of premium rates in effect on the later of:~~

~~(a) The effective date of the converted policy; or~~

~~(b) The date of application therefor, and applicable to the class of risk to which the covered persons belong, their ages, the form, and the amount of insurance provided~~].

(3) Continued group health insurance coverage shall terminate on the earlier of:

(a) The date nine (9) months after the date on which the group coverage would otherwise have terminated because of termination of group membership;

(b) If the group member fails to make timely payment of premium to the insurance company, the end of the period for which premium payment was made; or

(c) The date the group policy is terminated and is not replaced by another group policy within thirty-one (31) days [~~Any group policy as defined in KRS 304.18-020 delivered or issued for delivery in this state which provides hospital or surgical benefits other than for specific diseases or accidental injury only, shall provide that if coverage terminates for any reason and if the individual has been continuously insured under a group policy and under any group policy it replaces for at least three (3) months immediately preceding the termination of coverage, he shall be entitled to have issued to him by the insurer, without evidence of insurability, a health insurance policy on a form providing substantially similar benefits, which shall include the option to continue any existing maternity benefits, by making written application therefor, accompanied by the first quarterly, semiannual or annual premium, at the option of the person or member, to the insurer not later than thirty-one (31) days after such termination of coverage. Such premium shall be in accordance with the insurer's table of premium rates in effect on the later of:~~

~~(a) The effective date of the converted policy; or~~

~~(b) The date of application therefor, and applicable to the class of risk to which the covered persons belong and to their ages and to the form and amount of insurance provided~~].

(4) If a group policy is replaced, persons under continued group health insurance coverage under the replaced policy shall remain under such coverage under the replaced policy until it terminates pursuant to subsection (3) of this section [~~The converted policy shall cover the person or member and his eligible dependents covered by the group policy on the date the group policy terminated. The effective date of any such converted policy shall be the date of termination of insurance under the group policy~~].

(5) Group members have the right upon termination of coverage under a group policy for any reason to have a conversion health insurance policy providing substantially similar benefits issued to the group member by the insurer upon meeting the following conditions:

(a) The group member has been covered by the group policy or any policy it replaced for at least three (3) months;

(b) The group member must make written application to the insurer for conversion health insurance coverage not later than thirty-one (31) days after notice pursuant to subsection (9) of this section; and

(c) The group member must pay the monthly, quarterly, semi-annual, or annual premium, at the option of the applicant, to the insurer not later than thirty-one (31) days after notice pursuant to subsection (9) of this section [~~The insurer shall not be required to issue a converted policy covering any person if such person is or could be covered by medicare (Title XVIII of the United States Social Security Act as added by the Social Security Amendments of 1965 or as later amended or superseded). Furthermore, the insurer shall not be required to issue a converted policy covering any person if:~~

~~(a) Such person is covered for similar benefits by another hospital or surgical or medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program or~~

~~(b) Similar benefits are provided for, or available to, such person pursuant to, or in accordance with the requirements of, any statute, and the benefits provided or available under any of the sources referred to in paragraph (a) of this subsection and this paragraph for such person, together with the converted policy, would result in over insurance according to the insurer's standards relating to policies converted from group policies. A converted policy made available pursuant hereto shall provide substantially similar benefits but in no event be less than the minimum standards contained in KRS 304.18-120 if delivery of such converted policy is to be made in this state; and, if delivery of such converted policy is to be made elsewhere, it may be on such form as the insurer may then be offering for such conversion in the jurisdiction where such delivery is to be made and which provides substantially in compliance with that required by KRS 304.18-120~~].

(6) Terms of conversion health insurance coverage:

(a) Conversion health insurance coverage shall be available without evidence of insurability and shall contain no pre-existing condition limitations;

(b) The premium for conversion health insurance coverage shall be according to the insurer's table of premium rates in effect on the latter of:

1. The effective date of the converted policy; or

2. The date of application when the premium rate applies to the class of risk to which the covered persons belong, to their ages, and to the form and amount of insurance provided;

(c) The conversion health insurance policy shall cover the group member and eligible dependents covered by the group policy on the date coverage under the group policy terminated;

(d) The effective date of the conversion health insurance policy shall be the date of termination of coverage under the group policy; and

(e) The conversion health insurance policy shall provide benefits substantially similar to those provided by the group policy, but not less than the minimum standards set forth in KRS 304.18-120 [~~In the event coverage would be continued under the group policy on a person or member following his retirement prior to the time he is or could be covered by medicare, he may elect, in lieu of such continuation of group insurance, to have the same conversion rights as would apply had his insurance terminated at retirement by reason of termination of employment~~].

(7) The right to continue group health insurance coverage and the right to conversion health insurance coverage shall also be available:

(a) To the surviving spouse, at the death of the group member, with respect to the spouse and such children whose coverage under the group policy would terminate or terminates by reason of the death of the group member;

(b) To a child solely with respect to himself upon termination of membership in the group or his coverage by reason of operation of the limiting age of coverage under the group policy while covered as a dependent thereunder; or

(c) To a former spouse for himself and such children of whom he is awarded custody when coverage under the group policy would terminate or terminates by reason of termination of dependency as defined in the group policy and resulting from an order dissolving the marriage entered by a court of competent jurisdiction [~~The conversion privilege shall also be available:~~

~~(a) To the surviving spouse, at the death of the person or member, with respect to the spouse and such children whose coverage under the group policy terminates by reason of the death of the person or member; or~~

~~(b) To a child solely with respect to himself upon termination of his coverage by reason of operation of the limiting age of coverage under the group policy while covered as a dependent thereunder; or~~

~~(c) To a former spouse for himself and such children of whom he is awarded custody when coverage under the group policy terminates by reason of termination of dependency as defined in the group policy and resulting from an order dissolving the marriage entered by a court of competent jurisdiction~~].

(8) *Continuation of group health insurance coverage or conversion health insurance coverage need not be granted in the following situations:*

(a) The applicant is or could be covered by medicare;

(b) The applicant is or could be covered by another group coverage (insured or uninsured) or, in the case of conversion health insurance coverage, the applicant is or could be covered by substantially similar benefits by another individual hospital, surgical, or medical expenses insurance policy; or

(c) In the case of conversion health insurance coverage, the issuance of conversion health insurance coverage would cause the applicant to be overinsured according to the insurer's standards, taking into account that the applicant is or could be covered by similar benefits pursuant to or in accordance with the requirements of any statute and the individual coverage described in paragraph (b) of this subsection [~~This section shall not apply to group major medical expense insurance which supplements basic hospital, medical and surgical coverage under one (1) or more group policies, group contracts or group remittance contracts from which a converted policy or a continuation of coverage is available providing benefits equivalent to the minimum benefits for a converted policy under this section~~].

(9) Notice of the right to continue group health insurance coverage and the right to conversion health insurance coverage shall be given as follows:

(a) 1. For group policies delivered, issued for delivery, or renewed after the effective date of this Act, the insurer shall give written notice of the right to continue group health insurance coverage and the right to conversion health insurance coverage to any group member entitled to continue coverage or to conversion coverage under this section upon notice from the group policyholder that the group member has terminated membership in the group or upon termination of continued group health insurance coverage. The thirty-one (31) day period of subsections (2)(b) and (5)(b) of this section shall not begin to run until the notice required by this paragraph is mailed or delivered to the last known address of the group member;

2. Upon replacement of a group policy, the replacing insurer shall determine if there are group members who were covered under the previous group policy who are not covered under the replacing group policy. The replacing insurer shall by writing notify the insurer which issued the previous group policy of such lack of coverage and the insurer which issued the previous group policy shall issue the notice required by paragraph (a) of this subsection;

(b) If a group member becomes entitled to obtain continued health insurance coverage or conversion health insurance coverage pursuant to this section and if such group member has not been given written notice of these rights pursuant to this subsection, such group member shall have an additional period within which to exercise continuation or conversion rights as follows:

1. The additional period shall expire fifteen (15) days after the group member is given notice, but in no event shall the additional period extend beyond sixty (60) days after the expiration of the thirty-one (31) day period following termination from the group or termination of group coverage;

2. Written notice delivered or mailed to the last known address of the group member shall constitute the giving of notice for the purpose of this paragraph.

3. If a group member makes application and pays the premium for continued health insurance coverage or conversion health insurance coverage within the additional period allowed by this paragraph, the effective date of continued health insurance coverage shall be the date of termination from the group and the effective date of conversion health insurance coverage shall be the date of termination of group health insurance coverage[~~If a person or member becomes entitled to obtain a converted policy pursuant to the foregoing provisions, and if~~

~~such person or member has not been given written notice of the existence of the conversion privilege stated above, within thirty-one (31) days of termination of the group coverage, then in such event the person or member shall have an additional period within which to exercise the conversion privilege. This additional period shall expire fifteen (15) days after the person or member shall have been given said notice but in no event shall the additional period extend beyond sixty (60) days after the expiration of the thirty-one (31) day conversion period stated above. Written notice presented to the person or member or mailed by the policyholder to the last known address of the person or member or mailed by the insurer to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this subsection. If an additional period is allowed the person or member for exercise of the conversion privilege as provided herein, and if written application for the converted policy, accompanied by the first quarterly or semiannual or annual premium, is made after the expiration of the thirty-one (31) day conversion period stated above, but within the additional period allowed an employe or member in accordance with this subsection, the effective date of the converted policy shall be the date of termination from the group~~].

Section 2. KRS 304.18-120 is amended to read as follows:

(1) A converted policy issued pursuant to the conversion privilege contained in a group policy providing hospital or surgical expense insurance shall provide on an expense incurred basis, the following minimum benefits:

(a) Hospital room and board benefits of twenty-five dollars ($25.00) per day, for a minimum duration of seventy (70) days for any one period of hospital confinement as defined in the converted policy.

(b) Miscellaneous hospital expense benefits for any one period of hospital confinement in a minimum amount up to twenty (20) times the hospital room and board daily benefit provided under the converted policy.

(c) Surgical operation expense benefits according to a relative value schedule, or a minimum of $250.

(d) The option to continue any existing benefits on account of pregnancy, childbirth, or miscarriage.

(2) The relative values in the surgical schedule shall be consistent with the schedule of operations generally offered by the insurer under group or individual health insurance policies. In the event that the insurer and the group policyholder agree upon one (1) or more additional plans of benefits to be available for converted policies, the applicant for the converted policy may, at his option, elect such a plan in lieu of a converted policy providing the benefits of paragraphs (a), (b) and (c) of subsection (1) of this section. In no event shall the benefits be less than the minimums set forth in subsection (1) of this section.

(3) In no event need the insurer provide under the converted policy:

(a) Benefits on account of abortion or complications thereof,

(b) The benefits of paragraphs (a) and (b) of subsection (1) of this section, unless the group policy from which conversion is made provided hospital expense insurance benefits, or

(c) The benefits of paragraph (c) of subsection (1) of this section, unless the group policy provided surgical expense insurance benefits. Furthermore, the converted policy may contain any exclusion, reduction, or limitation contained in the group policy and any exclusion, reduction or limitation customarily used in individual policies issued by the insurer. With respect to any person who was covered by the group policy, the period specified in the time limit on certain defenses of the incontestable provision of the converted policy shall commence with the date the insurance on such person or member became effective under the group policy.

(4) The converted policy may provide*:*

(a) That any hospital, surgical, or medical expense benefits otherwise payable thereunder with respect to any person covered thereunder may be reduced by the amount of any such benefits payable under the group policy for the same loss with respect to such person after termination of such person's coverage thereunder. The insurer shall not be entitled to use deterioration of health as the basis for refusing to renew a converted policy*;*

(b) [~~. The converted policy may provide~~] For termination of coverage thereunder on any person when he is or could be covered by Medicare (Title XVIII of the United States Social Security Act as added by the Social Security Amendments of 1965 or as later amended or superseded)*;*[~~.~~]

(c)[~~(5)~~] *That* [~~A converted policy may include a provision whereby~~] the insurer may request information in advance of any premium due date of such policy of any person covered thereunder as to whether:

1.[~~(a)~~] He is covered for similar benefits by another hospital, surgical or medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program; or

2.[~~(b)~~] Similar benefits are provided for, or available to, such person pursuant to, or in accordance with the requirements of, any statute*;*[~~.~~]

(d) That if any such person is so covered or such statutory benefits are provided or available, and such person fails to furnish the insurer the details of such coverage within thirty-one (31) days after the date of such request, the benefits payable under the converted policy may be based on the hospital or surgical or medical expenses actually incurred after excluding expenses to the extent of the amount of benefits provided or available therefor from any of the sources referred to in *paragraph (c)* [~~paragraphs (a) and (b)~~] of this subsection*; and*[~~.~~]

(e) For [~~A converted policy may contain~~] any provisions permitted herein and may also include any other provisions not expressly prohibited by law; and any provision required to be permitted herein may be made a part of any such policy by means of an endorsement or rider.

Section 3. KRS 304.32-151 is amended to read as follows:

Any group policy, group plan or group contract issued, delivered or renewed [~~in this state~~] by a nonprofit hospital, medical-surgical, or health service corporation shall include [~~a~~] conversion *and continuation rights* [~~privilege~~] for [~~individual~~] certificate holders equal to that provided in KRS 304.18-110 subject to the minimum benefits specified in KRS 304.18-120.

Section 4. KRS 304.38-191 is amended to read as follows:

Any group policy, group plan or group contract issued, delivered or renewed [~~in this state~~] by a health maintenance organization shall include [~~a~~] conversion *and continuation rights* [~~privilege~~] for [~~individual~~] certificate holders equal to that provided in KRS 304.18-110 subject to the minimum benefits specified in KRS 304.18-120.

Section 5. The following KRS sections are repealed:

304.32-152 Continuation of group coverage.

304.38-192 Continuation of group coverage.

SB 275, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 15 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of KRS 304.15-310(1)(b) and (d), companies which comply with the provisions of KRS 304.15-342 may issue policies of life insurance which differ from their existing or currently filed policies only in that they do not provide for any cash surrender value prior to the death of the life insured. However, if a policy provides for any cash surrender value, endowment, or pure endowment prior to the death of the life insured, this exemption shall not apply. Provided, further, that any policy without cash surrender values, for which one (1) or more cash surrender values would otherwise have been required, shall contain on its first page, a concise, exact description, set out in contrasting type at least four (4) points larger than used in the body of that page a statement in a prominent place that such values are not provided and that no policy loans are available under the policy. Further, the insurer shall provide to each prospective purchaser of such a policy a policy summary, the form of which shall be filed for approval pursuant to KRS 304.14-120, which includes the same description as the policy, similarly displayed, and which shows the premium said insurer charges for the same policy when cash values are included. Such policy summary shall be delivered before any premium is accepted.

(2) Such policies shall provide for a paid-up nonforfeiture benefit as required by KRS 304.15-310(1)(a) and

(c). The amount or period of any paid-up nonforfeiture benefit shall be determined from a nonforfeiture amount determined as provided by KRS 304.15-330 for an otherwise similar policy with cash surrender values. The nonforfeiture amount, at any time, shall not be less than the amount of the minimum cash surrender value required by KRS 304.15-320 for an otherwise similar policy with cash surrender values.

(3) Except for the requirement of payment upon surrender, the nonforfeiture amounts for such policies shall be subject to all provisions of subtitle 15 which apply to the cash surrender values of otherwise similar life insurance policies with cash surrender values.

(4) KRS 304.15-110 shall not apply to policies which do not provide cash surrender values.

SB 277, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.4-010 is amended to read as follows:

The commissioner shall collect in advance fees, licenses and miscellaneous charges as follows:

(1) Annual statement:	
(a) Filing each year	$100.00
(b) Filing additional or supplemental statement in same year	100.00
(2) For filing charter documents:	
(a) Original charter document, bylaws and records of organization, or certified copies thereof, required to be filed	100.00
(b) Amended charter documents, bylaws and records of organization, or certified copies thereof	50.00
(3) Certificate of authority:	
(a) Issuance of original certificate	500.00
(b) Amending, to add a line	50.00
(c) Renewal, each year	100.00
(4) Organization of domestic mutual insurers:	
Filing application for solicitation permit and issuance of such permit	200.00
(5) Self insurer:	
(a) Application to become self-insurer under Subtitle 39	200.00
(b) Annual review of status under Subtitle 39	100.00
(c) Notification of self-insurance program under Subtitle 32	50.00
(6) Agent's licenses, foreign and alien insurers:	
(a) License for life insurer, whether or not health insurance is included, biennial	40.00
(b) License for industrial life insurer, only, biennial	40.00
(c) License for other insurance, each insurer represented, biennial	40.00
(d) Limited license as travel insurance agent, biennial	40.00

(e) Temporary license as property and casualty agent	20.00
(f) Temporary license as life and health agent	20.00
(g) Nonresident agent, biennial	50.00
(7) Surplus lines broker, biennial	100.00
(8) Solicitor's license, biennial	20.00
(9) Adjuster's license, biennial	50.00
(a) Temporary license as apprentice adjuster	25.00
(b) Administrator license, biennial	*50.00*
(10) Consultant's license, biennial	50.00
(11) Agent's licenses, fraternal benefit societies, Subtitle 32 corporations, health maintenance organizations, prepaid dental plan organizations, biennial	40.00
(12) Examination, for or in connection with licensing of agents, solicitors, adjusters, and consultants	50.00
(13) Annual registration fee of unauthorized insurer	500.00
(14) Advisory organizations:	
(a) Application for license	500.00
(b) Annual renewal	100.00
(15) Rate and form filings:	
(a) Rate level revision filing in a non-competitive market	100.00
(b) Other rate and form filings	5.00
(16) Premium finance company license issuance and annual renewal	100.00
(17) Cost of administering Subtitle 32 per membership contract in force on December 31st of each year, except the health insurance contract or contracts for state employes as authorized by KRS 18A.225	.10
(18) Miscellaneous services:	
(a) Filing other documents, each	5.00
(b) Commissioner's certificate under seal, other than certificates, licenses, and other documents above provided for, each	5.00
(c) For copies of any document on file with the commissioner, per page	.50
(d) Copy of annual statements, per page	1.00

SECTION 2. A NEW SECTION OF KRS 304.9-050 TO 304.9-060 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) An "administrator" is a person who collects charges or premiums from or who adjusts or settles claims on, residents of this state in connection with life insurance, health insurance, annuities, nonprofit hospital, medical-surgical, dental, and health service corporation contracts, health maintenance organization contracts, or prepaid dental plan organization contracts or other life, health, or annuity benefit plans. The following are not considered to be acting as administrator:

(a) An employer acting on behalf of its employes or the employes of one (1) or more subsidiary or affiliated corporations of the employer;

(b) A union on behalf of its members;

(c) An insurer, which is either authorized or permitted to transact business in Kentucky or acting as an insurer with respect to a contract lawfully delivered or issued for delivery by it in and pursuant to the laws of a state in which it was authorized or permitted to do business;

(d) A life or health insurance agent licensed in Kentucky whose activities are limited exclusively to the sale of insurance;

(e) A creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;

(f) A trust, its trustees, agents, and employes acting thereunder, established in conformity with 29 U.S.C. 186;

(g) A trust exempt from taxation under 26 U.S.C. Sec. 501(a), its trustees, and employes acting thereunder, or a custodian, its agents, and employes acting pursuant to a custodian account which meets the requirements of 26 U.S.C. Sec. 401(f);

(h) A bank, credit union, or other financial institution which is subject to supervision or examination by federal or state banking authorities;

(i) A credit card issuing company which advances for and collects premiums or charges from its credit card holders who have authorized it to do so, provided such company does not adjust or settle claims; or

(j) A person who adjusts or settles claims in the normal course of practice or employment as an attorney at law, and who does not collect charges or premiums in connection with coverages issued by insurers.

(2) "Insurance" is coverage issued by an insurer as defined herein.

(3) An "insured" is a person covered under an insurance contract, nonprofit hospital, medical-surgical, dental, and health service corporation contract, health maintenance organization contract, prepaid dental plan organization contract, or other source of benefits.

(4) An "insurer" is an insurer, nonprofit hospital, medical-surgical, dental, health service corporation, health maintenance organization, prepaid dental plan organization, or other sources of benefits.

SECTION 3. A NEW SECTION OF KRS 304.9-050 TO 304.9-060 IS CREATED TO READ AS FOLLOWS:

(1) No person shall in this state be, act as, or hold himself out to be an administrator unless then licensed as an administrator by the commissioner.

(2) For the protection of the people of this state, the commissioner shall not issue, continue, or permit to exist any administrator license for any person unless such person demonstrates to the satisfaction of the commissioner that the following standards are met:

(a) If a natural person, the applicant has attained the age of twenty-one (21) years;

(b) The applicant is competent, trustworthy, reliable, and of good reputation;

(c) The applicant has attained an educational level acceptable to the commissioner;

(d) The applicant is financially responsible;

(e) The applicant has not had any license issued by the commissioner, or application therefor, terminated for cause;

(f) The applicant has paid the fee prescribed in KRS 304.4-010;

(g) If a corporation or firm, each person authorized to act for the corporation or firm under its administrator license must hold an administrator license; and

(h) Administrator licenses shall be issued by the commissioner to expire on March 31, 1987, and to be renewed biennially thereafter.

(3) The license of an administrator may be suspended or revoked, a civil penalty imposed in lieu thereof, or both, for any reason an insurance agent's license could be suspended or revoked, a civil penalty imposed in lieu thereof, or both, pursuant to KRS 304.9-440. The procedures of KRS 304.9-440, 304.9-450, and 304.9-460 relating to suspended or revoked insurance agent licenses apply to administrator licenses.

(4) Nonresident administrators are deemed to have irrevocably appointed the secretary of state as agent for the acceptance of service of process issued in Kentucky in any action or proceeding against the licensee arising out of such licensing or out of transactions under the license. The secretary of state shall administer service of process on nonresident administrators in the manner of service of process on nonresident insurance agents.

SECTION 4. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

(1) No administrator shall act as such without a written agreement between the administrator and the insurer. Such written agreement shall be retained as part of the official records of both parties to the transaction for the duration of the agreement and at least five (5) years thereafter. Such written agreement shall contain provisions which include the requirements of Sections 5 through 10 of this Act, except insofar as those requirements do not apply to the functions performed by the administrator.

(2) Where a contract is issued to a trustee or trustees, a copy of the trust agreement and any amendments thereto shall be furnished to the insurer by the administrator and shall be retained as part of the official records of both parties for the duration of the contract and at least five (5) years thereafter.

SECTION 5. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

When an insurer utilizes the services of an administrator under the terms of a written contract as required in Section 4 of this Act, the payment to the administrator of any premiums or charges for insurance by or on behalf of the insured shall be deemed to have been received by the insurer. However, in the payment of return premiums or claims by the insurer to the administrator, payment shall not be deemed payment to the insured until such payments are received by the insured. Nothing herein shall limit the right of the insurer against the administrator resulting from the administrator's failure to make payments to the insurer or any insured.

SECTION 6. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

Every administrator shall maintain at its administrative office, for the duration of the written agreement referred to in Section 4 of this Act and at least five (5) years thereafter, adequate books and records of all transactions between it, insurers, and insureds. Such books and records shall be maintained in accordance with prudent standards of insurance industry recordkeeping. The commissioner shall have access to such books and records for the purpose of examination, audit, and inspection.

Any trade secrets contained therein, including but not limited to the identity and addresses of insureds, shall be confidential except the commissioner may use such information in any proceedings instituted against the administrator. An insurer shall retain the right to continuing access to such books and records of the administrator sufficient to permit the insurer to fulfill all of its contractual obligations to insureds subject to any restrictions in the written agreement between the insurer and administrator on the proprietory rights of the parties in such books and records. Any examination or any part of the examination of any administrator shall be made by the commissioner or by examiners designated by him and shall be at the expense of the administrator examined as specified in subtitle 2 of this chapter.

SECTION 7. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

An administrator may use only such advertising pertaining to its business underwritten by an insurer as has been approved by such insurer in advance of its use.

SECTION 8. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

All charges or premiums collected by an administrator on behalf of or for an insurer and return premiums or charges received from such insurer shall be held by the administrator in a fiduciary capacity. Such funds shall be immediately remitted to the person or persons entitled thereto, or shall be deposited promptly in a fiduciary bank account established and maintained by the administrator. If charges or premiums so deposited have been collected on behalf of or for more than one (1) insurer, the administrator shall cause the bank in which such fiduciary account is maintained to keep records clearly recording the deposits and withdrawals from such account on behalf of or for each insurer. The administrator shall promptly obtain and keep copies of all such records and, upon request of an insurer, shall furnish such insurer with copies of such records pertaining to deposits and withdrawals on behalf of or for such insurer. The administrator shall not pay any claim by withdrawals from such fiduciary account. Withdrawals from such fiduciary account shall be made, as provided in the written agreement between the administrator and the insurer, for:

(1) Remittance to an insurer entitled thereto;

(2) Deposit in an account maintained in the name of such insurer;

(3) Transfer to and deposit in a claims paying account with claims to be paid as provided in Section 9 of this Act;

(4) Payment to a group policyholder for remittance to the insurer entitled thereto;

(5) Payment to the administrator of its commission, fees, or charges; or

(6) Remittance of return premium or charges to any person entitled thereto.

SECTION 9. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

(1) All claims paid by the administrator from funds collected on behalf of the insurer shall be paid only on drafts of and as authorized by such insurer.

(2) With respect to any contracts where an administrator adjusts or settles claims, the compensation to the administrator with regard to such policies shall in no way be contingent on claim experience. This subsection shall not prevent the compensation of an administrator from being based on premiums or charges collected or number of claims paid or processed.

SECTION 10. A NEW SECTION OF KRS 304.9-370 TO 304.9-380 IS CREATED TO READ AS FOLLOWS:

Where the services of an administrator are utilized, the administrator shall provide a written notice approved by the insurer to insureds advising them of the identity of and the relationship among the administrator, the group contract holder, and the insurer. Where an administrator collects funds, it must identify and state separately in writing to the person paying to the administrator any charge or premium for coverage the amount of any such charge or premium specified by the insurer for such coverage.

Section 11. KRS 304.99-020 is amended to read as follows:

(1) For any violation of this code where the commissioner has the power to revoke or suspend a license or certificate of authority he may in lieu thereof or in addition to such revocation or suspension impose a civil penalty against the violator in the case of an insurer, *fraternal benefit society, nonprofit hospital, medical-surgical, dental, and health service corporation, health maintenance organization or prepaid dental plan organization,* of not more than ten thousand dollars ($10,000) per violation; in the case of an agent, broker or solicitor of not more than one thousand dollars ($1,000) per violation; in the case of an adjuster, *administrator,* or consultant of not more than two thousand dollars ($2,000) per violation.

(2) Such civil penalty may be recovered in an action brought thereon in the name of the Commonwealth of Kentucky in any court of appropriate jurisdiction.

(3) In any court action with respect to a civil penalty, the court may review the penalty as to both liability and reasonableness of amount.

SCR 59, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the proportion of persons without health insurance in Kentucky and develop legislation to improve access to health care for this population.

WHEREAS, over 550,000 Kentuckians, approximating 15% of the total population of the Commonwealth, lack health insurance coverage; and

WHEREAS, the number of Kentuckians living below the federal poverty level of $5,250 per year that do not qualify for medical assistance exceeds 193,000 persons; and

WHEREAS, a high proportion of Kentuckians are employed in low paying service jobs that do not provide health insurance; and

WHEREAS, unemployment places more Kentuckians at risk of being uninsured and Kentucky has an unemployment rate of 8.9% as compared with a national rate of 6.9%; and

WHEREAS, hospitals in Kentucky are providing in excess of $64 million each year for free care for the medically indigent; and

WHEREAS, much of the health care provided to the uninsured in hospitals could be provided in less costly non-institutional settings; and

WHEREAS, the total amount of uncompensated hospital care is growing at a rate of over 12% annually; and

WHEREAS, the lack of preventative and primary medical care causes many uninsured Kentuckians to delay necessary medical treatment thereby leading to greater expenditures for institutional care; and

WHEREAS, despite expenditures in the Kentucky medical assistance program approaching $600 million per year, the number of uninsured Kentuckians continue to rise;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is directed to identify low income target populations most at risk of being uninsured in Kentucky and develop model legislation to improve access to health care for this population.

Section 2. The study should include an analysis and recommendations in the following areas:

(1) Developing funding pools that draw on public and private sources to provide health insurance to the uninsured;

(2) Developing affordable standard or limited benefit health insurance plans targeted to the uninsured;

(3) Assuring that care provided to the uninsured will be of the highest quality;

(4) Stimulating the development of more efficient delivery systems for the provision of primary and acute health care;

(5) Expanding current public health programs to cover the medically uninsured;

(6) Providing public or private financial support to health care facilities providing a disproportionate share of care to the uninsured; and

(7) Identifying or developing a stable source of public or private funding for any program designed to serve the medically uninsured.

Section 3. The Legislative Research Commission shall report its findings and recommendations on improving access to health care for the medically uninsured to the Kentucky General Assembly no later than January 1, 1988.

Section 4. The Legislative Research Commission is directed to apply for funding from the Robert Wood Johnson Foundation's "Health Care for the Uninsured Program" to carry out this study. In the event such funding is not received from the foundation, the Legislative Research Commission shall determine whether sufficient funds are available in its budget to conduct this study.

The Committee on Labor and Industry reported HB 644 and HB 695 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 644, AN ACT relating to collective bargaining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context clearly requires otherwise:

(1) "Appropriate official" for the Commonwealth shall mean the governor or his designee and for other public employers shall mean the person or his designee who is responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer;

(2) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to an impartial third party for a decision which may be final and binding in accordance with the provisions of this Act;

(3) "Budget submission date" means the date by which under the law or practice a public employer's proposed budget containing proposed expenditures applicable to such public employer is submitted to the legislative body. For the purposes of this Act, the budget submission date for the Commonwealth shall be the date prescribed in KRS 48.050;

(4) "Collective bargaining" or "bargain collectively" means the performance of the mutual obligation of the public employer and exclusive representative to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the wages, hours and other conditions of employment affecting such public employes and to execute a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this definition does not compel either party to agree to a proposal or to make a concession;

(5) "Employe organization" means any association or organization of any kind in which public employes participate and which exists for the primary purpose of dealing with public employers concerning wages, hours and other conditions of employment;

(6) "Exclusive representative" means the employe organization which has been certified by the secretary as the representative of the majority of public employes in an appropriate unit;

(7) "Fact-finding" means identification of the major issues in a particular impasse, review of the positions of the parties and resolution of factual differences by a fact-finder, and the making of recommendations for settlement of the impasse;

(8) "Impasse" means the failure of the appropriate official and exclusive representative to reach an agreement on a contract within ninety (90) days prior to the budget submission date;

(9) "Legislative body" means the general assembly of the Commonwealth of Kentucky, the district school board, the governing body of a municipality, or any governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the wages, hours and other conditions of employment;

(10) "Mediation" means assistance by an impartial third party to reconcile an impasse between the public employer and the exclusive representative;

(11) "Public employe" means any employe of a public employer except elected officials, persons appointed to any board or commission by an elected official, employes of the general assembly of the Commmonwealth of Kentucky and employes of any other legislative body whose principle duties are directly related to the performance of the legislative function, employes on the governor's staff of the Commonwealth of Kentucky and the staff of the appropriate official of the public employer whose principle duties relate to the performance of the governor's or appropriate official's executive duties;

(12) "Public employer" means the Commonwealth of Kentucky, its agencies, or any political subdivision thereof which petitions the secretary of labor to be covered by this Act;

(13) "Secretary" means the secretary of the labor cabinet of the Commonwealth of Kentucky; and

(14) "Strike" means concerted action in failing to report for duty, the wilful absence from one's position, the stoppage or slowdown of work for the purpose of inducing, influencing or coercing a change in the wages, hours and other conditions of employment.

SECTION 2. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) Public employes shall have the right of self-organization and the right to form, join, or assist any employe organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment. Public employes shall have the right to refrain from any or all of such activities.

(2) Employe organizations certified by the secretary as the representative of the majority of public employes in an appropriate unit shall be the exclusive representative for the employes of such unit for the purpose of collective bargaining with respect to wages, hours and other conditions of employment.

(3) Employe organizations certified as the exclusive representative of the public employes in an appropriate unit shall be responsible for representing the interests of all public employes in the unit without discrimination.

(4) Any public employe at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive representative, provided that the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect and the exclusive representative has been given reasonable opportunity to be present.

SECTION 3. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

The public employer and such employe organization as have been certified as the exclusive representative of the public employes in an appropriate unit shall bargain collectively with respect to wages, hours and other conditions of employment.

SECTION 4. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

The secretary shall adopt, amend, or rescind such rules and regulations as are necessary for the proper administration of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

The secretary shall determine in each case the unit appropriate for purposes of collective bargaining. In determining an appropriate unit, the secretary shall take into consideration:

(1) The principles of efficient administration of government;

(2) The number of exclusive representatives with which the employer might have to negotiate;

(3) The organizational structure of the public employer; and

(4) The community of interest among the public employes.

SECTION 6. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) Where there is no exclusive representative certified for an appropriate unit, the secretary shall, upon request of an employe organization showing written proof of at least thirty percent (30%) representation of the public employes within the unit, hold an election to determine representation.

(2) Where there is an exclusive representative certified for an appropriate unit, the secretary shall, upon presentation of a petition for decertification containing at least thirty percent (30%) of the public employes in the unit, hold an election to determine the status of the exclusive representative.

(3) Any election held pursuant to this section shall be held in accordance with administrative regulations promulgated by the secretary.

SECTION 7. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Excluded from the subject of collective bargaining are matters which would:

(1) Interfere with the right of a public employer to:

(a) Supervise employes;

(b) Determine qualifications, standards for work, the nature and content of examinations, suspend, demote, and discharge, or take other disciplinary action against employes for cause;

(c) Relieve an employe from duties because of lack of work;

(d) Determine methods and means by which the employer's operations are to be conducted; and

(e) Take such actions as may be necessary to carry out the mission of the employer in cases of emergencies; and

(2) Affect the retirement benefits received or employe contributions required pursuant to KRS Chapters 16, 69A, 78, 95 and 161.

SECTION 8. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) In bargaining collectively with the exclusive representative, the appropriate official shall consult with and attempt to represent the views of the legislative body of the public employer. Any collective bargaining agreement reached by the parties shall be reduced to writing. Any agreement signed by the appropriate official and the exclusive representative shall not be binding on the public employer until such agreement has been approved by the legislative body.

(2) Upon execution of the collective bargaining agreement, the appropriate official shall, in his annual budget request or by other appropriate means, request the legislative body to appropriate such amounts as shall be sufficient to fund the provisions of the collective bargaining agreement. If less than the requested amount is appropriated, the collective bargaining agreement shall be administered by the appropriate official on the basis of the amounts appropriated by the legislative body. The failure of the legislative body to appropriate funds sufficient to fund the collective bargaining agreement shall not constitute, or be evidence of, any unfair labor practice.

SECTION 9. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) In the event that the exclusive representative and the appropriate official are unable within ninety (90) days prior to the budget submission date to reach an agreement on a contract, any and all unresolved issues shall within three (3) days be submitted to the secretary for mediation. The secretary shall immediately appoint one (1) of his mediators to meet with the parties and assist in the voluntary resolution of the impasse. If within ten (10) days of the mediator's appointment the impasse is not resolved, said mediator may make recommendations to the secretary and the parties. The parties shall have five (5) days in which to consider the recommendations of the mediator and settle the unresolved issues and any issues remaining unresolved may be referred to binding arbitration.

(2) (a) All issues remaining in dispute after the procedures for voluntary resolution of issues provided in subsection (1) of this section are exhausted may be referred to final and binding arbitration and decision. An arbitrator shall be selected by mutual consent of the parties within ten (10) days from a list of certified arbitrators submitted by and in accordance with administrative regulations promulgated by the secretary. If the parties fail to agree upon an arbitrator within ten (10) days, the secretary shall immediately appoint one; and

(b) The hearing conducted by the arbitrator shall be concluded within thirty (30) days of the time of commencement, and within ten (10) days after the conclusion of the hearings, the arbitrator shall make written findings and recommend a means of resolving the issues presented, a copy of which shall be mailed or otherwise delivered to the exclusive representative and the appropriate official.

SECTION 10. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Public employers, their agents or representatives are prohibited from:

(1) Interfering, restraining or coercing employes in the exercise of the rights guaranteed by this Act;

(2) Dominating or interfering with the formation, existence or administration of any employe organization;

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any employe organization;

(4) Discharging or otherwise discriminating against a public employe because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this Act;

(5) Refusing to bargain collectively in good faith;

(6) Refusing to reduce a collective bargaining agreement to writing and sign such an agreement; and

(7) Violating any provision of this Act or any of the rules and regulations promulgated by the secretary pursuant to Section 4 of this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Employe organizations, their agents, or public employes are prohibited from:

(1) Interfering, restraining or coercing public employes in the exercise of the rights guaranteed by this Act;

(2) Restraining or coercing a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances;

(3) Refusing to bargain collectively in good faith;

(4) Violating any of the rules and regulations promulgated by the secretary pursuant to Section 4 of this Act;

(5) Refusing to reduce a collective bargaining agreement to writing and sign such agreement; and

(6) Calling, instituting, maintaining or conducting a strike or boycott against any public employer.

SECTION 12. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Any violation of Section 10 or 11 of this Act shall be deemed to be an unfair labor practice which shall be resolved in accordance with regulations promulgated by the secretary.

SECTION 13. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

No public employe shall engage in, and no public employe organization shall sponsor or condone any strike by public employes in the Commonwealth of Kentucky.

SECTION 14. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

This Act shall not affect the validity or enforceability of any agreement between an employe organization and a public employer if such contract is in effect on the effective date of this Act; however, any such *agreement which expires subsequent to the effective date of this Act shall be renegotiated under the provisions of this Act unless such agreement is negotiated in accordance with an ordinance adopted pursuant to the provisions of KRS 83.410, or pursuant to KRS Chapter 345 or 78.*

SECTION 15. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

Any public employe, as defined in Section 1 of this Act who is represented by an exclusive representative, as defined in Section 1 of this Act and is covered by a collective bargaining agreement negotiated pursuant to the provisions of this Act shall not be subject to the provisions of KRS Chapter 18A.

Section 16. KRS 64.640 is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, employes of the general assembly, including employes of the legislative research commission, members of boards and commissions, those officers and employes of Kentucky Educational Television exempt from classified service as provided in KRS 18A.115, presidents and employes of the state universities and the state colleges, and persons employed by the commissioner of parks on a temporary basis under KRS 148.026, the department of personnel shall prepare a schedule of compensation, payable out of the state treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employe, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the department of personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 18A.030, 18A.035, 18A.110, 18A.130, 18A.135, and 18A.150 to 18A.160. No such schedule shall become effective until it has been approved by the governor.

(2) The governor shall set the compensation payable out of the state treasury to each officer or position in the state service, which officer or position heads a statutory administrative department, independent agency, or other unit of state government except for those excluded under subsection (1) of this section. Such compensation shall be based upon studies of the duties and responsibilities and classification of the positions by the governor and upon a comparison with compensation being paid for similar or comparable services elsewhere, provided, however, such compensation shall not exceed the amount provided for compensation to the governor in KRS 64.480, the provisions of KRS 64.660 to the contrary notwithstanding.

(3) The compensation payable out of the state treasury to officers and employes subordinate to any office or position covered by subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position, except with respect to physicians as provided in KRS 64.655 and employes of the public service commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the department of personnel with the approval of the governor as provided in subsection (1) of this section.

(4) Nothing in this section shall preclude the allowance of maintenance to officers and employes of the state.

(5) Any public employe, as defined in Section 1 of this Act who is represented by an exclusive representative, as defined in Section 1 of this Act and is covered by a collective bargaining agreement negotiated pursuant to the provisions of this Act shall not be subject to the provisions of this section.

HB 695, AN ACT relating to the state building code.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 198B.060 is amended to read as follows:

(1) Each local government in the state of Kentucky shall employ a building official or inspector and other code enforcement personnel as necessary, or shall contract for such services in accordance with subsections (8) and (10) of this section to enforce the uniform state building code within the boundaries of its jurisdiction, and shall neither adopt nor enforce any other ordinance regulating buildings which conflicts with the uniform state building code, except that a building code adopted by a local government prior to March 28, 1978 may continue in effect until such time as the uniform state building code becomes mandatory within that local government jurisdiction.

(2) Local governments shall be responsible for the examination and approval or disapproval of plans and specifications for churches having a capacity of four hundred (400) or less persons, and six thousand (6,000) or less square feet of total floor area, and buildings of no more than three (3) stories in height, exclusive of attic and basement, which do not contain more than 20,000 square feet of floor area, and are not intended for educational, institutional or high hazard occupancy; or assembly, business or industrial occupancy in excess of one hundred (100) persons, except churches as stated above, or for use as a frozen food locker plant as defined in KRS 221.010. Local governments shall be responsible for the issuance and revocation of building permits, licenses, certificates and similar documents which cover activities within their area of responsibility, and the inspection of all buildings pursuant to the provisions of this chapter and the uniform state building code. Each local government issuing a building or demolition permit or an initial certificate of occupancy on a new structure shall send a copy of such permit or certificate to the commissioner for his use in maintaining an accurate housing inventory for Kentucky.

(3) Urban-county governments may determine service districts within their boundaries within which farm dwellings and other farm buildings, not used in the business of retail trade or as a place of regular employment for ten (10) or more people, shall be exempt from the requirements of the uniform state building code. Such determination may be reviewed and altered by the board.

(4) The department shall be responsible for the examination and approval or disapproval of plans and specifications for all buildings which are not the responsibility of local governments. The department may issue and revoke permits, licenses, certificates and similar documents within its area of responsibility, and shall have concurrent jurisdiction with local governments for the inspection of all buildings pursuant to the provisions of this chapter and the uniform state building code. If the commissioner determines that the local jurisdiction is not adequately performing any portion of its program, he may recommend to the board that the department preempt that portion of a local program. The commissioner shall explain his reasons for preemption in writing and provide a copy to the board and the local jurisdiction. The local jurisdiction may appeal the recommended preemption directly to the board, and the board shall review such appeal according to the procedures found in subsections (8) through (12) of KRS 198B.070. No preemption by the department shall take place until the final decision of the board. If the department preempts any portion of a local program, it shall collect the fees applicable to that portion of the program.

(5) Any local government may petition the commissioner requesting that additional plan review functions be allocated to that local government. Such petition shall include evidence of the local government's capability to perform additional plan review functions. The commissioner, after review of the petition and supporting evidence, may grant or deny to the local government any part of a request for additional responsibility. If the commissioner denies any part of a petition, he shall explain his reasons for denial in writing, and provide a copy to the board and the local government. A local government may appeal such denial directly to the board, and the board shall review such appeal according to the procedures found in subsections (8) through (12) of KRS 198B.070. Should the local government be granted additional responsibility by the commissioner or the board, the department shall hold concurrent jurisdiction over such additional responsibility, but the local government shall collect any fees for functions it performs pursuant to such additional responsibility.

(6) Any local government may also petition the commissioner requesting that plans and specifications inspection, building inspection, and approval responsibility relating to the application of local plumbing permits for local installations be allocated to the local government. The petition shall not be granted unless the local government has demonstrated to the commissioner that it can perform these functions in accordance with the provisions of KRS 198B.050—KRS 198B.090.

(7) The commissioner shall expedite the review of plans and specifications by assigning responsibilities and coordinating review activities among the department's various functional offices so as to prevent unnecessary duplication in the review of plans and specifications.

(8) Upon the effective date of the uniform state building code, no building shall be constructed in this state until a local building official and an official representing the department, if the department has jurisdiction, issue a permit for such construction.

(a) The local building official or the representative of the department shall issue a permit if the proposed building satisfies the requirements of the uniform state building code and if the party desiring to construct the building has complied with all other legal requirements concerning the location and construction of said building. The applicant for a building permit, by the act of applying for the permit, is deemed to have consented to inspection, by the local government or the department, of such building during construction and upon the completion of construction for the purpose of determining that such building is constructed in compliance with the uniform state building code.

(b) After a certified electrical inspector has been employed, contracted for or with, or otherwise provided for by the local government or the department, no utility shall initiate permanent electrical service to any new building until a final certificate of approval has been issued by a certified electrical inspector. Unless the department shall notify the utility in writing as to which buildings are subject to departmental approval, it shall be presumed by the utility that the building is subject to the jurisdiction of the local government. However, nothing in this section shall prohibit the supply or use of necessary electrical services during the construction and testing process.

(c) This section shall apply to industrialized building systems but destructive disassembly of industrialized building systems which carry a seal of approval pursuant to a manufactured building law in the state in which they were manufactured, which seal of approval is accepted by the board of housing, buildings and construction, shall not be performed in order to conduct such tests or inspections.

(9) No building on which construction was begun nor any industrialized building system on which site preparation and assembly were begun after the uniform state building code became effective shall be occupied until the local building official or a representative of the department issues a certificate of occupancy certifying that the building was constructed in conformance with the standards of the uniform state building code, or assembled or installed in conformance with applicable instructions.

(10) A local government may associate with other local governments, and may seek the technical assistance of other agencies or area development districts in order to provide for the local enforcement of the uniform state building code.

(11) Local governments or associations of local governments may contract with a person, firm, or company to perform the plans and specifications inspection or building inspection functions required of the local government by the provisions of this section provided that:

(a) The person performing the plans and specifications inspection is certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a certified plans and specifications inspector.

(b) The person performing the building inspection is certified by the department as having successfully completed the test requirements provided in KRS 198B.090 to practice as a certified building inspector.

(c) The person, firm or company does not have a conflict of interest between its plan review or inspection functions and any other employment or business activities.

(d) The person performing the plumbing inspection is certified by the department as having successfully completed the requirements provided in KRS 318.140 to practice as a certified plumbing inspector.

(e) The person, firm or company does not have a conflict of interest between its plan review or inspection functions and any other employment or business activities.

(12) If the department determines that an inspector is not enforcing the provisions of the Kentucky building codes, it shall require a hearing to review the inspector's procedures and return in written form the required corrections resulting from the hearing to the inspector.

(13) If, after written notification from the department to the inspector of the corrections required, the inspector fails to comply within sixty (60) days, the department shall suspend the inspector's certification until the inspector complies.

(14) Each local government and the department may establish a schedule of fees for the functions performed under the provisions of this chapter. Such fees shall be designed to fully cover the cost of the service performed but shall in no case exceed the cost of the service performed. Fees payable to the department shall be paid into the state treasury and credited to a trust and agency fund to be used by the department in carrying out the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth.

Report on Enrolled Bills

The Committee on Enrollment reported SB 28, SB 76, and SB 240 had been examined and found correctly enrolled. Said bill read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time -2:20 p.m.)

Orders of the Day

HB 685 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that HB 685 be passed.

On the roll call the vote was: Yeas 95, Nays 1. (See March 11, 1986, roll call on HB 685—Appendix A.)

HB 685 was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 685 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 568, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bronger moved the adoption of the Committee Amendment No. 1 to HB 568. Agreed.

Representative Bronger moved that HB 568, as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 3. (See March 11, 1986, roll call on HB 568—Appendix A.)

HB 568, as amended, was passed and the title agreed to.

Representative Bronger moved that the vote by which HB 568, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 709, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Floor Amendment No. 1 to HB 709. Agreed.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 2 to HB 709. Rejected.

Representative Lear moved the adoption of the Floor Amendment No. 4 to HB 709. Rejected.

Representative Bruce moved that HB 709, as amended, be passed.

On the roll call the vote was: Yeas 97, Nays 0. (See March 11, 1986, roll call on HB 709—Appendix A.)

HB 709, as amended, was passed and the title agreed to.

Representative Bruce moved that the vote by which HB 709, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 570, with Committee Substitute, Committee Amendment, and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Long moved the adoption of the Committee Substitute to HB 570. Agreed.

Representative Long moved that HB 570, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 11, 1986, roll call on HB 570—Appendix A.)

HB 570, by way of Committee Substitute, was passed.

Representative Long moved the adoption of the Committee Title Amendment to the Committee Substitute to HB 570. Agreed; and the title was agreed to.

Representative Long moved that the vote by which HB 570, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 686 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that HB 686 be passed.

On the roll call the vote was: Yeas 93, Nays 1. (See March 11, 1986, roll call on HB 686—Appendix A.)

HB 686 was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 686 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 706, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the Committee Amendment No. 1 to HB 706. Agreed.

Representative Pearman moved that HB 706, as amended, be passed.

On the roll call the vote was: Yeas 83, Nays 11. (See March 11, 1986, roll call on HB 706—Appendix A.)

HB 706, as amended, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 706, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 326, with Committee Substitute, Committee Amendment, and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Committee Substitute to HB 326. Agreed.

Representative Morris moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to HB 326. Agreed.

Representative Morris moved that HB 326, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 50, Nays 42. (See March 11, 1986, roll call on HB 326—Appendix A.)

HB 326, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Morris moved that the vote by which HB 326, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 262, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Clarke moved the adoption of the Committee Substitute to HB 262. Agreed.

Representative Cowan moved that HB 262, by way of Committee Substitute, be passed.

Representative Keith moved the adoption of the Floor Amendment No. 2 to the Committee Substitute to HB 262.

Representative Stumbo inquired whether Floor Amendment No. 2 to HB 262 met the requirement of Rule 61.

The Speaker ruled Floor Amendment No. 2 to HB 262 met the requirement of Rule 61.

On the roll call the vote was yeas 37—Allen, Bendl, F. Brown, Bruce, Crupper, Donnermeyer, Ellington, Ford, Gregory, Guenthner, J. Harper, Heleringer, Hines, Holbrook, Jensen, Johnson, Keith, Layman, Lefevers, Lile, Long, Lyne, Morris, Napier, Noland, Overstreet, Preston, Rattliff, Richards, B. Richardson, Siler, Stewart, Strong, Todd, Turner, White, Williams. Nays 33—Blandford, Blevins, Brinkley, Bronger, M. Brown, Burch, L. Clark, Clarke, Cline, Cowan, Curd, Deskins, Gray, K. Harper, R. Jones, T. Jones, Kerr, Lear, LeMaster, Mack, McElroy, McNutt, Meyer, O'Brien, Pearman, Priddy, Rapier, Reinhardt, Rose, Scorsone, Seum, Stumbo, Yates.

Floor Amendment No. 2 to the Committee Substitute to HB 262 was rejected.

On the roll call the vote was: Yeas 92, Nays 4, (See March 11, 1986, roll call on HB 262—Appendix A.)

HB 262, by way of Committee Substitute, was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 262, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 398, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Substitute to HB 398. Agreed.

Representative Clarke moved that HB 398, by way of Committee Substitute, be passed.

Representative Freibert moved the adoption of the Floor Amendment No. 4 to the Committee Substitute to HB 398.

On the roll call the vote was yeas 31—Allen, Bendl, Caldwell, Deskins, Ford, Freibert, Gregory, Guenthner, J. Harper, K. Harper, Heleringer, Holbrook, Jensen, Keith, Layman, Lear, Lefevers, Lile, Maggard, Morris, Napier, Noland, O'Brien, Preston, Rattliff, Reinhardt, Siler, Stewart, Todd, Turner, Williams. Nays 47—Barrows, Bennett, Blandford, Blevins, Bronger, Bruce, Burch, L. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Donnermeyer, Ellington, Farrow, Gray, Hancock, Hines, Johnson, R. Jones, T. Jones, Kerr, LeMaster, Little, Long, Lyne, Mack, McBee, McElroy, McNutt, Meyer, Moberly, Nett, Noe, Pearman, Rapier, Richards, P. Richardson, Riner, Rose, Scorsone, Seum, Strong, Stumbo, Worthington, Yates.

Floor Amendment No. 4 to the Committee Substitute to HB 398 was rejected.

Representative Turner moved the adoption of the Floor Amendment No. 5 to the Committee Substitute to HB 398.

On the roll call the vote was yeas 37—Allen, Caldwell, Dawahare, Farrow, Ford, Gray, Guenthner, J. Harper, K. Harper, Head, Heleringer, Holbrook, Holloway, Jensen, Keith, Kerr, Layman, Lefevers, Lile, Lyne, McElroy, McNutt, Napier, Noland, Overstreet, Preston, Pritchett, Rattliff, Reinhardt, B. Richardson, P. Richardson, Siler, Smith, Stewart, Todd, Turner, Williams. Nays 45—Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, Burch, L. Clark, P. Clark, Clarke, Cowan, Crupper, Curd, Cyrus, Deskins, Donnermeyer, Freibert, Gregory, Hancock, Johnson, R. Jones, T. Jones, Lear, LeMaster, Little, Long, Mack, Maggard, Meyer, Moberly, Net, Noe, O'Brien, Pearman, Rapier, Richards, Rose, Scorsone, Seum, Strong, Stumbo, Thomas, Worthington, Yates.

Floor Amendment No. 5 to the Committee Substitute to HB 398 was rejected.

Representative Cowan moved the adoption of the Floor Amendment No. 3 to the Committee Substitute to HB 398. Rejected.

Representative T. Jones moved the adoption of the Floor Amendment No. 6 to the Committee Substitute to HB 398. Agreed.

Representative McNutt moved that HB 398 be laid on the Clerk's desk in order that an amendment that was not filed on March 10, 1986, due to abrupt adjournment may be filed.

On the roll call the vote was yeas 27—Allen, Caldwell, L. Clark, Dawahare, Ford, Guenthner, K. Harper, Heleringer, Jensen, Johnson, Keith, Kerr, Lile, McElroy, McNutt, Napier, Noland, Preston, Reinhardt, Riner, Siler, Smith, Stewart, Todd, Turner, White, Williams. Nays 44—Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, M. Brown, Burch, Clarke, Cline, Cowan, Curd, Cyrus, Deskins, Ellington, Farrow, Gray, Gregory, Hancock, Handy, J. Harper, Hines, R. Jones, T. Jones, LeMaster, Little, Long, Mack, Maggard, McBee, Meyer, Moberly, Nett, Noe, Overstreet, Rapier, B. Richardson, Rose, Seum, Stone, Strong, Stumbo, Yates.

The motion that HB 398 be laid on the Clerk's desk was rejected.

On the roll call the vote was: Yeas 98, Nays 1. (See March 11, 1986, roll call on HB 398—Appendix A.)

HB 398, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 398, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 632, with Committee Amendment and Floor Amendment, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Committee Amendment No. 1 to HB 632. Agreed.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 1 to HB 632. Agreed.

Representative Donnermeyer moved that HB 632, as amended, be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 11, 1986, roll call on HB 632—Appendix A.)

HB 632, as amended, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 632, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 65, with Committee Substitute, Committee Amendments, and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Floor Amendment No. 2 to HCR 65. Agreed.

Representative Worthington moved that HCR 65, as amended, be passed.

Representative Nett moved that HCR 65 be laid on the table.

On the roll call the vote was yeas 18—Barrows, Bendl, Bennett, Clapp, Curd, Cyrus, Deskins, Gray, Hines, Little, Maggard, Nett, Rapier, Reinhardt, Rose, Stewart, Stone, Stumbo. Nays 75—Arnold, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Long, Lyne, Mack, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Napier, Noland, O'Brien, Overstreet, Pearman, Preston, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Seum, Siler, Smith, Strong, Thomas, Todd, Turner, Williams, Worthington, Yates.

The motion that HCR 65 be laid on the table was rejected.

Representative Hancock moved the adoption of the Floor Amendment No. 4 to HCR 65.

Representative Gray moved that Floor Amendment No. 4 to HCR 65 be laid on the table.

On the roll call the vote was yeas 22—Barrows, Bendl, Bennett, Clapp, Crupper, Deskins, Gray, Handy, Hines, Little, Maggard, McElroy, Moberly, Nett, Noe, Rose, Scorsone, Seum, Stone, Strong, Stumbo, Thomas. Nays 63—Allen, Arnold, Blandford, Blevins, Brinkley, Bronger, M. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Curd, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gregory, J. Harper, K. Harper, Heleringer, Holbrook, Holloway, Jensen, Johnson, R. Jones, Keith, Kerr, Layman, Lear, LeMaster, Lile, Long, Lyne, Mack, Mann, McBee, McNutt, Meyer, Morris, O'Brien, Overstreet, Pearman, Preston, Rapier, Rattliff, Reinhardt, Richards, P. Richardson, Riner, Smith, Stewart, Todd, Turner, White, Worthington, Yates.

The motion that Floor Amendment No. 4 to HCR 65 be laid on the table was rejected.

Representative B. Richardson inquired whether Floor Amendment No. 4 to HCR 65 violated Section 51 of the Constitution.

The Speaker ruled Floor Amendment No. 4 to HCR 65 was in order.

Floor Amendment No. 4 to HCR 65 was rejected.

Representative Worthington moved that HCR 65, as amended, be passed.

On the roll call the vote was: Yeas 78, Nays 20. (See March 11, 1986, roll call on HCR 65—Appendix A.)

HCR 65, as amended, was passed.

Representative Cowan moved the adoption of the Floor Title Amendment No. 2 to HCR 65. Agreed; and the title was agreed to.

Representative Worthington moved that the vote by which HCR 65, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

Announcing passage of SB 229, SB 327, SB 346, HB 317, HB 356, and HB 603.

HB 209 was returned with the following message: The Senate has refused to recede from its Amendment No. 1 to HB 209 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed.

Motions, Petitions and Communications

Representative Stumbo moved that HB 893 be reassigned to the Committee on Labor and Industry. Agreed.

Representative Stumbo moved that HB 867 be reassigned to the Committee on Labor and Industry. Agreed.

Representative Stumbo moved that HB 363 be recommitted to the Committee on Labor and Industry. Agreed.

Representative Stumbo moved that HB 364 be recommitted to the Committee on Labor and Industry. Agreed.

Representative Stumbo moved that HB 565 be recommitted to the Committee on Natural Resources and Environment. Agreed.

Representative Donnermeyer moved the adoption of the following Legislative Citation No. 48:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes Jill Goetzsche, of Lombardy, East, South Africa, as an exchange student visiting Kentucky and attending Highlands High School, Fort Thomas Independent Schools, in Fort Thomas, Kentucky. This body welcomes you and we are very proud and fortunate to have you visit the "Bluegrass State." Your stay will hopefully be a time of learning and enjoyment as the exchange program has given both of us an opportunity to learn of South Africa, your native country, in exchange for you to participate in Kentucky's programs and activities. This prestigious body extends our very best wishes for a happy and enjoyable stay in our great state and with David and Susan Snyder. (Sponsored by Representative Donnermeyer)

Agreed.

Representative Reinhardt moved the adoption of the following Legislative Citation No. 49:

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Karen Davis, for your laudable service as the Pendleton County Extension Agent for Home Economics. You are to be commended for your unique ability to teach, and for your high level of professionalism as you develop and implement the Cooperative Extension Programs in your community. Your exemplary record demonstrates great personal sacrifices as you have served as; President of the Kentucky Association of Extension Home Economists, and the Kentucky Association of Home Economists; Chairman of the State Public Affairs Committee—State Association of Home Economists, and was awarded the Distinguished Service Award by the National Association of Economists. Your constant efforts and leadership to maintain and improve family life development, public education, nutrition and family economics and management, is most noteworthy. Your dedication and involvement in the programs; Kentucky Wood Festival, Nutrition Fairs, Efficient Energy Use and Conservation, The Job Market for Women and Expanding Nutrition for Low-Income Families reflect your benevolent and humanitarian spirit. This body extends best wishes in your future endeavors. (Sponsored by Representative Reinhardt)

Agreed.

Representative Reinhardt moved the adoption of the following Legislative Citation No. 50:

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Rebecca "Becky" Carloss Page, for your laudable service as the Campbell County Extension Agent for Home Economics. You are to be commended for your leadership in developing programs that contribute to families improved way of life with nutrition, safety, management and economics, health, energy conservation, and community improvement. Your knowledge and wisdom, as you counsel 700 members of the Campbell County Homemakers Association, is exemplary of your humanitarian and benevolent spirit. Your interest and involvement with such programs as; Child Fingerprint/Photo Identification, Preventing Missing and Exploited Children, "Urban-Barnyard", Energy Conservation in the Home, Clothing to Serve the Handicapped, Northern Kentucky Cultural Arts, is most noteworthy and reflects your skills and competency in reaching families in rural and urban communities of Campbell County. The awards and recognitions you have received emulates your high level of professionalism and personal sacrifices. This body extends best wishes to you in your future endeavors. (Sponsored by Representative Reinhardt)

Agreed.

Representative R. Jones moved that the rules be suspended to withdraw HB 200. Agreed.

Representative Ford moved that the rules be suspended to withdraw HB 730, HB 729, and HB 532. Agreed.

Representative O'Brien moved that the rules be suspended to withdraw HB 69. Agreed.

Representative Meyer moved that HB 955 be referred to the Committee on Cities. Agreed.

Representative Stumbo moved that the rules be suspended for Report of Committees and Posting of Bills and Resolutions. Agreed.

Postings of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Appropriations and Revenue: SB 236, SB 237, HB 234 and HB 978.

Counties and Special Districts: HB 935.

Judiciary-Criminal: HB 927, HB 931, HB 936 and HB 986.

Health and Welfare: HB 960 and HB 984.

Natural Resources and Environment: SB 256, HB 985 and HB 804.

Energy: HB 968 and HB 861.

State Government: HB 823 and HB 973.

Labor and Industry: HB 867 and HB 893.

State Government: HB 170, HCR 117 and HCR 135.

Cities: HB 770, HB 955 and HB 818.

The Clerk announced the following bill has been withdrawn from Committee consideration:

Cities: HB 784.

Report of Committees

The Committee on Banking and Insurance reported HB 660, with Committee Substitute attached thereto, and SB 249 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 660, AN ACT relating to insurance agents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) This section shall apply to resident persons licensed to engage in the sale of the following types of insurance: life insurance, annuity contracts, variable annuity contracts and variable life insurance, sickness, accident and health insurance, all lines of property and casualty insurance, and all other lines of insurance for which an examination is required for licensing.

(2) This section shall not apply to those natural persons:

(a) Who hold resident licenses for any kind of insurance for which an examination is not required by KRS 304.9-170;

(b) Who hold a limited or restricted license as the commissioner may exempt;

(c) Who have held a license continuously issued prior to January 1, 1970 for any of the lines of insurance listed in subsection (1) of this section;

(d) Who hold a chartered life underwriter (CLU) or a chartered property and casualty underwriter (CPCU) designation; or

(e) Who are appointed or employed exclusively by a single insurer or a group of insurers under common management.

(3) Resident persons licensed to sell insurance and not exempt under subsection (2) of this section shall biennially satisfactorily complete such courses or programs of instruction as may be approved by the commissioner in the minimum number of classroom hours as follows:

(a) Any person holding a license issued for life only, health only, life and health insurance, property only, casualty only, property and casualty insurance, or any combination thereof, issued subsequent to the effective date of this section shall, during each of the first two (2) twenty-four (24) month periods following issuance of the license, satisfactorily complete courses or programs of instruction or attend seminars equivalent to a minimum of twenty-four (24) classroom hours of instruction for each twenty-four (24) month period, with a maximum of forty-eight (48) accumulated classroom hours for the forty-eight (48) month period; and

(b) All individuals licensed between January 2, 1970 and the effective date of this section for life only, health

only, life and health insurance, property only, casualty only, property and casualty insurance, or any combination thereof, shall satisfactorily complete courses or programs of instruction or attend seminars equivalent to twenty-four (24) hours of instruction for each twenty-four (24) month period.

(4) The courses or programs or instruction successfully completed which shall be deemed to meet the commissioner's standards for continuing educational requirements and the number of classroom hours for which they are equivalent are:

(a) Any part of the life underwriter training council life course curriculum .... twelve (12) hours

(b) Any part of the life underwriter training council health course curriculum................. six (6) hours

(c) Any part of the american college "CLU" diploma curriculum .... twelve (12) hours

(d) Any part of the american institute for property and liability underwriter's chartered property casualty underwriter (CPCU) profession designation program .... twelve (12) hours

(e) Any part of the insurance institute of america's programs .... twelve (12) hours

(f) Any part of the certified insurance counselor program .... twelve (12) hours

(g) Any insurance related course approved by the commissioner taught by an accredited college or university .... six (6) hours

(h) Any course or program of instruction or seminar developed and/or sponsored by any authorized insurer, recognized agents association or insurance trade association or any independent program of instruction, shall, subject to the approval of the commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner; and

(i) Any correspondence course approved by the commissioner shall qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner.

(5) A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such courses, seminar or program.

(6) Excess credit hours accumulated during any two (2) year period may be carried forward.

(7) For good cause shown, the commissioner may grant an extension of time during which the requirements imposed by subsection (3)(a) or (b) of this section may be completed, but such extension of time shall not exceed the period of two (2) years.

(8) Every person subject to this section shall furnish, in a form satisfactory to the commissioner, written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person. Such certification shall be executed by or on behalf of the sponsoring organization.

(9) Any person failing to meet the requirements imposed upon him by this section and who has not been granted an extension of time within which to comply pursuant to subsection (7) of this section, or who has submitted to the commissioner a false or fraudulent certificate of compliance therewith shall, after a hearing thereon, which hearing may be waived by such person, be subjected to the suspension of all licenses issued for any kind or kinds of insurance; and no further license shall be issued to such person for any kind or kinds of insurance until such time as such person shall have demonstrated to the satisfaction of the commissioner that he has complied with all the requirements of this section and all other laws applicable thereto.

The Committee Substitute to HB 660 is as follows:

HB 660, AN ACT relating to insurance agents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 9 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) This section shall apply to resident persons licensed to engage in the sale of the following types of insurance: life insurance, annuity contracts, variable annuity contracts and variable life insurance, sickness, accident and health insurance, all lines of property and casualty insurance, and all other lines of insurance for which an examination is required for licensing.

(2) This section shall not apply to those natural persons:

(a) Who hold resident licenses for any kind of insurance for which an examination is not required by KRS 304.9-170; or

(b) Who hold a limited or restricted license as the commissioner may exempt.

(3) Resident persons licensed to sell insurance and not exempt under subsection (2) of this section who hold a license issued for life only, health only, life and health insurance, property only, casualty only, property and casualty insurance, or any combination thereof, issued subsequent to the effective date of this section shall, during each of the first two (2) twenty-four (24) month periods following issuance of the license, satisfactorily complete courses or programs of instruction or attend seminars equivalent to a minimum of twenty-four (24) classroom hours of instruction for each twenty-four (24) month period, with a maximum of forty-eight (48) accumulated classroom hours for the forty-eight (48) month period.

(4) The courses or programs or instruction successfully completed which shall be deemed to meet the commissioner's standards for continuing educational requirements and the number of classroom hours for which they are equivalent are:

(a) Any part of the life underwriter training council life course curriculum .... twelve (12) hours

(b) Any part of the life underwriter training council health course curriculum................. six (6) hours

(c) Any part of the american college "CLU" diploma curriculum .... twelve (12) hours

(d) Any part of the american institute for property and liability underwriter's chartered property casualty underwriter (CPCU) profession designation program .... twelve (12) hours

(e) Any part of the insurance institute of america's programs .... twelve (12) hours

(f) Any part of the certified insurance counselor program .... twelve (12) hours

(g) Any insurance related course approved by the commissioner taught by an accredited college or university .... six (6) hours

(h) Any course or program of instruction or seminar developed and/or sponsored by any authorized insurer, recognized agents association or insurance trade association or any independent program of instruction, shall, subject to the approval of the commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner; and

(i) Any correspondence course approved by the commissioner shall qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner.

(5) A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such courses, seminar or program.

(6) Excess credit hours accumulated during any two (2) year period may be carried forward.

(7) For good cause shown, the commissioner may grant an extension of time during which the requirements imposed by subsection (3) of this section may be completed, but such extension of time shall not exceed the period of two (2) years.

(8) Every person subject to this section shall furnish, in a form satisfactory to the commissioner, written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person. Such certification shall be executed by or on behalf of the sponsoring organization.

(9) Any person failing to meet the requirements imposed upon him by this section and who has not been granted an extension of time within which to comply pursuant to subsection (7) of this section, or who has submitted to the commissioner a false or fraudulent certificate of compliance therewith shall, after a hearing thereon, which hearing may be waived by such person, be subjected to the suspension of all licenses issued for any kind or kinds of insurance; and no further license shall be issued to such person for any kind or kinds of insurance until such time as such person shall have demonstrated to the satisfaction of the commissioner that he has complied with all the requirements of this section and all other laws applicable thereto.

SB 249, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.1-120 is amended to read as follows:

No provision of this code shall apply to:

(1) Fraternal benefit societies (as identified in subtitle 29), except as stated in subtitle 29.

(2) Nonprofit hospital, medical-surgical, dental and health service corporations (as identified in subtitle 32) except as stated in subtitle 32.

(3) Burial associations (as identified in KRS Chapter 303), except as stated in subtitle 31.

(4) Assessment or cooperative insurers (as identified in KRS Chapter 299), except as stated in KRS Chapter 299.

(5) Insurance premium finance companies (as identified in subtitle 30), except as stated in subtitle 30.

(6) A group or association of health facility and health services institutions subject to the certificate of need and licensure provisions of KRS Chapter 216B *or a group of Kentucky for profit corporations (as defined in KRS Chapter 271A), or the members of a bona fide association*, composed of any number of members, who join together to self insure against professional liability or *public* [~~comprehensive general~~] liability risks for bodily injury or property damage, to anyone except employes for claims arising out of their employment of the members of such group, which arises out of the operation of institutions *or other legal entities* by members of the group and who comply with the following conditions:

(a) Establishment of a professional or *public* [~~comprehensive general~~] liability risk management trust fund to provide adequate coverage for claims made against members of the fund for professional liability or *public* [~~comprehensive general~~] liability risks;

(b) Establishment of a comprehensive loss prevention and risk management program coordinated with an effective claims management system for members of the group;

(c) Filing with the department, on a form to be provided by the department, a certification setting forth the establishment of such a trust fund, the date upon which the trust fund is to become effective, the identity of the members of the trust fund, and a copy of the programs and systems established for the members of the trust fund.

The Committee on Education reported HB 527 with Committee Amendment attached thereto, HB 609, HB 614, HB 684, HB 727, HB 732, HB 764, HB 896 with Committee Amendments attached thereto, HCR 114 with Committee Amendment attached thereto, SB 82 with Committee Amendment attached thereto, SB 83, SB 91, and SB 271 with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 527, AN ACT relating to gifted and talented education programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.607 is amended to read as follows:

An advisory council for gifted and talented education is created and attached to the state board of education to develop and to recommend to the superintendent of public instruction and the state board of education a program of instruction and methods of operation for gifted and talented programs in the Commonwealth.

(1) The advisory council shall be composed of nine (9) voting members appointed by the governor and two (2) non-voting, ex-officio members and it is recommended that:

(a) Two (2) members should be superintendents of local school districts;

(b) Two (2) members should be teachers within local school districts, one (1) who is a gifted and talented teacher in an elementary or secondary school, and one (1) who is a teacher in a regular classroom program;

(c) *Four (4)* [~~Two (2)~~] members should be professors of education*;*[~~, not from the same institution,~~] one (1) a professor of gifted and talented education, [~~and~~] one (1) a professor with expertise in tests and measurements, *one (1) a professor of curriculum and program development and one (1) a professor in program evaluation* from Kentucky public universities.

(d) One (1) member should be a parent advocate of gifted and talented education;

(e) One (1) member should be a parent-at-large;

(f) One (1) member should be a gifted and talented program coordinator from a Kentucky school district; and

(g) The chairman of the Kentucky state board of education and the superintendent of public instruction shall be ex-officio, non-voting members.

(2) The powers and duties of this advisory council shall exist for a period of two (2) years beginning July 15, *1986* [~~1984~~]. Continuation beyond this [~~initial~~] two (2) year period shall be contingent upon re-creation by the general assembly. The program review and investigations committee shall review the activities and accomplishments of this advisory council and the gifted and talented program prior to the next regular session of the general assembly. This committee shall make recommendations to the general assembly regarding the need for continuance of the council, changes in purpose and functions, changes in composition, and changes in appropriations.

(3) Individual appointments to the council shall be made for a two (2) year period beginning July 15, 1984. Members may be reappointed to the council for successive terms if the council is re-created by the general assembly. Vacancies shall be filled by the governor as they occur in a manner consistent with the provisions for initial appointment.

(4) At the first meeting of the council, a chairman shall be elected by and from the membership. An executive secretary appointed by the superintendent of public instruction shall keep records of proceedings and shall prepare approved recommendations for transmission to the superintendent, the state board of education and other appropriate agencies.

(5) The council shall meet at least quarterly during each year and may meet more often at the call of the chairman.

(6) Personnel of the department of education assigned to the gifted and talented program shall serve as staff to the council. The superintendent of public instruction may contract for additional consultation and technical expertise outside the department of education as needed.

(7) All operating expenditures of the council shall be approved by the state board of education and paid through funds budgeted to the gifted and talented education program. Members shall be reimbursed for actual expenses for attendance at council meetings and for other actual expenses incurred in carrying out their official duties.

(8) The advisory council for gifted education shall support the provisions of KRS 158.600 through KRS 158.620. The powers and duties of the advisory council shall be to:

(a) Define the goals and objectives for the instruction of gifted and talented students in the Commonwealth;

(b) Define the student populations who would benefit by the instruction of a gifted and talented program;

(c) Set priorities for student populations who are most in need of instruction, if funding does not permit total service;

(d) Define, *and monitor the implementation of,* the identification criteria and methods which will best delineate students who are to participate in the program from the rest of the elementary and secondary student population;

(e) Determine through a research program the experimental program approaches most effective in attaining the goals and objectives stated by the council and the program's which are most cost-efficient for Kentucky's schools;

(f) Determine the methods by which this research program shall be achieved by the department of education;

(g) Determine the cost of the various gifted and talented instructional services and the best fund allocation method to be used in funding the program;

(h) Design, *and monitor the implementation of,* a statewide [~~implementation~~] plan which integrates the advisory council's recommendations into local school district's programs;

(i) *Monitor the implementation of* [~~Determine~~] a monitoring and ongoing evaluation system to be developed by the department of education *and approved by the council* which will assure implementation of successful program components; and

(j) Recommend to the state board of education and the superintendent of public instruction program grant allotments for approval, including the maximum amount of grants and the amount of each grant based on program approach, number and type of students in the proposed program, grades served and prior years' evaluation results.

(9) The advisory council shall report its activities to the state board of education by way of its meeting minutes and shall adopt a workplan within the first six (6) weeks of its operations; report quarterly to the state board, the governor and the legislative research commission, concerning its scheduled progress; submit an annual written report to the state board of education, the governor and the legislative research commission; and submit a final written report to the general assembly at the end of each biennium which shall include, but not be limited to, all areas of discovery *and monitoring* as outlined in subsection (8) of this section.

Section 2. KRS 158.620 is amended to read as follows:

(1) No later than ninety (90) days after the end of each fiscal year, the local school district shall submit an evaluation report of gifted and talented programs to the state board for elementary and secondary education.

(2) The state department of education, with approval of the state board for elementary and secondary education, shall supply the following information for the legislative research commission and the governor each year:

(a) A definition for the talented and gifted child appropriate for Kentucky;

(b) A *report on* [~~system of reporting~~] program progress *and implementation*;

(c) Information which evaluates effectiveness of the program; and

(d) A ten (10) year plan for implementing a statewide program for talented and gifted children which shall be reviewed and updated each year.

The Committee Amendment No. 1 to HB 527 is as follows:

Amend printed copy of HB 527:

On page one, on lines 8 and 9, bracket and strike through "nine (9)" and insert "*eleven (11)*" in lieu thereof.

HB 609, AN ACT relating to transportation of pupils at the Kentucky School for the Blind and the Kentucky School for the Deaf.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.280 is amended to read as follows:

(1) If the number of children of school age in one (1) classification of exceptionality in a district is not sufficient to justify a special education program for that exceptionality in that district, or if a school district does not provide a special education program for that exceptionality, the board shall provide a program by contract with another county or independent district or private organization that maintains a special education program approved by the state board of education for that exceptionality. When a district or private organization undertakes, under operation of a tuition contract or of law, to provide in its classes for these pupils residing in another district, the district of residence of these pupils shall share the total cost of the special education program in proportion to the number of pupils or in accordance with contract agreement between the two (2) districts or district and private organization.

(2) The school board of the school district in which any child resides shall pay for his transportation to and from the program in the other school district or to the private organization. However, if the school board of the other district or the private organization providing the program also provides transportation, the cost of transportation shall be included in the total cost.

(3) If a child of school age is admitted for resident instruction at the Kentucky School for the Deaf or the Kentucky School for the Blind, under regulation of the state board of education and under provisions of KRS 167.015 to 167.170, the district in which the child resides shall provide transportation to and from the school on a regularly scheduled basis, at intervals of no less than *twice* [~~once~~] each month while the child is enrolled, either by individual district or in cooperation with other school districts on a regional basis, as approved by the state board of education upon recommendation of the superintendent of public instruction.

(4) If a child of school age is admitted as a day school pupil for instruction at the Kentucky School for the Deaf or the Kentucky School for the Blind, under regulation of the state board of education and under provisions of KRS 167.015 to 167.150, the district in which the child resides may provide transportation to and from the school on a daily basis, either by individual district or in cooperation with other school districts on a regional basis, as approved by the state board of education upon recommendation of the superintendent of public instruction. School districts providing this transportation shall be reimbursed from the transportation fund of the foundation program at the same rate per trip as that which is calculated under subsection (3) of this section.

HB 614, AN ACT relating to power equalization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.580 is amended to read as follows:

It is the intent of the legislature that funds received by a local district under the power equalization program above the 1985-86 level of support shall be used to supplement the instructional program in the following manner and under the following priorities:

(1) The local board of education shall supplement the one hundred eighty-five (185) day foundation program salary allotment, for each rank and experience set forth in the biennial budget, two hundred twenty-five dollars ($225) for the 1986-87 school year and two hundred seventy-five dollars ($275) for the 1987-88 school year. If a local district is not meeting this requirement then power equalization funds shall be expended to achieve the required one hundred eighty-five (185) day instructional salary.

(2) If the requirements of subsection (1) of this section have been met and if the local district has not met the class size requirements in grades one (1) through six (6) with no exemptions, then power equalization funds shall be expended for this purpose. In the event power equalization funds are available for this purpose, no exception in class size requirements shall be granted the district.

(3) If the requirements of subsections (1) and (2) of this section have been met power equalization funds may be expended for the purpose of accommodating the requirement of a duty-free lunch period. The local district

may employ non-instructional aides at the ratio of one (1) for every six (6) teachers. If non-instructional teacher aides are employed full-time under this section, they shall be assigned to a specific location within the school and be available for the use of classroom teachers to provide non-instructional assistance when not on lunch room duty.

(4) If the provisions of subsections (1), (2), and (3) of this section have been met, power equalization funds shall be expended to staff non-administrative instructional positions beyond those provided by the foundation program at a level equal to the power equalization funds available divided by the average value of a foundation unit. In meeting this requirement non-federally funded teacher's aides employed before the 1985-86 school year may be counted on the basis of two (2) aides being equal to one (1) teacher. *Power equalization funds may also be expended to staff building-level instructional support positions provided such expenditures meet the criteria established by the state board of education.* If facilities are not available to accommodate the additional instructional staff, power equalization funds may be used to construct or renovate only classroom space and only on a cash basis.

(5) The state board of education shall promulgate any administrative regulations and require from local districts any documentation necessary to insure compliance with the provisions of this section.

(6) No local district shall be eligible for state power equalization support above the 1985-86 level of support during any school year in which it is not in compliance with the provisions of this section.

HB 684, AN ACT relating to teachers' retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.515 is amended to read as follows:

(1) For the purposes of this section, "out-of-state service" shall mean service in any state in a comparable position, which would be covered if in Kentucky.

(2) (a) A member in active contributing status who has been a contributing member of the retirement system for at least one (1) full scholastic year, subsequent to the latest out-of-state service, may present for credit, service rendered out-of-state, not to exceed *ten (10)* [~~eight (8)~~] such years actually taught as a certified or licensed teacher. With the exception of university faculty members, all members who elect to purchase such service shall pay to the retirement system an amount equal to the current member contribution rate based on the first Kentucky salary of the member subsequent to the out-of-state service provided such service was rendered after January 1, 1984. In the event such service was rendered prior to January 1, 1984, the contribution rate shall be seven and eighty-four hundredths percent (7.84%). University faculty members shall pay on a contribution rate of seven and eighty-four hundredths percent (7.84%) based on the first Kentucky salary subsequent to the out-of-state service regardless of when the service was rendered. In addition, all members shall pay interest on the contributions for such serviceat a rate to be set by the board of trustees on each annual contribution from the last day of the scholastic year in which the service was rendered to date of payment to the retirement system. Such payments shall not be picked up as described in KRS 161.540(2). For each year of which the retirement system shall accept the contribution and interest, one (1) year of service credit shall be given. Such credit may not be used to meet the service requirements of KRS 161.525, 161.600 or 161.661 except as provided in subsection (2)(c) of this section. No credit shall be granted for service which has been or will be used in qualifying for annuity benefit payments from another retirement system financed wholly or in part by public funds.

(b) A member of the retirement system having teaching service in the elementary or secondary schools operated by the United States overseas or in this country, or in a public college or university in Kentucky, not included in the teachers' retirement system of the state of Kentucky may present such service for credit in the retirement system on the same basis as provided above for out-of-state service credit, however, no such service may be presented which shall be used as a basis for retirement benefits in any program supported wholly or in part by such public institution or governmental agency. Such service when added to service credited under subsection (2)(a) of this section shall not exceed a total of *ten (10)* [~~eight (8)~~] years service credit.

(c) A member having service referred to in subsection (2)(a) or (2)(b) of this section may elect to use such service for meeting the requirements of KRS 161.600(1)(b) by making an additional contribution to the state accumulation fund equal to a member contribution rate of seven and eighty-four hundredths percent (7.84%) for each year so used. Such payments shall not be picked up as described in KRS 161.540(2). The salary base to be used in determining this additional contribution shall be the final average salary which is used in calculating the member's regular retirement annuity.

(3) Members entering the teachers' retirement system for the first time, July 1, 1976, and thereafter, shall not receive credit for service defined in subsections (2)(a) and (2)(c) above in excess of one (1) year of credit for each two (2) years of Kentucky service in a covered position or *ten (10)* [~~eight (8)~~] years, whichever is the lesser number.

HB 727, AN ACT relating to early childhood education and development programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

(1) It is the intent of the general assembly to recognize that the first five (5) years of a child's life is the most critical period of time for the development of cognitive skills, physical capabilities and emotional stability and, further, to recognize that well planned and coordinated early childhood programs can significantly improve the quality of life of children.

(2) In acknowledging the intent of subsection (1) of this section, effective July 15, 1986, there shall be established, within the governor's office, an office of early childhood education and development to advise the governor on all governmental programs which affect children under six (6) years of age to assist in the development and coordination of such programs and to provide a single point of contact for providers and consumers of early childhood services. The specific functions of the office shall include, but not be limited to, the following:

(a) Advise the governor on all governmental programs and policies which affect children under six (6);

(b) Develop a uniform data base for children under six (6);

(c) Identify "at risk" populations of children under six (6) who would benefit the most from early childhood education and development programs;

(d) Review and select a uniform and individualized statewide developmental screening method;

(e) Develop and implement a public education program on early childhood education and development in communities throughout Kentucky;

(f) Select or design program models that are applicable to various geographic areas and population groups in Kentucky;

(g) Evaluate and provide for review, coordination and strengthening of uniform standards and licensing for early childhood education and development centers and day care programs;

(h) Provide staff support to the governor's interagency council on early childhood education and development and the interagency advisory committee established in Sections 2 and 3 of this Act; and

(i) Develop, in consultation with the interagency council, a comprehensive five (5) year plan for early childhood education and development before October 1, 1987.

(3) A position of special assistant for early childhood education and development shall be established in the governor's office to oversee the operation of the office established in subsection (2) of this section. The special assistant shall have professional qualifications in an early childhood field. The special assistant shall have a policy making role and function in a cabinet level relationship with other officials in state government. Other professional and clerical staff shall be employed in the office as deemed necessary.

SECTION 2. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

(1) Effective July 15, 1986, there shall be established a governor's interagency council on early childhood education and development to conduct comprehensive policy planning for early childhood education and development programs. The special assistant for early childhood education and development established in

Section 1(3) of this Act shall serve as chief of staff for the council. The functions of the council shall include, but not be limited to, the following:

(a) Expand, improve, and better coordinate parenting education, health information services and training for parents and early childhood providers;

(b) Administer a system of model grants for early childhood programs;

(c) Prepare a master plan for early childhood education and development;

(d) Conduct parent surveys to determine their need for early childhood services;

(e) Create and develop a uniform data base for children under six (6);

(f) Insure research and evaluation procedures for early childhood programs funded by the state;

(g) Research and test methods of parent involvement in early childhood programs;

(h) Examine and coordinate standards for early childhood programs;

(i) Adopt statewide certification for early childhood providers with time-limited provisional certificates; and

(j) Identify appropriate early childhood curricula for three (3) and four (4) year old children.

(2) The governor's interagency council on early childhood education and development shall be composed of sixteen (16) members with the governor appointing the chairperson annually. It is recommended that the following be appointed:

(a) Governor;

(b) Chairman, state board of education;

(c) Superintendent of public instruction;

(d) Secretary, cabinet for human resources;

(e) Commissioner for social services;

(f) Commissioner for health services;

(g) Commissioner for social insurance;

(h) Commissioner for mental health and retardation;

(i) Inspector general, cabinet for human resources;

(j) Associate superintendent, office of instruction;

(k) Associate superintendent, office of exceptional children;

(l) Secretary, education and humanities cabinet;

(m) Executive director, Kentucky educational television;

(n) Three (3) lay members from the interagency advisory committee established in Section 3 of this Act representing:

1. Parents or consumers;

2. Head start programs; and

3. Private child care programs.

(3) The interagency council shall meet at least quarterly during each year and may meet more often at the call of the chairperson.

4. Lay members shall be reimbursed for actual expenses for attendance at called meetings.

SECTION 3. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO READ AS FOLLOWS:

(1) Effective July 15, 1986, there shall be established an interagency advisory committee to provide experience and professional support to the governor's interagency council on early childhood education and development and advise the council on the development of policy as well as the development and revision of the five (5) year planning document.

(2) The advisory committee shall be appointed by the governor for two (2) year terms and vacancies shall be filled as they occur in a manner consistent with the provisions for initial appointment. It is recommended that members be appointed from the following groups:

(a) Citizens at large;

(b) Employes of state agencies;

(c) Private non-profit child care providers;

(d) Private for-profit child care providers;

(e) Handicapped providers;

(f) Persons providing educational and child development training at the college or university level;

(g) Parenting educators;

(h) Head start directors;

(i) School district superintendents;

(j) Faculty or administrators of medical schools;

(k) Members of school district boards of education; and

(l) Public school teachers.

(3) The committee shall elect a chairperson from its membership annually.

(4) The advisory committee shall meet at least quarterly during each year and may meet more often at the call of the chairperson.

(5) Personnel from the office of early childhood education and development established in Section 1 of this Act, shall act as staff to the advisory committee.

(6) All operating expenses of the committee shall be paid from funds budgeted to the governor's office of early childhood education and development. Members shall be reimbursed for actual expenses for attendance at called meetings.

HB 732, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.340 is amended to read as follows:

(1) Each board of education shall, on the forms prepared by the superintendent of public instruction and approved by the state board of education, prepare and submit to the state board of education reports on all phases of its school service. Each board may prepare and publish for the information of the public a report on the progress of its schools.

(2) Each board of education shall file in the board's office its policies relating to the following matters:

(a) Transportation of pupils *and severe weather emergency plan*;

(b) Discipline and conduct of pupils;

(c) Limitations or restrictions on use of school facilities;

(d) Conduct of meetings of the board of education, including policies on the calling of executive sessions;

(e) Personnel policies that apply to certified employes, including fringe benefits, salary schedules, non-classroom duties, in-service training, teacher-student load, hiring, assignment, transfer, dismissal, suspension, reinstatement, promotion and demotion;

(f) Evaluation of certified employes;

(g) Selection of textbooks and instructional materials; and

(h) Expenditure and accounting for school funds, including all special funds.

It is intended that these policies shall cover matters within the authority and discretion of the district board of education and not matters otherwise required by law or regulation. Such policies shall be filed in the board's office by August 15, 1974, shall be kept up to date by filing annual amendments thereto each August 15 thereafter and shall be public records.

HB 764, AN ACT relating to sick leave for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.155 is amended to read as follows:

(1) As used in this section:

(a) "Teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(b) "Employe" shall mean any person, other than a teacher, employed in the public schools, whether on a full or part time basis.

(c) "Immediate family" shall mean the teacher's spouse, children including stepchildren, parents and spouse's parents without reference to the location or residence of said relative.

(d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by teachers for use by teachers who have exhausted all sick leave and other available paid leave days.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten (10) days of sick leave during each school year, without deduction of salary. Sick leave shall be granted to a teacher if he presents a personal affidavit or a certificate of a physician stating that the teacher was ill or that the teacher was absent for the purpose of attending to a member of his immediate family who was ill. The ten (10) days of sick leave herein granted may be taken by a teacher on any ten (10) days of the school year and shall be granted in addition to accumulated sick leave days that have been credited to the teacher under the provisions of subsection (3) of this section.

(3) Days of sick leave not taken by a teacher during any school year shall accumulate without limitation and be credited to that teacher. Accumulated sick leave may be taken in any school year. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section. Any accumulated sick leave days, not to exceed thirty (30) days, credited to a teacher shall remain so credited in the event he transfers his place of employment from one school district to another within the state or to the Kentucky department of education.

(4) Accumulated days of sick leave shall be granted to a teacher, if prior to the opening day of the school

year, an affidavit or a certificate of a physician is presented to the district board of education, stating that the teacher is unable to commence his duties on the opening day of the school year, but will be able to assume his duties within a period of time that the board determines to be reasonable.

(5) A district board of education may adopt a plan for a sick leave bank. Teachers may contribute one (1) or several of their unused sick leave days to the sick leave bank. Days contributed will be deducted from the days available to the contributing teacher. The sick leave bank shall be administered in accordance with a policy adopted by the board of education.

(6) After July 1, 1982, a district board of education may compensate, at the time of retirement, an employe or a teacher for each unused sick leave day. The rate of compensation for each unused sick leave day shall be based on a percentage of the daily salary rate calculated from the employe's or teacher's last annual salary, not to exceed thirty percent (30%). Payment for unused sick leave days shall be incorporated into the annual salary of the final year of service; provided that the member makes the regular retirement contribution for members on the sick leave payment. The accumulation of such days includes unused sick leave days held by the employe or teacher at the time of implementation of such a program.

Section 2. KRS 161.623 is amended to read as follows:

(1) Effective July 1, 1982, and thereafter, a district board of education or other employer of members of the teachers' retirement system may compensate, at the time of retirement for service, an active teacher for unused sick leave days in accordance with this section.

(2) Upon the member's application for service retirement, the employer shall certify the retiring member's unused accumulated sick leave balance to the board of trustees of the Kentucky teachers' retirement system. The member's sick leave balance, expressed in days, shall be divided by one hundred eighty-five (185) days to determine the amount of service credit that may be considered for addition to the member's retirement account. A maximum of one-half (1/2) year of credit may be added to a member's service credit for the purpose of determining the retirement allowance under KRS 161.620. Such sick leave credit shall not be used for the purpose of determining whether the member is eligible to receive a retirement allowance under KRS 161.600.

(3) The board shall compute the cost to the retirement system of the sick leave credit for each retiring member and shall bill the last employer of the retiring member for such cost. The employer shall pay the cost of such service credit to the retirement system within fifteen (15) days after receiving notification of the cost from the board.

(4) Retiring members who receive service credit under this section shall not be eligible to receive compensation for accrued sick leave under KRS 161.155*(6)*[~~(5)~~] or any other statutory provision.

(5) Employer participation is optional and the employer may opt to purchase less service credit than the member is eligible to receive provided the same percentage of reduction is made applicable to all retiring members of the employer during a school fiscal year.

(6) The board of trustees shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions.

HB 896, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.360 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the superintendent of public instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for exceptional children, *classroom units for home and hospital instruction,* classroom units for gifted and talented children when units are included in the executive budget, classroom units for superintendents, administrative and special instructional services, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) *(a)* Unless otherwise provided by the general assembly in a budget bill, classroom units for elementary and secondary schools shall be allotted as follows:

1.[~~(a)~~] Classroom units for kindergarten shall be allotted one (1) unit for each twenty-five (25) kindergarten full-time equivalent pupils in average daily attendance, except when sufficient funding is appropriated to the kindergarten program, one (1) unit shall be provided for each twenty (20) full-time equivalent pupils in average daily attendance. One (1) teacher aide shall be provided for each kindergarten unit allotted;

2.[~~(b)~~] Classroom units for grade one (1) shall be allotted as follows:

1986-87, one (1) unit for each twenty-three (23) students in average daily attendance;

1987-88, one (1) unit for each twenty-two (22) students in average daily attendance;

1988-89, one (1) unit for each twenty-one (21) students in average daily attendance;

1989-90 and thereafter, one (1) unit for each twenty (20) students in average daily attendance;

(3)[~~(c)~~] Classroom units for grade two (2) shall be allotted as follows:

1986-87, one (1) unit for each twenty-three (23) students in average daily attendance;

1987-88, one (1) unit for each twenty-two (22) students in average daily attendance;

1988-89 and thereafter, one (1) unit for each twenty-one (21) students in average daily attendance;

4.[~~(d)~~] Classroom units for grade three (3) shall be allotted as follows:

1986-87, one (1) unit for each twenty-three (23) students in average daily attendance;

1987-88 and thereafter, one (1) unit for each twenty-two (22) students in average daily attendance;

5.[~~(e)~~] Classroom units for grade four (4) shall be allotted as follows:

1986-87, one (1) unit for each twenty-seven (27) students in average daily attendance;

1987-88, one (1) unit for each twenty-six (26) students in average daily attendance;

1988-89, one (1) unit for each twenty-five (25) students in average daily attendance;

1989-90 and each year thereafter, one (1) unit for each twenty-four (24) students in average daily attendance;

6.[~~(f)~~] Classroom units for grade five (5) shall be allotted as follows:

1986-87, one (1) unit for each twenty-seven (27) students in average daily attendance;

1987-88 and each year thereafter, one (1) unit for each twenty-six (26) students in average daily attendance;

7.[~~(g)~~] Classroom units for grade six (6) shall be allotted as follows:

1986-87, one (1) unit for each twenty-seven (27) students in average daily attendance;

1987-88 and each year thereafter, one (1) unit for each twenty-six (26) students in average daily attendance;

8. Classroom units shall be allotted for each [~~(h)~~] twenty-seven (27) pupils in average daily attendance in grades seven (7) through twelve (12).

(b) Nine and six-tenths (9.6) average daily attendance shall be deducted for each unit allotted the school district for grades *seven (7)* [~~four (4)~~] through twelve (12) under subsection (9) of this section and seven and two-tenths (7.2) average daily attendance shall be deducted for each unit allotted the school district for grades four (4) through twelve (12) under subsection (10) of this section *except those units for exceptional children*

children allotted under subsection (10)(b) of this section. The average daily attendance of any exceptional child not assigned to a specific grade shall be added to the average daily attendance of grades four (4) through twelve (12) before classroom units are allotted under this *subsection* [~~paragraph~~].

(c) Unless otherwise provided by the general assembly in a budget bill, the allotments of classroom units in this subsection *and subsections (5) and (6)* shall be made on the average daily attendance for the end of the previous school year in public school grades kindergarten through twelve (12) except as provided in subsections (9) and (10) of this section.

(3) The superintendent of public instruction shall enforce maximum class sizes for every academic course requirement of the state board of education in kindergarten and grades one (1) through eight (8) except in vocal and instrumental music, art, physical education and special education classes. Except in classes combining pupils from two (2) or more grade levels, the maximum number of pupils enrolled in a class shall be calculated by adding three (3) to the average daily attendance figure upon which funding of the unit is appropriated in the biennial budget in *kindergarten and* grades one (1) through six (6) and by adding four (4) to the average daily attendance figure upon which funding of the unit is appropriated in the biennial budget in grades seven (7) and eight (8). The superintendent of public instruction, upon approval of the state board of education, shall adopt regulations for enforcing this provision. These regulations shall include procedures whereby a superintendent may request an exemption from the state board of education when unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one year exemptions for more classes than enroll twenty percent (20%) of the pupils in kindergarten and grades one (1) through eight (8).

(4) In classes with combined grades, the maximum class size shall be the average daily attendance upon which funding is appropriated for the lowest assigned grade in the class. There shall be no exceptions to the maximum class size for combined classes.

(5) If a local school district through its admission and release committee determines that an appropriate program in the least restrictive environment for a particular handicapped child includes either part-time or full-time enrollment with a private school or agency within the state or a public or private agency in another state, then the school district shall count this as average daily attendance in a public school the time that such child is in attendance at such school or agency, contingent upon approval by the state superintendent of public instruction and pursuant to KRS 158.130.

(6) Pupils attending a center for child learning and study established under an agreement pursuant to KRS 65.210 through 65.300 shall, for the purpose of calculating average daily attendance, be considered as in attendance in the school district in which the child legally resides and which is party to the agreement. For purposes of subsection (1) of this section, teachers employed in such a center shall be considered as employes of each school district which is a party to the agreement.

(7) Allotments of classroom units except those allotted in accordance with subsection (8) of this section, shall be increased when the average daily attendance in kindergarten and grades one (1) through twelve (12) in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district in kindergarten and grades one (1) through twelve (12) for the first two (2) months of the previous school year. The total number of classroom units allotted the district shall be increased by the percent of increase. The average daily attendance in kindergarten is the kindergarten full-time equivalent pupils in average daily attendance.

(8) If the percentage of attendance of any school district shall have been reduced more than two percent (2%) during the previous school year, the number of classroom units allotted the district, except those allotted in accordance with subsection (7) of this section, for the current school year shall be increased by the difference in the percentage of attendance for the two (2) years immediately prior to the current school year less two percent (2%).

(9) Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for vocational education, one (1) classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher of vocational classes that meet the regulations of the state plan of vocational education as approved by the state board of education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach part-time or short unit classes for less than a school day or a school year that meet the regulations of the state plan of

vocational education as approved by the state board of education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(10) (a) Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for exceptional children, one (1) classroom unit shall be included upon the employment of each teacher approved to teach such children in accordance with the provisions of law and Kentucky administrative regulations of the state board of education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(b) Cooperative classroom units for exceptional children shall be allotted to serve pupils from two (2) or more districts which have one (1) district serving as the district of record and contractual arrangements regarding average daily attendance, financial responsibilities, and program responsibilities among all districts having students enrolled in the unit.

(c) [~~In addition to the classroom units allotted above,~~] If a local school district, through its admission and release committee, determines that the most appropriate and least restrictive individual educational program for a particular handicapped child includes either part-time or full-time enrollment with a private school or agency, the school district shall be reimbursed in addition to the amount distributed under KRS 157.390, a pro rata allotment for those pupils under contract. The pro rata amount shall be calculated by dividing the district's average salary allotted for 185 days plus the current expense and capital outlay allotment per classroom unit by the maximum number of pupils required by regulations for the pupil's specific type of classroom unit. *Exceptional children counted for purposes of this paragraph shall not be counted for purposes described in paragraph (a) of this subsection.*

(11) (a)[~~(b) The superintendent of public instruction shall limit approval of additional private agencies for participation in state funding for the above cited program to those funds appropriated for this purpose in each biennial budget.~~

~~(c)~~]In allotting classroom units [~~for exceptional children~~] for home and hospital instruction, one (1) unit excluding the capital outlay allotment, shall be allotted for each ten (10) children in average daily attendance in the current school year who have been properly identified according to state board of education regulations. Attendance shall be calculated *for this subsection by counting a minimum of two (2) visits a week with a minimum of one (1) hour of instruction per visit by a teacher provided by the board of education as equivalent to the attendance of one (1) pupil five (5) days in school* [~~pursuant to KRS 157.270~~] and shall be reported monthly on forms provided by the department of education. *This equivalent attendance shall be included in the attendance used to calculate classroom units under subsection (2) at the appropriate grade level.*

(b)[~~(d)~~] Pursuant to regulations of the department of education, *local school districts shall be reimbursed for home and hospital instruction for pupils unable to attend regular school sessions because of short term health impairments* [~~a portion of the classroom units for exceptional children appropriated in the biennial budget may be used to provide home or hospital instruction on an hourly basis for pupils properly identified according to state board of education regulations~~]. *An hourly* [~~A~~] reimbursement formula shall be established by regulation to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment, a reasonable allotment for travel expenses to and from instructional assignments, but such formula shall not include an allotment for capital outlay. [~~Attendance shall be calculated pursuant to KRS 157.270 and shall be reported monthly on forms provided by the department of education.~~]

(12)[~~(11)~~] Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for administrative and special instructional services, the total number of classroom units allotted in subsections (2), (9), and (10) of this section shall be divided by nine (9) and the quotient shall be the number of classroom units allotted to the district under this subsection.

(13)[~~(12)~~] In allotting classroom units for supervisors of instruction, one-half (1/2) of a classroom unit shall be allotted each district which is allotted twenty-five (25) through forty-nine and nine-tenths (49.9) classroom units under subsections (2), (9) and (10) of this section; one (1) unit shall be allotted each district which is allotted fifty (50) to one hundred (100) classroom units, one (1) unit shall be allotted for each one hundred (100) classroom units, or major fraction thereof, in districts allotted more than one hundred (100) classroom units under these subsections.

(14)[~~(13)~~] Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for

directors of pupil personnel, one (1) classroom unit shall be allotted each district which is allotted thirty-six (36) to one hundred and sixty-five and nine-tenths (165.9) classroom units under subsection (2) of this section and a unit for each additional two hundred and sixty-six (266) classroom units or fraction thereof allotted under subsection (2) of this section. For districts having fewer than thirty-six (36) classroom units, a proportionate fraction of a classroom unit shall be allotted.

(15)[~~(14)~~] In allotting classroom units for superintendent, one unit shall be allotted each school district.

(16)[~~(15)~~] In allotting classroom units for gifted and talented children, the superintendent of public instruction, under Kentucky administrative regulations of the state board of education, may allot units for gifted and talented children. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without the approval of the governor.

Section 2. KRS 157.390 is amended to read as follows:

(1) (a) The superintendent of public instruction, under Kentucky administrative regulations of the state board of education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree in a subject field approved by the state board of education or equivalent preparation and who have earned thirty (30) semester hours of approved graduate work or its equivalent, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four (24) semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree in a subject field approved by the state board of education or equivalent preparation.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six (96) to one hundred twenty-eight (128) semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank for calculation of the amount to be included in the foundation program.

Rank V. Those holding certificates and who have sixty-four (64) to ninety-five (95) semester hours of approved college training or the equivalent.

(b) In determining ranks, the superintendent of public instruction, under Kentucky administrative regulations of the state board of education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The superintendent of public instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(c) Nothing in this subsection shall allow the state board of education by regulation to reclassify downward any teachers currently in Ranks I or II.

(2) (a) The superintendent of public instruction, under Kentucky administrative regulations of the state board of education, shall classify teachers in each rank by their years of experience for purposes of the state teacher salary schedule as follows:

1. Zero to three (3) years;

2. Four (4) to nine (9) years;

3. Ten (10) to fourteen (14) years; and

4. Fifteen (15) or more years.

(b) Effective July 1, 1987, the years of categories of experience shall be as follows:

1. Zero to three (3) years;

2. Four (4) to nine (9) years;

3. Ten (10) to fourteen (14) years;

4. Fifteen (15) to nineteen (19) years; and

5. Twenty (20) or more years.

(3) (a) The state salary schedule shall be amended to increase the base pay five percent (5%) in 1986-87 and an additional five percent (5%) in 1987-88;

(b) In addition, in 1986-87 the category with ten (10) to fourteen (14) years of experience shall also receive a three hundred dollar ($300) increase in base pay and the category with fifteen (15) or more years of experience shall receive a seven hundred dollar ($700) increase in base pay; and

(c) In 1987-88 the category with ten (10) to fourteen (14) years of experience shall receive an additional five hundred dollars ($500) in base pay, the category with fifteen (15) to nineteen (19) years of experience shall receive an additional increase of nine hundred dollars ($900) in base pay, and the category with twenty (20) or more years of experience shall receive an additional increase of one thousand three hundred dollars ($1,300) in base pay.

(4) The amount to be included in each school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the biennial budget schedule for each rank and experience for a term of one hundred eighty-five (185) days. Provided, the amount to be included for units allotted under KRS 157.360(9), [~~(11)~~], (12), (13), [~~and~~] (14) *and (15)* shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the superintendent of public instruction under Kentucky administrative regulations of the state board. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(5) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by the amounts set forth in the biennial budget.

(6) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units except those allotted pursuant to KRS 157.360*(11)(a)* [~~(10)(c) and (d)~~] by the amounts set forth in the biennial budget.

(7) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(8) The total amount of money distributable to each district from the public school foundation program fund shall be the sum of the allotments in subsections (4), (5), (6) and (7) of this section.

Section 3. KRS 157.410 is amended to read as follows:

For each school year the finance and administration cabinet, on the certification of the superintendent of public instruction, shall draw warrants as specified hereinafter on the state treasurer for the amount of the public school foundation program fund due each district. Checks shall be issued by the state treasurer and transmitted to the department of education for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and Kentucky administrative regulations of the state board of education. The superintendent of public instruction shall determine on or before August 15 of each year the tentative allotment of school funds to which each district is entitled under the provisions of KRS 157.310 to 157.440. On July 1, August 1, and September 1, of each fiscal year, one-twelfth (1/12) of the prior year's allotment minus the capital outlay shall be paid each school district. On the first of each month thereafter until the final calculation is completed, one-twelfth (1/12) of each district's share of the tentative calculation for instructional salaries, current expenses, and transportation of the public common school foundation program fund shall be distributed. On or before May 1 of each year the superintendent of public instruction shall determine the exact amount of the public common school foundation program fund to which each district is entitled[~~, except those funds allotted pursuant to KRS 157.360(10)(c) and (d)~~] and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of final calculation and for each successive month thereafter. [~~Final allotment of funds due each district pursuant to KRS 157.360(10)(c) and (d) shall not be calculated and distributed to the district until the last monthly report is received by the department of education.~~] Capital outlay shall be made in two (2) payments. The first, on *July 1* [~~or before October 1~~], shall be one-half (1/2) of the *prior year's final capital outlay allotment* [~~amount calculated on the tentative allocation for capital outlay~~]. The balance due, *based on the current year's final calculation*, shall be paid on or before May 1.

Section 4. KRS 157.564 is amended to read as follows:

(1) *Notwithstanding any statutory provisions to the contrary, effective for school years beginning on or after July 1, 1984, the board of education of each school district shall levy for general school purposes an ad valorem tax rate of fifteen (15) cents or the maximum rate supported by the common school district power equalization program in that or the next subsequent school year as provided for in KRS 157.555 and 157.560, whichever is greater.*

(2) No school district shall be eligible for the state power equalization support provided for in KRS 157.545 to 157.575 during any school year in which the board of education of such school district fails to levy the tax rate required in subsection (1) of this section.

(3) A voted general tax rate, as provided for in KRS 157.440, shall be credited toward the tax rate required in subsection (1) of this section.

(4) Notwithstanding any statutory provisions to the contrary, effective for school years beginning on or after July 1, 1986, the board of education of each school district shall levy for general school purposes a minimum equivalent tax rate of twenty-five (25) cents or the maximum rate supported by the common school district power equalization program in that or the next subsequent school year as provided for in KRS 157.555 and 157.560, whichever is greater. Equivalent tax rate is defined as the rate which results when the income collected during the prior year from all taxes levied by the district for school purposes is divided by the total assessed value of property plus the assessment for motor vehicles certified by the Commonwealth of Kentucky revenue cabinet.

(5)[~~(2)~~] No school district shall be eligible for the state power equalization support provided for in KRS 157.545 to 157.575 in excess of the state power equalization support received by that school district for the school year beginning on July 1, 1985, during any school year in which the board of education of such school district fails to levy the minimum equivalent tax rate of twenty-five (25) cents.

Section 5. KRS 157.575 is amended to read as follows:

(1) *For school year beginning July 1, 1986, and each year thereafter, each school district shall receive the 1985-86 power equalization allotment provided the provisions of KRS 157.564 are met.* No district shall be eligible for *any increase in* the state power equalization support provided for in KRS 157.545 to 157.575 *above the amount allotted for the 1985-86 school year* during any fiscal year in which the district board of education specifies in its budget for that fiscal year a total school tax rate which would produce less revenue than [~~was~~] produced by *an equivalent tax rate of twenty-five (25) cents or the maximum rate supported by the common school district power equalization program in that school year as provided in KRS 157.555 and 157.560, whichever is greater. The equivalent tax rate shall be calculated by dividing the income collected during the prior year from all taxes levied by the district for school purposes by the total assessed value of property plus the assessment for motor vehicles certified by the Commonwealth of Kentucky revenue cabinet. School districts collecting school taxes authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 for less than twelve (12) months during a school year shall have included in income collected under this section the pro rata tax collection for twelve (12) months* [~~the application of that district's total school tax rate for fiscal year 1976-77, less thirty (30) cents, to that district's 1976 assessment specified under KRS 160.460(3); provided that the 1976-77 revenue shall be recalculated if the tax voted under KRS 157.440 or 160.477 expires~~].

(2) The superintendent of public instruction shall not certify to the finance and administration cabinet for payment of the state power equalization support *an amount above the amount allotted for school year 1985-86* for any fiscal year a school district *becomes* [~~which has become~~] ineligible for such support as provided in subsection (1) above.

(3) *The tentative power equalization allotment to be paid under KRS 157.570 after June 30, 1986, shall be the 1985-86 power equalization fund allotment. This amount shall be distributed until the requirements of subsection (1) of this section are met* [~~Any district receiving a tentative allotment under KRS 157.570 which does not meet the requirement of subsection (1) above shall return all funds received to the district equalization program fund~~].

Section 6. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) (a) Notwithstanding any statutory provisions to the contrary, no district board of education shall levy a general tax rate, voted general tax rate, or voted building tax rate for 1979-80 which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010, than would be produced by application of the maximum general tax rate, voted general tax rate, or voted building tax rate, respectively, that could have been levied in 1978-79, to the 1978-79 assessment, except as provided in [~~subsection (1) of~~] KRS 157.564. In succeeding years, no district board of education shall levy a general tax rate, a voted general tax rate, or a voted building tax rate which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010, than would be produced by application of the general tax rate, maximum voted general tax rate, or maximum voted building tax rate, respectively, that could have been levied in the preceding year to the preceding year's assessment, except as provided in [~~subsection (1) of~~] KRS 157.564.

(b) In the event that an election is held as provided for in KRS 132.017 and the question should fail, such failure shall not reduce the "...general tax rate, maximum voted general tax rate, or maximum voted building tax rate, respectively, that could have been levied in the preceding year...," referred to in subsection (2)(a) of this section, for purposes of computing the general tax rate, voted general tax rate, or voted building tax rate for succeeding years.

In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) No district board of education shall levy a general tax rate, voted general tax rate, or voted building tax rate within the limits imposed in subsection (2) of this section which respectively exceeds the compensating tax rate defined in KRS 132.010, except as provided in [~~subsection (1) of~~] KRS 157.564, until the district board of education has complied with the provisions of subsection (10) of this section.

(4) The superintendent of public instruction shall certify to each district board of education, by June 30 of each year, the following:

(a) The general tax rate, voted general tax rate, or voted building tax rate that a district board of education could levy under the provisions of subsection (2) of this section, and the amount of revenue expected to be produced by each;

(b) The compensating tax rate as defined in KRS 132.010 for a district's general tax rate, voted general tax rate, or voted building tax rate, and the amount of revenue expected to be produced by each;

(c) The general tax rate, voted general tax rate, or voted building tax rate which will produce, respectively, no more revenue from real property, exclusive of revenue from new property, than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010, and the amount of revenue expected to be produced by each.

(5) Upon completion of action on property assessment data the department of revenue shall submit to the superintendent of public instruction, certified property assessment data as required in KRS 133.125.

(6) Within thirty (30) days after the district board of education has received its assessment data, three (3) copies of the budget shall be forwarded to the state board of education for its approval or disapproval. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

(7) The budget shall be disapproved by the state board of education if it is financially unsound or fails to provide for:

(a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or

(b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300 and KRS 58.010 to 58.140, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval.

In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval and resubmit the budget to the state board of education for its final approval.

(8) If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective and no ad valorem levy shall be made until approved by the state board of education.

(9) Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

(10) (a) A district board of education proposing to levy a general tax rate, voted general tax rate, or voted building tax rate within the limits of subsection (2) of this section which exceed the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The district board of education shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following:

1. The general tax rate, voted general tax rate, and voted building tax rate levied in the preceding year, and the revenue produced by those rates;

2. The general tax rate, voted general tax rate, and voted building tax rate proposed for the current year and the revenue expected to be produced by those rates;

3. The compensating general, voted general, and voted building tax rates and the revenue expected from them;

4. The revenue expected from new property and personal property;

5. The general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated;

6. A time and place for the public hearing which shall be held not less than seven (7) days nor more than ten (10) days after the day that the second advertisement is published;

7. The purpose of the hearing; and

8. A statement to the effect that the general assembly has required publication of the advertisement and the information contained herein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first-class mail to each person owning real property, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The district board of education may set reasonable time limits for such testimony.

(11) (a) That portion of a general tax rate, a voted general tax rate, or a voted building tax rate, except as provided in [~~subsection (1) of~~] KRS 157.564, levied by an action of a district board of education which will produce, respectively, revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010, shall be subject to a recall vote or reconsideration by the district board of education, such as the case may be, as provided for in KRS 132.017, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The district board of education shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a general tax rate, voted general tax rate, or voted building tax rate, except as provided in [~~subsection (1) of~~] KRS 157.564, which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following:

1. The fact that the district board of education has adopted such a rate;

2. The fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 is subject to recall; and

3. The name, address and telephone number of the county clerk of the county or urban-county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

The Committee Amendment No. 1 to HB 896 is as follows:

Amend printed copy of HB 896:

On page 4, line 9 after the word "grades" bracket and strikethrough the words "four (4)" and insert in lieu thereof "*seven (7)*"

and on lines 14 and 15 bracket and strikethrough "four (4)" and insert in lieu thereof "*seven (7)*"

and on page 9, line 26 bracket and strikethrough the last word "in"

and on page 10, line 1 bracket and strikethrough the words "the current school year"

The Committee Amendment No. 2 to HB 896 is as follows:

Amend printed copy of HB 896:

On page 30, after line 9 add the following:

"Section 7. KRS 157.620 is amended to read as follows:

(1) In order to participate in the school construction funding program, the district must have unmet needs as defined by KRS 157.615 and must meet the following eligibility criteria:

(a) Levy a minimum equivalent tax rate of twenty-five (25) cents as defined by KRS 157.615;

(b) All [~~new~~] revenue generated by any tax increase required to meet the minimum equivalent tax rate *may be added to the power equalization funds used to supplement the instructional program as provided in KRS 157.580. Revenue generated by the tax increase not required to meet the provisions of KRS 157.580 shall* [~~must~~] be placed in a restricted account for school building construction bonding; and

(c) On July 29, 1985 and on June 30 of each year thereafter, the district board of education shall transfer all available local revenue, as defined by KRS 157.615, to a restricted account for school building construction, to be utilized in accordance with the priorities determined by the approved school facilities plan.

(2) Interest earned on funds deposited in the restricted accounts required by this section shall be deposited in the restricted account and shall become a part of the restricted funds.

(3) Funds restricted by the requirements of this section may be used by the district for projects or a portion thereof as listed in priority order on the approved school facilities plan prior to receiving state funds. Any local school district which is not an eligible district may be permitted, upon written application to the department of education, to transfer funds restricted by this Act for other school purposes.

(4) Not later than October 15 of the year immediately preceding the regular session of the general assembly the state board of education shall submit a statement to the school facilities construction commission certifying the following in each district:

(a) The amount of school facility construction needs in each district;

(b) The amount of available local revenue in each district; and

(c) That the district has or has not met the eligibility criteria established by subsection (1) of this section.

(5) Construction needs shall be those needs specified in the school facilities plan approved by the state board of education as of June 30 of the year preceding the biennium in which funding is approved. All school facilities plans not approved by the state board of education since January 1, 1981 shall be revised by December 31, 1985. The state board of education shall conduct public hearings on all amendments to approved plans."

HCR 114, A CONCURRENT RESOLUTION directing the Legislative Research Commission to establish a Commission to study the education statutes in the KRS.

WHEREAS, many education statutes no longer conform to common practice or have been invalidated by case law or have been declared unconstitutional; and

WHEREAS, the education statutes are replete with instances in which the same term is defined differently in different sections of the KRS; and

WHEREAS, there is often conflict between language in the budget bill and codified sections of the KRS; and

WHEREAS, statutes related to education are found in many chapters of the KRS and are not logically sequenced; and

WHEREAS, a detailed analysis of such statutes would provide the General Assembly with information relevant to making decisions regarding amendment, recodification or repeal of existing law, as well as determining the need for enactment of additional legislation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission establish a Commission for the Review of Education Statutes for the purpose of reviewing statutes relating to all levels of education to evaluate the relationship of existing statutes to current educational programs, to determine the relationship between existing statutes and judicial decisions and to determine if statutes need clarification and recodification.

Section 2. That the Commission be composed of the following members:

(1) Co-chairmen of the Interim Joint Committee on Education who shall be co-chairman of the Commission;

(2) One minority party member from the Interim Joint Committee on Education;

(3) Superintendent of Public Instruction;

(4) Chairman, State Board of Education;

(5) Deans of the law schools at the University of Louisville, the University of Kentucky and Northern Kentucky University;

(6) Assistant Attorney General for Education;

(7) Executive Director, Council on Higher Education;

(8) Executive Director, Kentucky School Boards Association;

(9) Executive Director, Kentucky Education Association;

(10) Executive Director, Kentucky Association of School Administrators;

(11) Executive Director, Retired Teachers Association;

(12) Executive Director, Parent Teachers' Association; and

(13) Two lay citizen representatives.

Section 3. That a report of the findings of such commission, together with recommendations on amendment, repeal or recodification of existing statutes or recommendations for new legislation, be made to the General Assembly prior to the 1988 Regular Session.

Section 4. Staff services to be utilized in completing this review are estimated to cost $15,000. These services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee Amendment No. 1 to HCR 114 is as follows:

Amend printed copy of HCR 114:

On page 3, line 4 delete "and"

On page 3, after "(13)" insert the following:

"Executive Director, Kentucky Higher Education Assistance Authority; and

(14)"

SB 82, AN ACT relating to school board members.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.180 is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four (24) years; and

(b) Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and

(c) Unless he has completed at least the eighth grade in the common schools as shown by the records of the school in which the eighth grade was completed or by affidavits of the teacher or teachers under whom the work was completed, or unless he has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the state board of education. Only those board members serving July 1, 1984 and who continue to serve without a break in service shall be eligible with an eighth grade education. All other members elected after July 1, 1984 shall have completed at least the twelfth grade or unless they have completed the equivalent of a twelfth grade education as determined by an examination held under rules and regulations adopted by the state board of education; or

(d) Who holds a state office requiring the constitutional oath or is a member of the general assembly; or

(e) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(f) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(g) Who has been removed from membership on a board of education for cause.

(2) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (f) of subsection (1) of this section, or becomes a candidate for nomination or election to any office or agency the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he moves his residence from the district for which he was chosen, or if he does anything that would render him ineligible for re-election, he shall be subject to removal from office pursuant to KRS 415.050 and 415.060.

(3) A board member shall be eligible for re-election unless he becomes disqualified.

(4) No member of a board of education shall cast a vote regarding the appointment or employment in any capacity of any person related to him as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law or first cousin, except when the majority vote of the remainder of the board is in the affirmative regarding the appointment or employment of such person.

(5) All local school board members shall complete at least fifteen (15) hours of in-service training.

(6) Effective January 1, 1987, and thereafter, the annual in-service requirements for all school board members shall be as follows:

(a) Twelve (12) hours training for school board members with zero to three (3) years of experience;

(b) Eight (8) hours training for school board members with four (4) to seven (7) years of experience; and

(c) Four (4) hours training for school board members with eight (8) or more years of experience [~~annually~~].

The state board of education shall identify the criteria for fulfilling this requirement.

The Committee Amendment No. 1 to SB 82 is as follows:

Amend printed copy of SB 82:

On page 3, line 12, after "training" insert the following: "*through December 31, 1986*"

SB 83,AN ACT relating to school schedules and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.060 is amended to read as follows:

Twenty (20) school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools. The legal holidays designated by the state board of education to be observed may include the first Tuesday after the first Monday in November of each year and shall be counted as school days. No teacher shall teach on Saturdays except in cases of emergency and then only upon authorization of the state board of education. *Beginning with the 1986-87 school year,* each full-time teacher shall be provided with a duty-free lunch period each day during the regularly scheduled student lunch period. The duty-free lunch period shall be not less than the length of the lunch period specified in the school calendar approved by the superintendent of public instruction. A full-time teacher may be assigned to lunch room duty during the regularly scheduled student lunch period only for an amount of time equal to the non-instructional time in excess of fifty-five (55) minutes included in the teacher's daily schedule. The calculation of non-instructional time shall not include the teacher's duty-free lunch period or the time teachers are required to remain at school after the students are dismissed. Except for children attending kindergarten, readiness classes, first grade classes, and the handicapped, who may attend a program of less than six (6) hours per day under policy adopted by the local school district board of education and approved by the state board of education, six (6) hours of actual school work shall constitute a school day. The daily session, including recesses and intermissions, shall not exceed nine (9) hours. The state board of education, upon recommendation of the superintendent of public instruction, shall develop and approve regulations governing make up by school districts of whole days missed due to emergencies, or partial days missed as a result of shortening regularly scheduled school days due to emergencies.

Section 2. Whereas approved school budgets and teachers' schedules are already in operation for the 1985-86 school year and changing requirements in mid-year would create a hardship in many districts, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

SB 91, AN ACT relating to classroom units and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.360 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the superintendent of public instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for exceptional children, classroom units for gifted and talented children when units are included in the executive budget, classroom units for superintendents, administrative and special instructional services, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) Unless otherwise provided by the general assembly in a budget bill, classroom units for elementary and secondary schools shall be allotted as follows:

(a) Classroom units for kindergarten shall be allotted one (1) unit for each twenty-five (25) kindergarten full-time equivalent pupils in average daily attendance, except when sufficient funding is appropriated to the kindergarten program, one (1) unit shall be provided for each twenty (20) full-time equivalent pupils in average daily attendance. *Beginning with the 1986-87 school year,* one (1) teacher aide shall be provided for each kindergarten unit allotted;

(b) Classroom units for grade one (1) shall be allotted as follows:

1986-87, one (1) unit for each twenty-three (23) students in average daily attendance;

1987-88, one (1) unit for each twenty-two (22) students in average daily attendance;

1988-89, one (1) unit for each twenty-one (21) students in average daily attendance;

1989-90 and thereafter, one (1) unit for each twenty (20) students in average daily attendance;

(c) Classroom units for grade two (2) shall be allotted as follows:

1986-87, one (1) unit for each twenty-three (23) students in average daily attendance;

1987-88, one (1) unit for each twenty-two (22) students in average daily attendance;

1988-89 and thereafter, one (1) unit for each twenty-one (21) students in average daily attendance;

(d) Classroom units for grade three (3) shall be allotted as follows:

1986-87, one (1) unit for each twenty-three (23) students in average daily attendance;

1987-88 and thereafter, one (1) unit for each twenty-two (22) students in average daily attendance;

(e) Classroom units for grade four (4) shall be allotted as follows:

1986-87, one (1) unit for each twenty-seven (27) students in average daily attendance;

1987-88, one (1) unit for each twenty-six (26) students in average daily attendance;

1988-89, one (1) unit for each twenty-five (25) students in average daily attendance;

1989-90 and each year thereafter, one (1) unit for each twenty-four (24) students in average daily attendance;

(f) Classroom units for grade five (5) shall be allotted as follows:

1986-87, one (1) unit for each twenty-seven (27) students in average daily attendance;

1987-88 and each year thereafter, one (1) unit for each twenty-six (26) students in average daily attendance;

(g) Classroom units for grade six (6) shall be allotted as follows:

1986-87, one (1) unit for each twenty-seven (27) students in average daily attendance;

1987-88 and each year thereafter, one (1) unit for each twenty-six (26) students in average daily attendance;

(h) Twenty-seven (27) pupils in average daily attendance in grades seven (7) through twelve (12). Nine and six-tenths (9.6) average daily attendance shall be deducted for each unit allotted the school district for grades four (4) through twelve (12) under subsection (9) of this section and seven and two-tenths (7.2) average daily attendance shall be deducted for each unit allotted the school district for grades four (4) through twelve (12) under subsection (10) of this section. The average daily attendance of any exceptional child not assigned to a specific grade shall be added to the average daily attendance of grades four (4) through twelve (12) before classroom units are allotted under this paragraph. Unless otherwise provided by the general assembly in a budget bill, the allotments of classroom units in this subsection shall be made on the average daily attendance for the end of the previous school year in public school grades kindergarten through twelve (12) except as provided in subsections (9) and (10) of this section.

(3) *(a) Effective until July 1, 1986, the superintendent of public instruction shall enforce maximum class sizes for every academic course requirement of the state board of education in kindergarten and grades one (1) through six (6) except in vocal and instrumental music, art, physical education and special education classes. The maximum number of pupils enrolled in a class shall be calculated by adding four (4) to the average daily attendance figure upon which funding of the unit is appropriated in the biennial budget. The superintendent of public instruction, upon approval of the state board of education, shall adopt regulations for enforcing this provision. These regulations shall include procedures whereby a superintendent may request an exemption from the state board of education when unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one (1) year exemptions for more classes than enroll twenty percent (20%) of the pupils in kindergarten and grades one (1) through six (6).*

(b) Effective July 1, 1986, the superintendent of public instruction shall enforce maximum class sizes for every academic course requirement of the state board of education in kindergarten and grades one (1) through eight (8) except in vocal and instrumental music, art, physical education and special education classes. Except in classes combining pupils from two (2) or more grade levels, the maximum number of pupils enrolled in a class shall be calculated by adding three (3) to the average daily attendance figure upon which funding of the unit is appropriated in the biennial budget in *kindergarten and* grades one (1) through six (6) and by adding four (4) to the average daily attendance figure upon which funding of the unit is appropriated in the biennial budget in grades seven (7) and eight (8). The superintendent of public instruction, upon approval of the state board of education, shall adopt regulations for enforcing this provision. These regulations shall include procedures whereby a superintendent may request an exemption from the state board of education when

unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one year exemptions for more classes than enroll twenty percent (20%) of the pupils in kindergarten and grades one (1) through eight (8).

(4) In classes with combined grades, the maximum class size shall be the average daily attendance upon which funding is appropriated for the lowest assigned grade in the class. There shall be no exceptions to the maximum class size for combined classes.

(5) If a local school district through its admission and release committee determines that an appropriate program in the least restrictive environment for a particular handicapped child includes either part-time or full-time enrollment with a private school or agency within the state or a public or private agency in another state, then the school district shall count this as average daily attendance in a public school the time that such child is in attendance at such school or agency, contingent upon approval by the state superintendent of public instruction and pursuant to KRS 158.130.

(6) Pupils attending a center for child learning and study established under an agreement pursuant to KRS 65.210 through 65.300 shall, for the purpose of calculating average daily attendance, be considered as in attendance in the school district in which the child legally resides and which is party to the agreement. For purposes of subsection (1) of this section, teachers employed in such a center shall be considered as employes of each school district which is a party to the agreement.

(7) Allotments of classroom units except those allotted in accordance with subsection (8) of this section, shall be increased when the average daily attendance in kindergarten and grades one (1) through twelve (12) in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district in kindergarten and grades one (1) through twelve (12) for the first two (2) months of the previous school year. The total number of classroom units allotted the district shall be increased by the percent of increase. The average daily attendance in kindergarten is the kindergarten full-time equivalent pupils in average daily attendance.

(8) If the percentage of attendance of any school district shall have been reduced more than two percent (2%) during the previous school year, the number of classroom units allotted the district, except those allotted in accordance with subsection (7) of this section, for the current school year shall be increased by the difference in the percentage of attendance for the two (2) years immediately prior to the current school year less two percent (2%).

(9) Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for vocational education, one (1) classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher of vocational classes that meet the regulations of the state plan of vocational education as approved by the state board of education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach part-time or short unit classes for less than a school day or a school year that meet the regulations of the state plan of vocational education as approved by the state board of education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

(10) (a) Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for exceptional children, one (1) classroom unit shall be included upon the employment of each teacher approved to teach such children in accordance with the provisions of law and Kentucky administrative regulations of the state board of education. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor. In addition to the classroom units allotted above, if a local school district, through its admission and release committee, determines that the most appropriate and least restrictive individual educational program for a particular handicapped child includes either part-time or full-time enrollment with a private school or agency, the school district shall be reimbursed in addition to the amount distributed under KRS 157.390, a pro rata allotment for those pupils under contract. The pro rata amount shall be calculated by dividing the district's average salary allotted for 185 days plus the current expense and capital outlay allotment per classroom unit by the maximum number of pupils required by regulations for the pupil's specific type of classroom unit.

(b) The superintendent of public instruction shall limit approval of additional private agencies for participation in state funding for the above cited program to those funds appropriated for this purpose in each biennial budget.

(c) In allotting classroom units for exceptional children for home and hospital instruction, one (1) unit excluding the capital outlay allotment, shall be allotted for each ten (10) children in average daily attendance in the current school year who have been properly identified according to state board of education regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported monthly on forms provided by the department of education.

(d) Pursuant to regulations of the department of education, a portion of the classroom units for exceptional children appropriated in the biennial budget may be used to provide home or hospital instruction on an hourly basis for pupils properly identified according to state board of education regulations. A reimbursement formula shall be established by regulation to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment, a reasonable allotment for travel expenses to and from instructional assignments, but such formula shall not include an allotment for capital outlay. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported monthly on forms provided by the department of education.

(11) Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for administrative and special instructional services, the total number of classroom units allotted in subsections (2), (9), and (10) of this section shall be divided by nine (9) and the quotient shall be the number of classroom units allotted to the district under this subsection.

(12) In allotting classroom units for supervisors of instruction, one-half (1/2) of a classroom unit shall be allotted each district which is allotted twenty-five (25) through forty-nine and nine-tenths (49.9) classroom units under subsections (2), (9) and (10) of this section; one (1) unit shall be allotted each district which is allotted fifty (50) to one hundred (100) classroom units, one (1) unit shall be allotted for each one hundred (100) classroom units, or major fraction thereof, in districts allotted more than one hundred (100) classroom units under these subsections.

(13) Unless otherwise provided by the general assembly in a budget bill, in allotting classroom units for directors of pupil personnel, one (1) classroom unit shall be allotted each district which is allotted thirty-six (36) to one hundred and sixty-five and nine-tenths (165.9) classroom units under subsection (2) of this section and a unit for each additional two hundred and sixty-six (266) classroom units or fraction thereof allotted under subsection (2) of this section. For districts having fewer than thirty-six (36) classroom units, a proportionate fraction of a classroom unit shall be allotted.

(14) In allotting classroom units for superintendent, one unit shall be allotted each school district.

(15) In allotting classroom units for gifted and talented children, the superintendent of public instruction, under Kentucky administrative regulations of the state board of education, may allot units for gifted and talented children. The classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without the approval of the governor.

Section 2. Whereas approved school budgets and teachers' schedules are already in operation for the 1985-86 school year and changing requirements in mid-year would create a hardship in many districts, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

SB 271, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.190 is amended to read as follows:

Whenever a teacher or school administrator is functioning in his capacity as an employe of a board of education of a public school system, it shall be unlawful for any person to direct speech or conduct toward the teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school [~~No person shall upbraid, insult or abuse any teacher of the public schools in the presence of the school or in the presence of a pupil of the school~~].

The Committee Amendment No. 1 to SB 271 is as follows:

Amend printed copy of SB 271:

On page 1, after line 12, add the following:

"Section 2. KRS 161.990 is amended to read as follows:

(1) Any person who willfully violates any provisions of KRS 161.162 or 161.164, shall be confined in jail for not less than thirty (30) days nor more than six (6) months.

(2) Any teacher or employe of a district board of education who willfully violates any provision of KRS 161.162 or 161.164 shall be ineligible for employment in the common schools for a period of five (5) years.

(3) Any person who violates any of the provisions of KRS 161.190 shall be *guilty of a Class A misdemeanor* [~~fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000)~~].

(4) Any teacher who violates any of the provisions of subsection (2) of KRS 161.210 shall be subject to a fine of fifty dollars ($50) and upon conviction his certificate shall be revoked.

(5) A violation of any of the provisions of KRS 161.661 or KRS 161.690 is a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars ($5,000)."

The Committee Amendment No. 2 to SB 271 is as follows:

Amend printed copy of SB 271:

On page 1, after line 12, add the following:

"Section 2. KRS 158.150 is amended to read as follows:

(1) All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools*:*[~~.~~]

(a) Wilful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students [~~or school personnel~~], the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property *of students*, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property as well as off school property at school sponsored activities constitutes cause for suspension or expulsion from school*; and*[~~.~~]

(b) Assault or battery or abuse of school personnel; stealing or wilfully or wantonly defacing, destroying or damaging the personal property of school personnel on school property, off school property, or at school sponsored activities constitutes cause for suspension or expulsion from school.

(2) A pupil shall not be suspended from the common schools until after at least the following due process procedures have been provided:

(a) The pupil has been given oral or written notice of the charge or charges against him which constitute cause for suspension;

(b) The pupil has been given an explanation of the evidence of the charge or charges if the pupil denies them; and

(c) The pupil has been given an opportunity to present his own version of the facts relating to the charge or charges.

These due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

(3) The superintendent, principal, assistant principal or head teacher of any school may suspend a pupil but shall report such action in writing immediately to the superintendent and to the parent, guardian or other person having legal custody or control of the pupil. The board of education of any school district may expel

any pupil for misconduct as defined in subsection (1), but such action shall not be taken until the parent, guardian or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final."

The Committee on Judiciary-Civil reported HB 775, HB 776, HB 854, SB 127, SB 243, SB 250, HB 543 with Committee Substitute and Committee Amendment attached thereto, HB 711 with Committee Amendment attached thereto, and SB 128 with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 775, AN ACT relating to mechanics' and materialmen's liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 376.100 is amended to read as follows:

The owner or claimant of property against which a lien has been asserted, *or any other person contracting with the owner or claimant of such property for the furnishing of any improvements or services for which a lien is created by this chapter,* may, at any time before a judgment is rendered enforcing the lien, execute before the county clerk in which the lien was filed a bond for double the amount of the lien claimed with good sureties to be approved by the clerk, conditioned upon the obligors satisfying any judgment that may be rendered in favor of the person asserting the lien. The bond shall be preserved by the clerk, and upon its execution the lien upon the property shall be discharged. The person asserting the lien may make the obligors in the bond parties to any action to enforce his claim, and any judgment recovered may be against all or any of the obligors on the bond.

HB 776, AN ACT relating to guardianship and conservatorship.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 387.570 is amended to read as follows:

(1) At a hearing convened pursuant to KRS 387.500 to 387.770 for the purpose of determining the disability of a respondent, the respondent shall have a *bench* [~~jury~~] trial and shall have the right to present evidence and to confront and cross-examine all witnesses.

(2) The hearing may be closed to the public *and shall be held in the juvenile session of district court* [~~on request of the respondent or his counsel~~].

(3) The respondent shall be present at the hearing, and his presence may be waived only upon a determination of the court that his attendance would subject him to [~~serious~~] risk of harm *emotionally or physically.* Such determination shall be evidence only of the respondent's inability to attend the hearing and shall not be considered in determining the need for guardianship or conservatorship.

(4) The court may remove itself to the place of residence of the respondent to conduct the hearing in the presence of the respondent.

(5) The burden of proof shall be on the Commonwealth to prove the disability or partial disability of the respondent by clear and convincing evidence.

(6) The respondent will not be determined partially disabled or disabled unless at least one (1) of the persons who participated in the interdisciplinary evaluation required by KRS 387.540 testifies in person at the hearing. This section shall not be interpreted to preclude the respondent from requiring the testimony of more than one (1) person participating in the preparation of the evaluation report.

Section 2. KRS 387.580 is amended to read as follows:

(1) At a hearing convened under KRS 387.500 to 387.770 for a determination of partial disability or disability, the *court* [~~jury~~] shall:

(a) Inquire into the nature and extent of the general intellectual functioning of the respondent;

(b) Inquire into the respondent's capacity to make informed decisions concerning his personal affairs and financial resources;

(c) Determine whether the respondent is disabled, partially disabled, or has no disability in relation to the management of his financial resources; and

(d) Determine whether the respondent is disabled, partially disabled, or has no disability in relation to the management of his personal affairs.

(2) If the respondent is found not to be disabled or partially disabled, the petition shall be dismissed.

(3) If the respondent is found to be disabled or partially disabled, the court shall, at the same hearing, [~~without a jury,~~] determine:

(a) The type of guardian or conservator to be appointed;

(b) The specific legal disabilities to which the respondent is subject, if the respondent has been determined to be partially disabled;

(c) The corresponding powers and duties of the limited guardian or limited conservator, if the respondent has been determined to be partially disabled;

(d) The individual or entity to be appointed by the court as limited guardian, guardian, limited conservator, or conservator;

(e) The individual or entity, if any, to be appointed as standby guardian or conservator; and

(f) The duration of the term of guardianship or conservatorship.

HB 854, AN ACT relating to collection of taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 134.500 is amended to read as follows:

(1) Within fifty (50) days after the issuance of a certificate of tax delinquency to the state, county and taxing district, the county attorney shall cause a notice of the purchase to be served by the sheriff *personally or by certified mail, return receipt requested,* on the person in whose name the property was assessed, and advise him that the certificate is a lien of record against his land that bears interest at twelve percent (12%) per annum, and if not paid the county attorney will proceed as provided by law to collect same. A copy of the return of the sheriff *or the return receipt* shall be filed *by the sheriff* in the office of the county clerk in the manner prescribed by the revenue cabinet. Failure to prepare such notice shall not affect the validity of the claim of the state, county and taxing district.

(2) The county attorney shall prosecute the remedy or remedies provided in this chapter that are most likely to effect collection of the amount due on the certificate of delinquency. Upon the failure of the county attorney to give the notices provided in this section, or to prosecute the remedies for collection of certificates within twelve (12) months after the right to collect accrued, or to duly complete the performance of any other duties necessary to collect the claims of the state, county and taxing districts for taxes, the revenue cabinet may perform such duties.

(3) The county attorney who prepares the notice and has it filed, as provided in subsection (1) of this section, and performs his other duties in respect to the certificate of delinquency, shall be entitled to twenty percent (20%) of the amount due each taxing unit, whether the tax claim is voluntarily paid or is paid through sale or under court order, and such commission shall be paid to him by the county clerk when making distribution, as provided in KRS 134.480. If more than one (1) county attorney renders necessary services in an effort to collect a tax claim, the attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the commission on the amount collected for each taxing unit. When the cabinet performs the duties of the county attorney without his assistance or cooperation, the fee which would otherwise be paid the county attorney shall be paid to the cabinet for deposit in the delinquent tax fund provided for under KRS 134.400.

(4) Any action on behalf of the state, county and taxing districts authorized by this section or by KRS 134.470, 134.490 or 134.540 must be filed on relation of the secretary of revenue, and the petition shall be sent to the cabinet, which may require revision thereof in instances where it deems revision or amendment necessary. The cabinet shall advise the county attorney in all such actions, and may send him special assistance when the secretary deems such assistance necessary. A copy of the judgment shall also be sent to the cabinet. If the cabinet sends assistance to a county attorney who cooperates in prosecuting the suits or proceedings, the county attorney shall be entitled to his full fee. On the same day that suit is filed the county clerk shall be given notice of its filing. Costs incident to the suit shall become a part of the tax claim.

SB 127, AN ACT relating to children and programs relating thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 208.080 is amended to read as follows:

(1) After a petition has been filed and after such further investigation as the court may direct, unless the parties appear voluntarily, the court shall issue a summons briefly reciting the substance of the petition and requiring the person who has the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is other than a parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the proceeding and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(2) If it appears to the court, by affidavit or by sworn testimony, that the child is in such condition or surroundings that he is being harmed or threatened with harm to such a degree that his best interest requires that his custody be immediately assumed by the court, the judge may sign an order giving temporary custody of the child to the court. As a part of such order, the court may request that the child shall be picked up by the peace officer serving the summons or by any other peace officer and placed as directed by the court. In any event, a copy of the temporary custody order shall be served on the parent, guardian or custodian of the child when the summons is served. The temporary custody order shall be effective until the case is heard on its merits, or until modified by the court*; provided, however, that no temporary custody order shall be effective for more than twenty-one (21) days unless an adjudicatory hearing on the merits of the case is begun within the twenty-one (21) day period. The twenty-one (21) days may be waived by the parents of the child or their attorney or the attorney for the child.* As a result of such order, the child shall be placed in custody and care in a family home or other suitable facility provided for under KRS 208.130, or in a facility operated by the cabinet if the cabinet is willing to receive the child or in a facility operated by a licensed child-caring institution or agency, and held therein pending further disposition by the court.

SB 243, AN ACT relating to judicial districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) district judges and shall have two (2) numbered divisions of the district court:

(1) First judicial district.

(2) Second judicial district.

(3) Third judicial district.

(4) Fourth judicial district.

(5) Eighth judicial district.

(6) Ninth judicial district.

(7) Eleventh judicial district.

(8) Twelfth judicial district.

(9) Thirteenth judicial district.

(10) Fourteenth judicial district.

(11) Fifteenth judicial district.

(12) Eighteenth judicial district.

(13) Twenty-first judicial district.

(14) Twenty-fourth judicial district.

(15) Twenty-seventh judicial district.

(16) Twenty-eighth judicial district.

(17) Twenty-ninth judicial district.

(18) Thirty-second judicial district.

(19) Thirty-fourth judicial district.

(20) Thirty-fifth judicial district.

(21) Thirty-eighth judicial district.

(22) Fortieth judicial district.

(23) Forty-first judicial district.

(24) *Forty-second judicial district.*

(25) Forty-sixth judicial district.

(26)[~~(25)~~] Forty-eighth judicial district.

(27)[~~(26)~~] Fiftieth judicial district.

(28)[~~(27)~~] Fifty-first judicial district.

(29)[~~(28)~~] Fifty-third judicial district.

(30)[~~(29)~~] Fifty-fourth judicial district.

(31)[~~(30)~~] Fifty-sixth judicial district.

SB 250, AN ACT relating to rights of aliens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 381.290 is amended to read as follows:

[~~After declaring his intention to become a citizen of the United States, according to the forms required by law,~~] Any alien, not an enemy, may recover, inherit, hold, and pass by descent, devise or otherwise, any interest in real or personal property, in the same manner as if he were a citizen of this state.

Section 2. The following KRS sections are repealed:

342.130 Compensation of alien dependents.

381.300 Realty of nonresident alien liable to escheat after eight years unless he becomes citizen.

381.320 Alien's right as to personalty—As to realty if resident.

381.330 Nonresident alien—Rights as to real property inherited.

381.340 Nonresident alien—Distribution of property on death of.

HB 543, AN ACT relating to limitations of actions.

WHEREAS, builders, architects, engineers, suppliers, manufacturers and materialmen have no control over the product after relinquishing it to the landowner who can ordinarily avoid liability by taking adequate care of the land and structures; and

WHEREAS, landowners can dispose of their property and terminate liability while, in the absence of a statute of limitations, builders, architects, engineers, suppliers, manufacturers, and materialmen are faced with extended liability for a structure that may suffer from neglect; and

WHEREAS, without protection by a statute of limitations there will be a chilling effect on the contributions of builders, architects, engineers, suppliers, manufacturers and materialmen to the state's economy; and

WHEREAS, builders who participate in a ten year new home warranty insurance program should be liable for covered definiencies only for the two year period that they are liable for under the program;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 413.135 is amended to read as follows:

(1) No action to recover damages, whether based upon contract or sounding in tort, resulting from or arising out of any deficiency in the *construction components,* design, planning, supervision, inspection or construction of any improvement to real property, or for any injury to property, either real or personal, arising out of such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person performing, [~~or~~] furnishing *or manufacturing the construction components,* [~~the~~] design, planning, supervision, inspection or construction of any such improvement after the expiration of five years following the substantial completion of such improvement.

(2) Notwithstanding the provisions of subsection (1) of this section, in the case of such an injury to property or the person or wrongful death resulting from such injury, which injury occurred during the fifth year following substantial completion of such improvement, an action to recover damages for such injury or wrongful death may only be brought within one year from the date upon which such injury occurred (irrespective of the date of death), but in no event may such an action be brought more than six years after the substantial completion of construction of such improvement.

(3) Nothing in this section shall be construed as extending the period prescribed by statute for the bringing of any action for damages.

(4) The limitation prescribed by this section shall not be asserted as a defense by any person in actual possession or having the control, of owner, tenant or otherwise, of such an improvement at the time any defect in such improvement constitutes the proximate cause of injury to person or death or injury to property which may constitute the subject of an action.

(5) As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated association or joint stock company; the term "substantial completion" shall be construed to mean the date upon which the owner of the structure, project or facility first entered upon the occupancy or commenced the use thereof.

(6) Notwithstanding the provisions of subsection (1) of this section, no action to recover damages resulting from or arising out of any deficiency covered under a new home warranty insurance program shall be brought against a builder participating in a new home warranty insurance program after the expiration of two (2) years following the substantial completion of the house. Such program shall provide a warranty for at least ten (10) years on a new home.

The Committee Substitute to HB 543 is as follows:

HB 543, AN ACT relating to limitations of actions.

WHEREAS, builders, architects, engineers, suppliers, manufacturers and materialmen have no control over the product after relinquishing it to the landowner who can ordinarily avoid liability by taking adequate care of the land and structures; and

WHEREAS, landowners can dispose of their property and terminate liability while, in the absence of a statute of limitations, builders, architects, engineers, suppliers, manufacturers, and materialmen are faced with extended liability for a structure that may suffer from neglect; and

WHEREAS, without protection by a statute of limitations there will be a chilling effect on the contributions of builders, architects, engineers, suppliers, manufacturers and materialmen to the state's economy;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 413.135 is amended to read as follows:

(1) No action to recover damages, whether based upon contract or sounding in tort, resulting from or arising out of any deficiency in the *construction components,* design, planning, supervision, inspection or construction of any improvement to real property, or for any injury to property, either real or personal, arising out of such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person [~~performing or furnishing the design, planning, supervision, inspection or construction of any such improvement~~] after the expiration of five (5) years following the substantial completion of such improvement.

(2) Notwithstanding the provisions of subsection (1) of this section, in the case of such an injury to property or the person or wrongful death resulting from such injury, which injury occurred during the fifth year following substantial completion of such improvement, an action to recover damages for such injury or wrongful death may only be brought within one year from the date upon which such injury occurred (irrespective of the date of death), but in no event may such an action be brought more than six years after the substantial completion of construction of such improvement.

(3) Nothing in this section shall be construed as extending the period prescribed by statute for the bringing of any action for damages.

(4) [~~The limitation prescribed by this section shall not be asserted as a defense by any person in actual possession or having the control, of owner, tenant or otherwise, of such an improvement at the time any defect in such improvement constitutes the proximate cause of injury to person or death or injury to property which may constitute the subject of an action.~~

~~(5)~~] As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated association or joint stock company; the term "substantial completion" shall be construed to mean the date upon which the owner of the structure, project or facility first entered upon the occupancy or commenced the use thereof.

The Committee Amendment No. 1 to the Committee Substitute to HB 543 is as follows:

Amend printed copy of Committee Substitute to HB 543:

On page 2, line 7, after "of" insert "*seven (7)*" and place brackets around and strike through "five (5)".

HB 711, AN ACT relating to mental health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 202A.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Authorized staff physician" means a physician who is a bona fide member of the hospital's medical staff;

(2) "Danger" or "threat of danger to self, family or others" means substantial physical harm or threat of substantial physical harm upon self, family or others, including actions which deprive self, family or others of the basic means of survival including provision for reasonable shelter, food or clothing. *In determining whether a person presents a danger or threat of danger to self, family or others, factors to be considered shall include but not be limited to an established pattern of past dangerous behavior*;

(3) "Cabinet" means the Kentucky cabinet for human resources;

(4) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing inpatient evaluation, care and treatment for mentally ill or mentally retarded persons who have been charged with or convicted of a felony;

(5) "Hospital" means:

(a) A state mental hospital or institution or other licensed public or private hospital, institution, health care facility, or part thereof, other than designated forensic psychiatric facilities, approved by the Kentucky cabinet for human resources as equipped to provide full-time residential care and treatment for mentally ill or mentally retarded persons;

(b) A hospital, institution or health care facility of the government of the United States equipped to provide residential care and treatment for mentally ill or mentally retarded persons;

(6) "Judge" means any judge or justice of the court of justice or a trial commissioner of the district court acting under authority of SCR 5.030;

(7) "Least restrictive alternative mode of treatment" means that treatment which will give a mentally ill individual a realistic opportunity to improve his level of functioning, consistent with accepted professional practice in the least confining setting available. *In determining the least restrictive alternative mode of treatment, factors to be considered shall include but not be limited to a failure of the person to improve his serious emotional or mental problems with outpatient treatment*;

(8) "Mentally ill person" means a person with substantially impaired capacity to use self-control, judgment or discretion in the conduct of his affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior or emotional symptoms can be related to physiological, psychological or social factors;

(9) "Patient" means a person under observation, care or treatment in a hospital pursuant to the provisions of this chapter;

(10) "Petitioner" means a person who institutes a proceeding under this chapter;

(11) "Qualified mental health professional" means:

(a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of his official duties;

(b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of his official duties, who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;

(c) A psychologist licensed at the doctoral level or certified at the master's level under the provisions of KRS Chapter 319 who has been designated by the Kentucky board of examiners of psychology as competent to make examinations under this chapter;

(d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, *or a licensed registered nurse with a bachelor's* *degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American nurses association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center*; or

(e) A certified social worker licensed for the independent practice of clinical social work under the provisions of KRS Chapter 335, *or a certified social worker under the provisions of KRS Chapter 335 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work following certification and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center*;

(12) "Residence" means legal residence as determined by applicable principles governing conflicts of law;

(13) "Respondent" means a person alleged in a hearing under this chapter to be a mentally ill or mentally retarded person;

(14) "Secretary" means the secretary of the cabinet for human resources.

Section 2. KRS 202A.021 is amended to read as follows:

(1) An authorized staff physician of a hospital may admit for observation, diagnosis, care and treatment any person who is mentally ill or who has symptoms of mental illness and who applies voluntarily therefor. An unemancipated person under eighteen (18) years of age may be admitted under this section following application in his behalf by his parent or guardian, the application being signed by his parent or guardian in the presence of two (2) witnesses. A child *sixteen (16)* [~~fourteen (14)~~] years of age or older may, with the concurrence of the treating or admitting physician, admit himself or herself to a hospital for evaluation, diagnosis and treatment provided, however, that the child's parents or legal guardian are notified immediately of the admission and of their right to seek discharge. A child admitted to the hospital, pursuant to this section, who is a ward of the state may designate a friend or relative over the age of majority to receive notification of the child's hospitalization in lieu of a parent.

(2) An authorized staff physician of a hospital shall discharge any voluntary patient, including an unemancipated person under eighteen (18) years of age, who has recovered or whose hospitalization he determines to be no longer necessary or advisable.

(3) If a voluntary patient requests in writing his release, or if his release is requested in writing by his parent, guardian or designated substitute parent as provided in subsection (1) of this section, the patient shall be released unless further detained under the applicable provisions of this chapter *or KRS Chapter 208. A child under the age of sixteen (16) shall not have the right to request on his own behalf that he be released from the hospital; that right shall rest with his parent or guardian.*

(4) Anytime during the period of hospitalization a [~~either the~~] child *under the age of sixteen (16), or a person who has been adjudicated disabled pursuant to KRS Chapter 387, who has been admitted voluntarily to the hospital upon the application of his parent or guardian may request in writing that a decision for continued hospitalization be reviewed by the hospital's review committee designated in KRS 202A.196. The review committee shall review the proposed treatment plan of the attending physician and shall meet with the patient and his counsel or other representative to discuss its recommendations. If the patient is a needy person under the provisions of KRS 31.120, counsel shall be provided by the department of public advocacy. If the patient continues to believe that his hospitalization is unnecessary, he may petition the district court for a de novo determination of the appropriateness of his continued hospitalization. Within seven (7) days the court shall conduct a hearing, and consistent with the patient's rights to due process of law shall make a determination as to whether continued hospitalization is in the best interest of the person. The patient may petition the court pursuant to this section no more often than once every sixty (60) days* [~~and/or his parent or legal guardian may seek an independent medical review of the appropriateness of decision made either to discharge, or to continue hospitalization, of a child hospitalized under this section~~].

SECTION 3. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) Following an examination by a qualified mental health professional who is a staff member of a regional comprehensive care center and a certification by that professional that the respondent meets the criteria for involuntary hospitalization, a judge may order the respondent hospitalized for a period not to exceed seventy-two (72) hours, excluding weekends and holidays.

(2) Any individual who has been admitted to a hospital under subsection (1) of this section shall be released from the hospital within seventy-two (72) hours (excluding weekends and holidays) unless further detained under the applicable provisions of this chapter.

(3) Any respondent admitted to the hospital under subsection (1) of this section or released under subsection (2) of this section shall be transported to and from his home county by the sheriff of that county.

Section 4. KRS 202A.051 is amended to read as follows:

(1) Proceedings for sixty (60) days or three hundred sixty (360) days involuntary hospitalization of an individual shall be initiated by the filing of a verified petition in district court.

(2) *The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)."*

(3) The petition shall be filed by a qualified mental health professional, peace officer, county attorney, commonwealth attorney, spouse, relative, friend or guardian of the individual concerning whom the petition is filed.

(4)[~~(3)~~] The petition shall set forth:

(a) Petitioner's relationship to the respondent;

(b) Respondent's name, residence and current location, if known;

(c) The name and residence of respondent's parents, if living and if known, or respondent's legal guardian, if any and if known;

(d) The name and residence of respondent's husband or wife, if any and if known;

(e) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or that such person is unknown;

(f) Petitioner's belief, including the factual basis therefor, that the respondent is mentally ill and presents a danger or threat of danger to self, family or others if not restrained; and

(g) If the petition seeks a three hundred sixty (360) day involuntary hospitalization of the respondent, the petition shall further set forth that the respondent has been hospitalized *in a hospital or a forensic psychiatric facility* for a period of thirty (30) days under the provisions of this chapter or KRS Chapter 504 within the preceding six (6) months.

(5)[~~(4)~~] Upon receipt of the petition the court shall examine the petitioner under oath as to the contents of the petition. If the petitioner is a qualified mental health professional, the court may dispense with such examination.

(6)[~~(5)~~] If after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be involuntarily hospitalized, the court shall:

(a) Set a date for a preliminary hearing;

(b) Notify the respondent, his legal guardian, if any, and if known, and his spouse, parent(s), or nearest relative or friend concerning the allegations and contents of the petition and the date and purpose of the preliminary hearing; and the name, address and telephone number of the attorney appointed to represent the respondent;

(c) Cause the respondent to be examined without unnecessary delay, by two (2) qualified mental health professionals, at least one (1) of whom is a physician. The qualified mental health professional shall certify within twenty-four (24) hours (excluding weekends and holidays) their findings.

(7)[~~(6)~~] (a) If the respondent is being presently detained under the provisions of this chapter, the court may order further detention of the respondent to accomplish the examination ordered by the court.

(b) If the respondent is not being presently detained under the provisions of this chapter, the court may issue a warrant for the arrest of the respondent commanding therein that the respondent be examined without unnecessary delay by two (2) qualified mental health professionals, at least one (1) of whom is a physician.

(8)[~~(7)~~] When the court is authorized to issue a warrant for the arrest of the respondent, the court may, in its discretion, issue a summons. A summons so issued shall be directed to the respondent, shall command the respondent to appear at a time and place therein specified where the respondent shall be there examined by two (2) qualified mental health professionals, at least one (1) of whom is a physician, and shall command the respondent's appearance at the preliminary hearing. If a respondent who has been summoned fails to appear for such examination or at the preliminary hearing, a warrant may then be issued.

(9)[~~(8)~~] If upon completion of the preliminary hearing, the court finds there is probable cause to believe the respondent should be involuntarily hospitalized, the court shall order a final hearing to determine if the respondent should be involuntarily hospitalized.

(10)[~~(9)~~] If the court finds there is no probable cause, the proceedings against the respondent shall be dismissed, and the respondent shall be released from any detention.

(11)[~~(10)~~] If upon completion of the final hearing, the court finds the respondent should be involuntarily hospitalized, the court shall order the respondent hospitalized in a hospital for *a period not to exceed sixty (60) consecutive days from the date of the court order or a period not to exceed three hundred and sixty (360) consecutive days from the date of the court order, whatever was* the period of time that was requested in the petition.

Section 5. KRS 202A.076 is amended to read as follows:

(1) The preliminary hearing need not be formal and may include the receiving of the qualified mental health *professionals'* [~~professional's~~] reports as evidence. The hearing may be held by the court in chambers, at a hospital, or other suitable place. The respondent shall be afforded an opportunity to testify, to present, and cross-examine witnesses who appear and testify against him. The court may exclude all persons not necessary for the conduct of the hearing. The respondent and his attorney may waive respondent's right to a preliminary hearing.

(2) The final hearing may be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the mental or physical health of the respondent. The hearing may be held by the court in chambers, at a hospital, or other suitable place. The respondent shall be afforded an opportunity to testify, to present, and cross-examine witnesses against him. The manner of proceeding and rules of evidence shall be the same as those in any criminal proceeding including the burden of proof beyond a reasonable doubt. *Proceedings shall be heard by a judge unless a party requests a jury trial* [~~The court shall impanel a jury for the final hearing unless the respondent and his attorney waive respondent's right to a jury trial~~].

Section 6. KRS 202A.081 is amended to read as follows:

(1) Following the preliminary hearing but *prior to the completion of* [~~pending~~] the final hearing, the court may order the person detained in jail, or in a hospital approved by the secretary for such purpose for the committing judicial district, or released, *upon application and agreement of the parties,* for the purpose of community-based outpatient treatment. *A person detained in jail under this section shall be detained therein no more than forty-eight (48) hours.*

(2) A hospital shall discharge a patient there detained and notify the court and attorneys of record if any authorized staff physician determines that the patient no longer meets the criteria for involuntary hospitalization.

(3) If a patient is discharged by the hospital pursuant to subsection (2), then the proceedings against the patient shall be dismissed.

(4) The release of the person pursuant to subsection (1) for the purpose of community-based outpatient treatment does not terminate the proceedings against the person, and the court ordering such release may order the immediate detention of the person at any time with or without notice if the court believes *from an affidavit filed with the court* that it is to the best interest of the person or others that the person be detained pending the final hearing, *which shall be heard within twenty-one (21) days of his further detention.*

(5) If the person is released pursuant to subsection (1) of this section for the purpose of community-based outpatient treatment, the final hearing may be continued for a period not to exceed sixty (60) days, provided that a provider of outpatient care accepts the respondent for specified outpatient treatment. Community-based outpatient treatment may be ordered for an additional period not to exceed sixty (60) days upon application and agreement of the parties.

Section 7. KRS 202A.181 is amended to read as follows:

(1) An authorized staff physician may release an involuntary patient on convalescent leave status when the physician concludes that the patient would not present a danger or a threat of danger to self or others if provided with continued medical supervision in a less restrictive alternative mode of treatment. Release on convalescent leave status shall include notification to the hospitalizing court. Release on convalescent leave status does not terminate the involuntary hospitalization order and shall include provisions for *the development of a treatment plan jointly by the hospital and by a provider of outpatient care for follow-up care by the provider and for the continual monitoring of that patient's condition by the provider* [~~a continuing responsibility by the hospital, and will include a plan of treatment by the hospital~~].

(2) The hospital from which such patient is given convalescent leave status may at any time readmit the patient without additional court proceedings. If there is reason to believe that it is to the best interest of the patient to be rehospitalized, the secretary or an authorized staff physician of the hospital may issue an order for the immediate rehospitalization of the patient. Such an order, if not voluntarily complied with, shall upon the endorsement by a judge of any court of the county in which the patient is a resident or is present, authorize any health or police officer to take the patient into custody and transport him to the responsible hospital. Notice of rehospitalization under this section shall be given to the originating court as soon as practicable and simultaneously with the order directing the rehospitalization if possible.

(3) Release on convalescent leave status shall not apply to persons held under hospitalization orders arising out of *KRS Chapter 504* [~~criminal charges~~] unless consent of the appropriate court is obtained.

SECTION 8. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

When a patient undergoing involuntary treatment on an inpatient basis is absent from the hospital without, or in excess of authorization from the hospital staff, the person in charge, or that person's designee, may contact the appropriate sheriff or other peace officers who shall take the patient into custody and return him to the hospital.

Section 9. KRS 202A.196 is amended to read as follows:

(1) Every hospital approved under the provisions of this chapter shall have a review committee of three (3) qualified mental health professionals appointed by the hospital director. This review committee shall have the authority to review the appropriateness of a patient's individual treatment plan.

(2) Upon the refusal of an involuntary patient to participate in any or all aspects of his treatment plan, the review committee shall examine the appropriateness of the patient's individual treatment plan. Within three (3) days of the refusal, the review committee shall meet with the patient and his counsel or other representative to discuss *its* [~~their~~] recommendations.

(3) If the patient still refuses to participate in any or all aspects of his individual treatment plan, the hospital may petition the district court for a de novo determination of the appropriateness of the proposed treatment. Within seven (7) days, the court shall conduct a hearing, consistent with the patient's rights to due process of law, and shall utilize the following factors in reaching its determination:

(a) Whether the treatment is necessary to protect [~~other patients or~~] the patient *or others* [~~himself~~] from harm;

(b) Whether the patient is incapable of giving informed consent to the proposed treatment;

(c) Whether any less restrictive alternative treatment exists; and

(d) Whether the proposed treatment carries any risk of permanent side effects.

(4) Upon the completion of the hearing, the court shall enter an appropriate judgment.

Section 10. KRS 202A.201 is amended to read as follows:

(1) Whenever an inmate of any penal and correctional institution is reported by the staff of that institution to the corrections cabinet as being so mentally ill that he cannot be properly treated with the facilities at the disposal of the staff, the corrections cabinet shall have an examination conducted on such inmate by a physician.

(2) If this examination reveals that the inmate is mentally ill and appropriate treatment cannot be properly carried out in the institution in which he is incarcerated or within the facilities at the disposal of the corrections cabinet, the secretary *of the corrections cabinet* may then *request* [~~order~~] his transfer to a hospital or forensic psychiatric facility, where he shall remain until the staff of the facility which received him advises the secretary *of the corrections cabinet* that his condition *is such* [~~has so improved~~] that he may be returned to the institution from which he came. The secretary *of the corrections cabinet* shall then authorize his return. If the prisoner's sentence expires during his stay in the facility, and he is still in need of involuntary hospitalization, then the staff of the facility shall petition the applicable district court for further involuntary hospitalization of the patient under provisions of this chapter.

(3) During the time of the prisoner's stay in a facility his legal status as a prisoner shall remain unchanged until the termination of his sentence. The facility staff shall have no authority to parole, grant permission to visit relatives or friends outside the facility, or discharge the individual unless otherwise agreed to by the corrections cabinet. The time the prisoner spends in the facility shall be counted as a part of the prisoner's sentence.

Section 11. KRS 504.140 is amended to read as follows:

If a defendant is found guilty but mentally ill, the court *may* [~~shall~~] appoint at least one (1) psychologist or psychiatrist to examine, treat and report on the defendant's mental condition at the time of sentencing.

Section 12. KRS 504.150 is amended to read as follows:

(1) The court shall sentence a defendant found guilty but mentally ill at the time of the offense *to the local jail or to the corrections cabinet* in the same manner as a defendant found guilty. If the defendant is found *guilty but* mentally ill [~~at the time of sentencing~~], treatment shall be provided the defendant until *the treating professional determines that such treatment is no longer necessary* [~~he is no longer mentally ill~~] or until expiration of his sentence, whichever occurs first.

(2) Treatment shall be a condition of probation, shock probation, conditional discharge, parole or conditional release so long as the defendant *requires treatment for his mental illness in the opinion of his treating professional* [~~is mentally ill~~].

SECTION 13. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) A respondent who has been ordered involuntarily hospitalized following the preliminary hearing shall have the venue for all subsequent proceedings, including the final hearing, transferred to the court of the county where the respondent is hospitalized, notwithstanding any other provisions of this chapter to the contrary.

(2) The court of the county where the preliminary hearing was held may upon its own motion, or shall upon motion of one (1) of the parties, retain venue over proceedings subsequent to the preliminary hearing.

The Committee Amendment No. 1 to HB 711 is as follows:

Amend printed copy of HB 711:

On page 13, lines 7-8, delete the underlined wording; and

on page 13, lines 9-11, remove the brackets and strike throughs from the wording on lines 9-11.

SB 128, AN ACT relating to guardians and conservators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 387.700 is amended to read as follows:

(1) A conservator has all of the powers conferred herein and any additional powers conferred by law on trustees in this state. The conservator may take possession of the ward's real and personal property, and of all rents, incomes, and benefits therefrom, whether accruing before or after his appointment, and of the proceeds arising from the sale, mortgage, lease or exchange thereof. Subject to such possession the title of all such estate and to the increment and proceeds thereof shall be to the ward and not to the conservator. It is the duty of the conservator to protect and preserve the estate, to retain, sell and invest it as hereinafter provided, prosecute or defend actions, claims or proceedings in any jurisdiction for the protection of the estate's assets, to account for it faithfully, to perform all other duties required of him by law, and, at the termination of the conservatorship, to deliver the assets of the ward to the persons lawfully entitled thereto.

(2) The conservator shall apply the money and property for the payments of debts, taxes, claims, charges and expenses of the conservatorship and for the support, care, maintenance and education of the ward or his dependents.

(3) Any sale of realty of a ward shall be as provided in KRS Chapter 389A.

(4) Any lease of mineral rights, oil and gas rights, or sale of timber owned by a ward, or consolidation agreement, as defined by KRS 353.220, to be made on behalf of a ward by a conservator or guardian shall require the authorization and order of the district court of the county where the conservator or guardian has qualified. Such order may be given only pursuant to written motion which contains the grounds for the motion and a description of the lease or agreement involved.

Section 2. The following KRS sections are repealed:

353.270 Agreement consolidating oil and gas leases may be executed by guardian or conservator.

353.280 Nature of agreement.

353.290 Petition for court approval—Affidavits—Guardian ad litem—Order of approval.

The Committee Amendment No. 1 to SB 128 is as follows:

Amend printed copy of SB 128:

On page 2, line 20, after "approval." insert

"387.150 Leasing of mineral rights by guardian.

387.160 Procedure for approval of lease—Bond of guardian."

The Committee on Transportation reported SB 211, HB 636, HB 733 with Committee Substitute attached thereto, HB 806, HB 873 with Committee Amendment attached thereto, and HJR 80 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 211, AN ACT relating to the transportation cabinet.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.412 is amended to read as follows:

(1) Every person seeking a license, or a renewal of a license for the operation of a motor vehicle, motorcycle, moped or a non-driver identification card shall apply in person to the circuit court clerk of the county in which the applicant resides and shall make application upon a form furnished by the transportation cabinet. The application form shall contain and shall require the full and legal name and signature, date of birth, social security number, sex, present resident address of the applicant and briefly describe the applicant. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or county, whether any license has ever been canceled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, revocation or refusal, and such other information as may be required.

(2) The transportation cabinet shall issue a plastic laminated operator's license bearing thereon a color photograph of the licensee, which photograph shall be taken by the circuit clerk in such a manner that one exposure will photograph the applicant and the application simultaneously, using the process determined under provisions of KRS 186.413. *The license shall designate by color coding and by use of the phrase "under (21)" if the licensee is under the age of twenty-one (21).*

(3) Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(4) The clerk may, after determining that the applicant has fully complied with the law governing applications, issue a temporary operator's license to be valid for not more than ninety (90) days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent operator's license.

(5) Every person seeking a color photo non-driver identification card may apply in person to the circuit clerk in the county in which he resides. When requested by the clerk, a person must bring a birth certificate and social security card. The social security card must contain his signature. Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained on the form. The clerk shall not issue a color photo non-driver identification card to any individual with a valid operator's license. *The license shall designate by color coding and by use of the phrase "under (21)" if the licensee is under the age of twenty-one (21).*

(6) Military personnel and other licensed drivers temporarily out-of-county may be issued a license without a photograph. The license shall show in the space provided for the photograph the legend "valid without photo and signature."

(7) The cabinet shall provide on each license to operate motor vehicles or motorcycles issued a space for the licensed driver's blood type; a space for a medical insignia to be stamped with the proper insignia by the circuit court clerk, if the person provides evidence that a medical identification bracelet noting specific physical ailments or a drug allergy is being worn or other proof as may be required by the department; and a statement whereby the owner of such license may certify in the presence of two witnesses his willingness to make an anatomical gift under KRS 311.195. In addition, if the motor vehicle operator denotes a physical ailment or drug allergy on the license, they may apply for and shall receive, for a fee of one dollar ($1.00), a medical insignia decal which may be affixed to the lower left side of the front windshield of a motor vehicle. The applicant shall remit a fee of one dollar ($1.00) to the circuit clerk, at which time the clerk shall issue the insignia.

Section 2. KRS 186.531 is amended to read as follows:

(1) The cost of operator's licenses, motorcycle operator's licenses and permits shall be as follows:

(a) The fee for any two (2) year original or renewal license, including motorcycle operator's license, shall be four dollars ($4.00), except that the fee for a combination motor vehicle-motorcycle operator's license shall be seven dollars ($7). The fee for any four (4) year original or renewal license, including motorcycle operator's license, shall be eight dollars ($8), except that the fee for a four (4) year combination motor vehicle-motorcycle operator's license shall be fourteen dollars ($14);

(b) The fee for any instruction permit shall be one dollar ($1) plus one dollar ($1) for preparing and acknowledging such application;

(c) The fee for a duplicate license shall be two dollars ($2); [~~and~~]

(d) The fee for a non-driver's identification card shall be four dollars ($4). The fee for a duplicate non-driver identification card shall be two dollars ($2)*; and*

(e) Any applicant under the age of twenty-one (21) who meets the requirements for the issuance of a valid driver's license shall be issued a license valid until the date on which said applicant attains the age of twenty-one (21). The fee for such a license shall be two dollars ($2.00) per year for the requisite number of years as set forth herein. The applicant shall have thirty (30) days after his twenty-first birthday in which to renew his driver's license.

(2) The circuit clerk shall deposit in the state treasury to the credit of the general fund except as provided in paragraph (f) of this subsection fees pertaining to applications and license fees in the following manner:

(a) One dollar and seventy-five cents ($1.75) of any original and renewal license, except that the fee for a combination motor vehicle-motorcycle operator's license shall be three dollars ($3);

(b) One dollar ($1) for issuance of any instruction permit;

(c) One dollar ($1) for preparing and acknowledging an application for an instruction permit;

(d) One dollar and twenty-five cents ($1.25) for preparing and acknowledging an application for a duplicate;

(e) One dollar and twenty-five cents ($1.25) for each non-driver's identification card; and

(f) For each [~~two (2) year~~] original or renewal license [~~fifty (50) cents or for each four (4) year original or renewal license~~] one dollar ($1) shall be credited to a special account within the state road fund and shall be used by the transportation cabinet exclusively for the purpose of issuing a photo license.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the state.

(4) The photo licenses shall be in use and the procedures prescribed by KRS 186.412 and 186.413 shall be fully implemented by January 1, 1975.

HB 636, AN ACT relating to railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 276 IS CREATED TO READ AS FOLLOWS:

(1) Any railroad operating as a common carrier in this state shall not run or permit to be run over its tracks outside of yard limits any train in excess of twenty-eight hundred (2800) feet in overall length including locomotives or a train transporting a hazardous material without having attached thereto, as the rear car, a properly equipped and maintained caboose occupied when moving by a qualified train service conductor or brakeman.

(2) Cabooses are not required on passenger trains, trains carrying a single commodity, solid consist piggy-back trains, unless a piggy-back train carries a hazardous material or auto trains and in cases of emergency occurring on line of road which will not permit compliance.

(3) A defective rail car that cannot be entrained except behind the caboose may be the rear car from the point entrained, on line of road, to the first terminal where repairs can be made.

Section 2. KRS 276.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 276.070 shall be fined not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000).

(2) Any express company that violates any of the provisions of subsection (1) of KRS 276.090 shall be fined not more than one thousand dollars ($1,000).

(3) Any express company or carrier of property by water, and any officer, employe or person in possession of the books, papers or correspondence of such company or carrier, who refuses to produce such books, papers and correspondence when required by the railroad commission under subsection (3) of KRS 276.100, shall be fined not more than one thousand dollars ($1,000).

(4) Any person who neglects or refuses to obey a subpoena for his attendance as a witness issued by the railroad commission under subsection (4) of KRS 276.100, or who refuses to testify when in attendance, shall, for each offense, be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100), or imprisoned in the county jail for not less than ten (10) days nor more than fifty (50) days, or both.

(5) Any person in possession of the books, correspondence or papers of any express company or carrier of property by water who refuses to produce such books, correspondence or papers when demanded by the

railroad commission under subsection (4) of KRS 276.100 shall be fined not more than five hundred dollars ($500), or imprisoned in the county jail for not more than six (6) months.

(6) Any officer, agent or employe of a railroad company who fails or refuses to make under oath, within the time required, any report required by the railroad commission, or who fails or refuses to answer fully under oath, when required, any inquiry propounded by the commission, shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(7) If any carrier violates any of the provisions of KRS 276.140 and the person making the request suffers damage in consequence thereof, through making the shipment over a route or line for which the proper rate is higher than the rate over another available route or line, or through entering into any contract or sale under which such person obligates himself to make the shipment at his cost, the carrier shall be liable to a penalty of two hundred and fifty dollars ($250), which shall accrue to the state and may be recovered in a civil action brought by the state.

(8) Any carrier or officer, agent or employe thereof who knowingly or wilfully fails to comply with any order of the railroad commission made and entered under subsection (2) of KRS 276.200 shall be punished in the same manner as is provided in subsection (17) of this section for violations by railroads of subsection (2) of KRS 276.310.

(9) Any carrier by rail or carrier by water, or agent or employe thereof, who violates any order issued by the railroad commission under KRS 276.210 shall be fined not more than one thousand dollars ($1,000) for the first offense, not more than three thousand dollars ($3,000) for the second offense, and not more than five thousand dollars ($5,000) for every succeeding offense.

(10) Any carrier that violates the provisions of subsection (1) of KRS 276.230 shall, unless exonerated as provided in subsection (2) of KRS 276.230, be fined for each offense not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(11) Any person who violates any of the provisions of subsections (1) or (3) of KRS 276.240 shall, for each offense, be fined not less than five hundred dollars ($500) nor more than two thousand five hundred dollars ($2,500), or imprisoned in the county jail for not less than thirty (30) days nor more than ninety (90) days, or both. No person within the purview of KRS 276.240 shall be privileged from testifying in relation to anything prohibited by that section, but no person having so testified shall be liable to prosecution or punishment for any offense concerning which he was required to give his testimony.

(12) Any common carrier of passengers that fails to file the report required by KRS 276.250 within the time required by that section shall be fined one thousand dollars ($1,000).

(13) Any officer of a common carrier of passengers who makes a false statement in a report required by KRS 276.250 shall be imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years.

(14) Any express company or carrier of property by water that violates any of the provisions of KRS 276.260 shall be fined not more than one thousand dollars ($1,000).

(15) Any common carrier that violates any of the provisions of KRS 276.270 shall be fined one thousand dollars ($1,000) for the first offense and two thousand dollars ($2,000) for each subsequent offense. Any other person who violates any of the provisions of that section shall be fined five hundred dollars ($500) for the first offense and one thousand dollars ($1,000) for each subsequent offense. Each person transported or furnished transportation in violation of KRS 276.270 shall be deemed a separate offense.

(16) Any express company or carrier of property by water that violates any of the provisions of KRS 276.290 shall be fined not more than five hundred dollars ($500) for the first offense, not more than one thousand dollars ($1,000) for the second offense, and not more than two thousand dollars ($2,000) for any subsequent offense. Any railroad company that violates any of the provisions of that section shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for the first offense, not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) for the second offense, and not less than two thousand dollars ($2,000) nor more than five thousand dollars ($5,000) for any subsequent offense. Any express company, carrier of property by water or railroad company that violates any of the provisions of KRS 276.280, 276.290 or 276.300 shall also be liable in damages to the person aggrieved to the amount of damages sustained, together with the costs of suit and reasonable attorneys' fees to be fixed by the court.

(17) Any express company or carrier of property by water, or officer, agent or employe thereof, who violates any of the provisions of subsection (2) of KRS 276.310 shall be fined not more than one thousand dollars ($1,000) for the first offense, not more than two thousand dollars ($2,000) for the second offense, and not more than five thousand dollars ($5,000) for any subsequent offense. Any railroad company, or officer, agent or employe thereof, who violates any of the provisions of that subsection shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for the first offense, not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000) for the second offense, and not less than two thousand dollars ($2,000) nor more than five thousand dollars ($5,000) for any subsequent offense.

(18) Any carrier by rail or carrier of property by water, or agent, employe, trustee or receiver of such carrier, who knowingly or wilfully fails to comply with an order made by the railroad commission under KRS 276.320 within thirty (30) days after the order is entered by the commission on its records and a copy of the order is mailed to the general freight agent of the carrier, shall be fined not more than two hundred and fifty dollars ($250) for the first offense, not more than five hundred dollars ($500) for the second offense, and not more than two thousand five hundred dollars ($2,500) for the third offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

(19) Any railroad company that violates any of the provisions of KRS 276.400 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

(20) Any railroad company that violates or permits any of its employes or agents to violate any of the provisions of subsection (2) of KRS 276.410 or subsection (1) of KRS 276.430 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense, and shall be liable for any damages caused by the violation.

(21) Any railroad company that violates any of the provisions of subsections (2) or (3) of KRS 276.430 shall be fined not less than ten dollars ($10.00) nor more than twenty dollars ($20.00) for each offense.

(22) Any person who violates any of the provisions of subsections (1) or (3) of KRS 276.450 shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), or confined in the county jail for not less than ten (10) days nor more than one hundred days (100), or both.

(23) Any railroad company that violates any of the provisions of KRS 276.480 shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500) for each offense.

(24) Any person who violates any of the provisions of subsection (1) of KRS 276.490 shall be fined not more than five hundred dollars ($500) for each offense.

(25) Any person who violates any of the provisions of subsection (2) of KRS 276.490 shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each offense.

(26) Any carrier by rail or carrier by water, or officer, agent or employe thereof, who violates any of the provisions of KRS 276.020, 276.060, 276.130, 276.140, 276.150, 276.160, 276.170, 276.200 (2) (3) (4), 276.220, 276.320, 276.330 (2) or 276.370, or who fails to comply with any order of the railroad commission made and entered pursuant to the provisions of those sections, and any officer, agent or employe of any such carrier who fails to perform any duty or obligation required to be performed by such carriers under the provisions of those sections, shall, if no other penalty is provided by this section for such violation or failure, be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each offense.

(27) Any railroad company that violates any of the provisions of Section 1 of this Act shall be fined not less than one thousand dollars ($1,000) for the first offense, and thereafter, two thousand dollars ($2,000) for each subsequent violation. Each violation constitutes a separate offense.

HB 733, AN ACT relating to the sale of new motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Sections 2 to 5 of this Act shall be liberally construed and applied to promote the underlying purposes of this Act, which purposes are:

(1) To protect consumers whose new motor vehicles do not conform to applicable warranties by holding manufacturers accountable for certain non-conformities;

(2) To limit the number of attempts and the amount of time that a manufacturer, its agents and its authorized dealers shall have to cure such non-conformities; and

(3) To require manufacturers to provide, in as expeditious a manner as possible, a refund, not to exceed the amount in Section 3 of this Act, or replacement vehicle that is acceptable to the aggrieved consumer whenever the manufacturer, its agents or its authorized dealers fail to cure any non-conformity within the specified limits.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) "Buyer" means any resident person who buys or contracts to buy a new motor vehicle in the Commonwealth of Kentucky.

(2) "Manufacturer" means any person or corporation, resident or non-resident, who manufacturers or assembles new motor vehicles which are sold in the Commonwealth of Kentucky.

(3) "Motor vehicle" means any two-axle, motor-driven vehicle with at least four (4) wheels which is required to be registered or licensed in the Commonwealth of Kentucky before being operated upon the highways and is used or bought for use primarily for personal, family, or household purposes; but not including conversion vans, motor homes, and motorcycles.

(4) "New motor vehicle" means a motor vehicle which, after its final assembly, is either in the possession of a manufacturer, factory branch, or distributor, or an authorized dealer operating under a franchise with the manufacturer, factory branch, or distributor, and whose legal or equitable title has never been the subject of a sale or transfer other than to another dealer operating under a similar franchise with the same manufacturer, factory branch, or distributor.

(5) "Express warranty" or "warranty" means the written warranty, so labeled, of the manufacturer of a new automobile, including any terms or conditions precedent to the enforcement of obligations under the warranty.

(6) "Non-conformity" means a failure to conform with an express warranty in a manner which substantially impairs the use, value, or safety of the motor vehicle.

(7) "Reasonable allowance for use" means the amount directly attributable to a consumer's use of the vehicle other than those time periods when the vehicle is out-of-service due to the non-conformity.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) If after a reasonable number of attempts, the manufacturer's franchised dealer is unable to repair the non-conformity in the motor vehicle to the express warranty during the first twelve thousand (12,000) miles of operation or during the first twelve (12) months following the date of delivery to the buyer, whichever is the earlier date, that buyer shall report the non-conformity, in writing, to the manufacturer.

(2) If, within the period specified in subsection (1) of this section, the manufacturer, or its franchised dealer, is unable to repair or correct any non-conformity or defect that substantially impairs the use, value, or safety of the motor vehicle, after a reasonable number of attempts, the manufacturer, at the option of the buyer, shall replace the motor vehicle with a comparable motor vehicle, or accept return of the vehicle from the buyer and refund to the buyer the full purchase price. The full purchase price shall include the amount paid for the motor vehicle, finance charge, all sales tax, license fee, registration fee, and any similar governmental charges plus all collateral charges, less a reasonable allowance for the buyer's use of the vehicle. Refunds shall be made to the buyer and lienholder, if any, as their interests may appear on the records of ownership kept by the department of vehicle regulation. The provisions of this section shall not affect the interests of a lienholder, unless the lienholder consents to the replacement of the lien with a corresponding lien on the automobile accepted by the consumer in exchange for the automobile having a non-conformity, the lienholder shall be paid in full the amount due on the lien, including finance charges and other charges, before an exchange of automobiles or a refund to the consumer is made. It shall be an affirmative defense to any claim under this section that:

(a) The non-conformity, defect, or condition does not substantially impair the use, value, or safety of the motor vehicle; or

(b) The non-conformity, defect, or condition is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle by the buyer.

(3) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranty if, within the first twelve thousand (12,000) miles of operation or during the period of, twelve (12) months following the date of original delivery of the motor vehicle to the buyer, whichever is the earlier date:

(a) The same non-conformity, defect, or condition has been subject to repair four (4) or more times by the manufacturer or a franchised dealer of the manufacturer, but such non-conformity, defect, or condition continues to exist; or

(b) The vehicle is out of service/use by reason of repair of the same non-conformity, defect, or condition for a cumulative total of at least thirty (30) calendar days.

(4) The provisions of subsection (2) of this section concerning refund or replacement shall be addressed first through a dispute resolution system already established under KRS 367.860 to 367.870, or under 16 C.F.R. part 703, before the buyer may seek relief under this Act through the judicial system.

(5) Nothing in this chapter may be construed as imposing any liability on a dealer or creating a cause of action by a consumer against a dealer.

(6) Nothing in this section shall in any way limit the rights or remedies which are otherwise available to a buyer under any other law.

(7) Any agreement entered into by a buyer for the purchase of a new motor vehicle which waives, limits, or disclaims the rights set forth in this section shall be void as contrary to public policy.

(8) Any action brought pursuant to this section shall be commenced within three (3) years after the date of original delivery of the new motor vehicle to the buyer.

(9) A court may award reasonable attorney's fees to a prevailing plaintiff.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) If a motor vehicle is returned to the manufacturer or franchised dealer for exchange or refund under the provisions of this Act, it shall be unlawful for any motor vehicle dealer or motor vehicle salesperson to sell or offer to sell the returned motor vehicle in Kentucky if it does not have affixed to its windshield, when the car is offered for sale, in a conspicuous manner, the following notice:

IMPORTANT:

THIS MOTOR VEHICLE WAS RETURNED TO
THE MANUFACTURER BECAUSE IT DID NOT CONFORM
TO THE MANUFACTURER'S EXPRESS WARRANTY AND
THE NON-CONFORMITY WAS NOT CURED WITHIN A
REASONABLE TIME AS PROVIDED BY KENTUCKY LAW.

(2) Any person who purchases a motor vehicle and thereby suffers any ascertainable loss of money or property, real or personal, as a result of a violation of this section, may bring an action under the provisions of KRS 367.220 for relief.

SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

No manufacturer shall, directly or indirectly, by any means or methods, expose or attempt to expose any franchised dealer to liability as forbidden in Section 3(5) herein. Any violation of this section shall be subject to all applicable provisions of the law, including but not limited to the provisions of KRS 190.062(2).

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Noncompliance with the provisions of this Act by a manufacturer shall be unlawful. The attorney general shall have authority to enforce this Act in accordance with powers provided by KRS 367.190 and 367.230, pertaining to acts declared unlawful by KRS 367.170.

SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

This Act shall apply to new motor vehicles purchased after the effective date of this Act.

The Committee Substitute to HB 733 is as follows:

HB 733, AN ACT relating to the sale of new motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Sections 2 to 5 of this Act shall be liberally construed and applied to promote the underlying purposes of this Act, which purposes are:

(1) To protect consumers whose new motor vehicles do not conform to applicable warranties by holding manufacturers accountable for certain non-conformities;

(2) To limit the number of attempts and the amount of times that a manufacturer or its agents shall have to cure such non-conformities; and

(3) To require manufacturers to provide, in as expeditious a manner as possible, a refund, not to exceed the amount in Section 3 of this Act, or replacement vehicle that is acceptable to the aggrieved consumer when the manufacturer or its agents fail to cure any non-conformity within the specified limits.

SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) "Buyer" means any resident person who buys or contracts to buy a new motor vehicle in the Commonwealth of Kentucky.

(2) "Manufacturer" means any person or corporation, resident or non-resident, who manufacturers or assembles new motor vehicles which are sold in the Commonwealth of Kentucky.

(3) "Motor vehicle" means every vehicle which is self propelled, and which is intended primarily for use and operation on the public highways and required to be registered or licensed in the Commonwealth prior to such use or operation; however, "motor vehicle" shall not include conversion vans, motor homes, motorcycles, mopeds, farm tractors and other machines used in the production, harvesting and care of farm products, or vehicles which have more than two (2) axles.

(4) "New motor vehicle" means a motor vehicle which has been finally and completely assembled and is in the possession of a manufacturer, factory branch, distributor, wholesaler or an authorized motor vehicle dealer operating under a valid sales and service agreement, franchise or contract for the sale of such vehicle granted by the manufacturer, factory branch, distributor or wholesaler which is, in fact, new and on which the original title has never been issued.

(5) "Express warranty" or "warranty" means the written warranty, so labeled, of the manufacturer of a new automobile, including any terms or conditions precedent to the enforcement of obligations under the warranty.

(6) "Non-conformity" means a failure to conform with an express warranty in a manner which substantially impairs the use, value, or safety of the motor vehicle.

(7) "Reasonable allowance for use" means the amount directly attributable to a consumer's use of the vehicle other than those time periods when the vehicle is out-of-service due to the non-conformity.

SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

(1) If, after a reasonable number of attempts, the manufacturer or its agents is unable to repair the non-conformity in the motor vehicle to the express warranty during the first twelve thousand (12,000) miles of operation or during the first twelve (12) months following the date of delivery to the buyer, whichever is the earlier date, that buyer shall report the non-conformity, in writing, to the manufacturer.

(2) If, within the period specified in subsection (1) of this section, the manufacturer or its agents, is unable to repair or correct any non-conformity or defect that substantially impairs the use, value, or safety of the motor vehicle, after a reasonable number of attempts, the manufacturer, at the option of the buyer, shall replace the motor vehicle with a comparable motor vehicle, or accept return of the vehicle from the buyer and refund to the buyer the full purchase price. The full purchase price shall include the amount paid for the motor vehicle, finance charge, all sales tax, license fee, registration fee, and any similar governmental charges plus all collateral charges, less a reasonable allowance for the buyer's use of the vehicle. Refunds shall be made to the buyer and lienholder, if any, as their interests may appear on the records of ownership kept by the department of vehicle regulation. The provisions of this section shall not affect the interests of a lienholder, unless the lienholder consents to the replacement of the lien with a corresponding lien on the automobile accepted by the consumer in exchange for the automobile having a non-conformity, the lienholder shall be paid in full the amount due on the lien, including finance charges and other charges, before an exchange of automobiles or a refund to the consumer is made. It shall be an affirmative defense to any claim under this section that:

(a) The non-conformity, defect, or condition does not substantially impair the use, value, or safety of the motor vehicle; or

(b) The non-conformity, defect, or condition is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle by the buyer.

(3) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranty if, within the first twelve thousand (12,000) miles of operation or during the period of, twelve (12) months following the date of original delivery of the motor vehicle to the buyer, whichever is the earlier date:

(a) The same non-conformity, defect, or condition has been subject to repair four (4) or more times by the manufacturer, but such non-conformity, defect, or condition continues to exist; or

(b) The vehicle is out of service/use by reason of repair of the same non-conformity, defect, or condition for a cumulative total of at least thirty (30) calendar days.

(4) Disputes arising under subsection (2) of this section concerning refund or replacement shall be resolved through the dispute resolution system established under either KRS 367.860 to 367.870, or 16 C.F.R. part 703. Such remedy shall be pursued prior to seeking any judicial relief under this Act.

(5) Nothing in this chapter may be construed as imposing any liability on a dealer or creating a cause of action by a consumer against a dealer.

(6) Nothing in this section shall in any way limit the rights or remedies which are otherwise available to a buyer under any other law.

(7) Any agreement entered into by a buyer for the purchase of a new motor vehicle which waives, limits, or disclaims the rights set forth in this section shall be void as contrary to public policy.

(8) Any action brought pursuant to this section shall be commenced within two (2) years after the date of original delivery of the new motor vehicle to the buyer.

(9) A court may award reasonable attorney's fees to a prevailing plaintiff.

SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Any person who purchases a motor vehicle and thereby suffers any ascertainable loss of money or property, real or personal, as a result of a violation of this section, may bring an action under the provisions of KRS 367.220 for relief.

SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

No manufacturer shall, directly or indirectly, by any means or methods, expose or attempt to expose any franchised dealer to liability as forbidden in Section 3(4) and (5) herein. Any violation of this section shall be subject to all applicable provisions of the law, including but not limited to the provisions of KRS 190.062(2).

SECTION 6. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

Noncompliance with the provisions of this Act by a manufacturer shall be unlawful. The attorney general shall have authority to enforce this Act in accordance with powers provided by KRS 367.190 and 367.230, pertaining to acts declared unlawful by KRS 367.170. Any expenses accruing to the attorney general from the provisions of this Act shall be assessed by his office upon the motor vehicle manufacturer involved in any action cited in the provisions herein.

SECTION 7. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

This Act shall apply to new motor vehicles purchased after the effective date of this Act.

HB 806, AN ACT relating to motor carriers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 138.655 is amended to read as follows:

As used in KRS 138.655 to 138.725 and 138.990(17) and (18), unless the context requires otherwise:

(1) "Cabinet" means the transportation cabinet;

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof;

(3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction; also including all city streets, alleys and any way or place on which a toll is charged for using such way or place;

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semitrailer attached to or having its front end supported by such motor vehicle;

(5) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any commercial truck or commercial tractor-trailer combination having a total of three (3) or more axles *and a declared gross weight above twenty-six thousand (26,000) pounds*. The number of axles referred to herein shall include not only those axles on the power unit but if a tractor-trailer combination is involved, also those axles on the trailer or semitrailer;

(a) "Axle" as referred to herein means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane;

(b) "Trailers and semitrailers" are those as defined in subsections (1) and (2) of KRS 186.650, except that it does not include those trailers defined in subsections (3) and (4) of KRS 186.650 and those exempted from regulation under KRS 186.675. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the state of Kentucky;

(c) "Commercial" refers to any activity for business purposes;

(d) For the purposes of KRS 138.660(3), motor carriers, trailers and semitrailers shall not mean a farm vehicle as defined in KRS 186.050(4).

(6) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten (10) miles of its limits over a regular route and exclusively within the boundaries of this state;

(7) "Heavy equipment motor carrier" means any person who operates on the public highways of this state as a "motor carrier" as defined in subsection (5) of this section, except that it shall not include motor vehicles used to transport persons for hire;

(8) "Trip permit" means a permit for the operating during a ten (10) consecutive day period of any motor vehicle of any "heavy equipment motor carrier" not licensed under KRS 138.665;

(9) "Licensee" means for purposes of KRS 138.655 to 138.725 any person who has been granted a license as a "motor carrier" or a "heavy equipment motor carrier," or any motor vehicle in which a valid trip permit is carried;

(10) "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways;

(11) "Gasoline" means gasoline as defined in KRS 138.210 (4);

(12) "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210 (4);

(13) "Quarterly" for the purposes of KRS 138.655 to 138.725 means a three (3) month period ending June 30 in the year 1956 and each succeeding three (3) month period thereafter; except that for the purposes of the taxes imposed under KRS 138.660(3), "quarterly" shall mean the period beginning July 15, 1982, and ending September 30, 1982 and each succeeding three (3) month period thereafter;

(14) "Combined licensed weight" shall mean the greater of:

(a) The declared combined maximum gross weight of the vehicle and any towed unit for registration purposes for the current registration period; or

(b) The highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period.

HB 873, AN ACT relating to Kentucky transportation center.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.320 is amended to read as follows:

(1) Twenty-two and two-tenths percent (22.2%) of all funds arising from the imposition of taxes provided by KRS 138.220, 138.565, 138.660(1) and (2) and 234.320 shall be set aside for the construction, reconstruction and maintenance of secondary and rural roads and for no other purpose, and shall be expended for said purposes by the transportation cabinet of the Commonwealth of Kentucky according to the terms and conditions prescribed in KRS 177.330 to 177.360.

(2) On or after July 1, 1980, fifteen and six-tenths percent (15.6%) of all funds arising from the imposition of taxes provided by KRS 138.220, 138.565, 138.660 and 234.320 shall be set aside for the construction, reconstruction and maintenance of county roads and bridges provided by KRS 179.410 through 179.415.

(3) All funds set aside in subsection (2) of this section for the construction, reconstruction and maintenance of county roads and bridges shall be allocated to the county in accordance with the formula established in KRS 177.360(1) pursuant to KRS 179.410.

(4) On or after July 1, 1986, one-tenth of one percent (.1%) of all funds arising from the imposition of taxes provided by KRS 138.220, 138,565, 138.660 and 234.320 shall be set aside for the purposes and functions of the Kentucky transportation center as established by KRS 177.375 through 177.380.

The Committee Amendment No. 1 to HB 873 is as follows:

Amend printed copy of HB 873:

on page 2, line 6, after "*177.380*" add the following language: "*, except that the receipts provided to the center by this subsection shall not exceed one hundred ninety thousand dollars ($190,000) for any fiscal year*".

HJR 80, A JOINT RESOLUTION directing the Department of Highways to initiate a pilot program in Jefferson County to provide for the installation of callboxes on streets and highways to be used by motorists in emergency situations.

WHEREAS, legislation was recently passed in the California legislature permitting the installation of emergency callboxes in all California counties; and

WHEREAS, since the installation of these phones in Los Angeles County, approximately 6.1 million calls have been logged at a daily rate of 1,150 calls per day; and

WHEREAS, these telephones are being utilized for purposes which range from assistance in preparing a flat tire to the reporting of major highway accidents; and

WHEREAS, the placement of these emergency callboxes provide citizens greater security through faster emergency response and lessens the chances of crime against stranded motorists; and

WHEREAS, the Kentucky Department of Highways should learn from the California experience and begin the installation of emergency callboxes as a pilot program in Jefferson County;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Department of Highways be directed to initiate a pilot program in Jefferson County to provide for the installation of callboxes for motorists in emergency situations.

Section 2. That a copy of this resolution be transmitted to the Governor of the Commonwealth of Kentucky and the Secretary of the Kentucky Transportation Cabinet.

Motions, Petitions and Communications (Continued)

Representative Meyer moved that the rules be suspended to waive the three-day posting requirement on HB 770, HB 954, HB 955, HB 975, HB 818, SB 264, SB 265, SB 278, SB 284, and SB 228. Agreed.

Representative Crupper moved that the rules be suspended to waive the three-day posting requirement on HB 897, HB 926, and HB 916. Agreed.

Representative Layman requested that he be recorded as voting "nay" on HB 326. Agreed.

Representative Head requested that he be recorded as voting "nay" on HB 326. Agreed.

Representative Worthington requested that he be recorded as voting "yea" on HB 360. Agreed.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No 7 to the Committee Substitute to HB 398, by Representative L. Clark:

Amend printed copy of Committee Substitute to HB 398:

On page 180, before line 4 by adding the following:

"15. It is the intent of the General Assembly that prior to any person or contractor who seeks to procure, bid upon, or offer to bid upon any contract with the Commonwealth shall submit to the Finance and Administration Cabinet a certificate of eligibility. The Finance and Administration Cabinet shall adopt rules and regulations which identify eligibility requirements."

Floor Amendment No. 8 to the Committee Substitute to HB 398, by Representative McNutt:

Amend printed copy of Committee Substitute to HB 398:

Page 58, line 2, by deleting the amount "$39,261,600" and inserting in lieu thereof the amount "$38,561,600";

Page 58, line 3, by deleting the amount "$40,717,100" and inserting in lieu thereof the amount "$39,667,100";

Page 61, line 8, by deleting the amount "$490,302,300" and inserting in lieu thereof the amount "$489,602,300";

Page 61, line 9, by deleting the amount "$534,559,000" and inserting in lieu thereof the amount "$533,509,000";

Page 62, line 2, by deleting the amount "$496,387,400" and inserting in lieu thereof the amount "$495,687,400";

Page 62, line 3, by deleting the amount "$541,197,800" and inserting in lieu thereof the amount "$540,147,800";

Page 73, line 14, by deleting the amount "$2,921,790,400" and inserting in lieu thereof the amount "$2,921,090,400";

Page 73, line 15, by deleting the amount "$3,190,098,400" and inserting in lieu thereof the amount "$3,189,048,400";

Floor Amendment No. 1 to HB 408, by Representative Barrows:

Amend printed copy of HB 408:

On page 1, line 7, remove the brackets and delete strike through from the word "and"

On page page 1, beginning on line 7, delete all new language through line 10.

Floor Amendment No. 1 to HB 814, by Representative White:

Amend printed copy of HB 814:

On page 1, line 17, after the number "*217.015,*", by deleting the "*or*"; and

On page 1, line 18, after the number "*216B*", by inserting, "*or a local health department authorized under KRS Chapter 212*".

Floor Title Amendment to the Committee Substitute to HB 126, by Representative Worthington:

Amend printed copy of Committee Substitute for HB 126:

on page 1, to delete the title and insert in lieu thereof, AN ACT relating to revenue and taxation and declaring an emergency.

Floor Amendment No. 9 to the Committee Substitute to HB 398, by Representatives Morris and Bruce:

Amend printed copy of Committee Substitute to HB 398:

Page 53, line 4, by deleting the amount "$225,808,700" and inserting in lieu thereof the amount "$226,103,300";

Page 53, line 6, by deleting the amount "$15,131,900" and inserting in lieu thereof the amount "$15,426,500";

Page 53, line 8, by deleting the amount "$5,912,600" and inserting in lieu thereof the amount "$6,207,200";

Page 53, line 18, by deleting the amount "$43,203,300" and inserting in lieu thereof the amount "$43,497,900";

Page 53, line 22, by deleting the amount "$536,997,800" and inserting in lieu thereof the amount "$537,292,400";

Page 73, line 15, by deleting the amount "$3,190,098,400" and inserting in lieu thereof the amount "$3,190,393,000";

And page 138, after line 24, by adding the following:

"Hopkinsville: Academic Auditorium Building.......................................2,400,000";

Floor Amendment No. 5 to the Committee Substitute to HB 134, by Representative Johnson:

Amend printed copy of Committee Substitute to HB 134:

On page 1, line 7, after "*(a)*" by deleting "*Fifty percent (50%) of the proceeds for the*";

And by deleting lines 8-10;

And on line 11, at the beginning of the line, by deleting "*(b)*";

And on line 12, after "*expires*" by inserting ",";

And by deleting "*fifty percent (50%) of*";

And after "*proceeds*" by inserting "*shall be designated to provide*";

And by deleting "*for providing*"

And by inserting after line 18:

"*(b) Seventy percent (70%) of the proceeds shall be divided among city and county governments as the General Assembly may prescribe;*

(c) Twenty-five percent (25%) of the proceeds shall be used to help defray the usual current expenses of the Commonwealth; and

(d) Five percent (5%) of the proceeds shall be used for the treatment of compulsive gamblers and for alcohol and drug abuse programs, as the General Assembly may prescribe.";

And by deleting lines 19 and 20;

And on page 2 by deleting lines 1-12.

Floor Amendment No. 6 to the Committee Substitute to HB 134, by Representative Johnson:

Amend printed copy of Committee Substitute to HB 134:

On page 1, line 7, after "*(a)*" by deleting "*Fifty percent (50%) of the proceeds for the*";

And by deleting lines 8-10;

And on line 11, at the beginning of the line, by deleting "*(b)*";

And on line 12, after "*expires*" by inserting ",";

And by deleting "*fifty percent (50%) of*";

And after "*proceeds*" by inserting "*shall be designated to provide*";

And by deleting "*for providing*";

And by inserting after line 18:

"*(b) Ninety-five percent (95%) of the proceeds shall be used to help defray the usual current expenses of the Commonwealth; and*

(c) Five percent (5%) of the proceeds shall be used for the treatment of compulsive gamblers and for alcohol and drug abuse programs, as the General Assembly may prescribe.";

And by deleting lines 19 and 20;

And on page 2, by deleting lines 1-12.

Floor Amendment No. 1 to SB 120, by Representative L. Clark:

Amend printed copy of SB 120:

on page 1, line 2, after the "*(1)*" by deleting the rest of the line in its entirety.

on page 1, line 3, by deleting the words "*the contrary,*".

on page 3, line 26, after the word "liens." insert the following language:

(4) The provisions of this section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.600 to 82.640.

Floor Amendment No. 3 to the Committee Substitute to HB 126, by Representative Blandford:

Amend printed copy of Committee Substitute for HB 126:

on page 1, line 4, after the number "138.220" and before the "and" to insert "*(1) and (2)*".

on page 1, line 4, after the number "138.220" to place brackets around the word "and" and on page 1, line 6, to place brackets around the number "138.210(10)" and strikethrough the material therein.

on page 8, line 1, after the ";" to place brackets around the word "except" and on page 8, line 4, to place brackets around the ";" and to strikethrough the material therein.

on page 8, line 17, after the "(2)" to delete the ",".

on page 12, line 1, after the number "138.220" and before the "and" to insert "*(1) and (2)*".

on page 12, line 1, after the number "138.220" to place brackets around the word "and" and on page 12, line 2, to place brackets around the number "138.210(10)" and strikethrough the material therein.

on page 12, line 6, after the number "138.220" and before the "," to insert "*(1) and (2)*".

on page 15, line 16, after the "," to place brackets around the word "fifteen" and on page 15, line 17, to place brackets around the number "(15.6%)" and to strikethrough the material therein and insert in lieu thereof: "*eighteen and three-tenths percent (18.3%)*".

on page 15, line 18, after the number "138.660" to delete the ",".

on page 15, line 18, after the number "138.660" to insert "*(1) and (2)*".

on page 15, line 19, to remove the brackets around the word "and" and the strikethroughs therein.

on page 15, line 19, after the number "234.320" and on page 15, line 21, before the word "shall" to delete the material therein.

on page 16, line 4, after the "," to place brackets around the word "six" and on page 16, line 5, to place brackets around the number "(6.7%)" and to strikethrough the material therein and insert in lieu thereof "*seven and seven tenths percent (7.7%)*".

on page 16, line 7, after the "(2)" to delete the ",".

on page 16, line 7, to remove the brackets around the word "and" and the strikethroughs therein.

on page 16, line 7, after the number "234.320" and on page 16, line 9, before the word "shall" to delete the material therein.

on page 17, line 4, after the "." to insert the following:

SECTION 10. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) (a) For the purpose of assuring adequate, economical, and stable supplies of fuel-grade alcohol for the use and benefit of residents and motorists in this state; to preserve and stimulate the existing fuel-grade alcohol industry; and to encourage the establishment and growth of new fuel-grade alcohol facilities, the cabinet is hereby authorized to establish and make available from the revenues collected pursuant to KRS 138.220, a fuel-grade alcohol credit fund, and to use the fund, for and on behalf of the Commonwealth, to partially offset the operating costs of those fuel-grade alcohol producers that contribute to the economy of this state, by participating in and subsidizing the market costs for fuel-grade alcohol offered for sale in this state in the manner and form hereinafter provided; and

(b) Any dealer in gasoline shall receive a credit for each gallon of fuel-grade alcohol, or fuel-grade alcohol contained in a gasoline-alcohol blend, which is blended or purchased by a dealer and on which the tax imposed by KRS 138.220 is due and payable, except as otherwise provided in subsection (6) of this section. The credit shall be in the amount specified in subsection (2) of this section for two (2) annual periods beginning on July 1, 1986, and ending on June 30, 1988. Any such credit shall be reduced by the same amount per gallon as any increase per gallon in the federal excise tax exemption for alcohol fuels effective on the date of such increase.

(2) The total amount of the credit authorized in any annual period by subsection (1) of this section shall not exceed twenty-one million dollars ($21 million) and the per gallon credit to a dealer shall be:

(a) Thirty-five (35) cents for each gallon of fuel-grade alcohol certified to a dealer or a dealer's supplier by a licensed alcohol producer to have been distilled within Kentucky; or,

(b) Twenty-five (25) cents for each gallon of fuel-grade alcohol certified to a dealer or a dealer's supplier by a licensed alcohol producer to be qualified for the credit pursuant to subsection (3) of this section;

(c) Provided that, within ninety (90) days after the end of each annual period the cabinet shall determine if the total credits authorized pursuant to paragraph (a) plus paragraph (b) of this subsection have exceeded twenty-one million dollars ($21 million). If such limit has been exceeded, the cabinet shall further determine the amount of such excess, if any, by which the credits authorized pursuant to paragraph (a) of this subsection have exceeded eight and one-half million dollars ($8.5 million) and by which the credits authorized pursuant to paragraph (b) of this subsection have exceeded twelve and one-half million dollars ($12.5 million). The cabinet shall assess the amount of each such excess credit, if any, as a reimbursement excise tax to the licensed alcohol producer certifying the fuel-grade alcohol to a dealer or a dealer's supplier in respect of which the excess credit was claimed. The reimbursement excise tax shall be payable within thirty (30) days from the date of assessment and shall be collectable in the manner and form prescribed for taxes assessed pursuant to KRS 138.220.

(d) The cabinet shall maintain during each annual period a cumulative monthly record of all credits authorized pursuant to paragraph (a) and paragraph (b) of this subsection and shall upon request report the status of such record to licensed alcohol producers.

(3) The fuel-grade alcohol or gasoline-alcohol blend eligible for the credit authorized by this section shall be limited to alcohol distilled within this state and region, except as provided by paragraphs (a) and (b) of this subsection. For purposes of this section "distilled within this state and region" shall include alcohol distilled at a plant located in this state or in a bordering state, employing residents of this state to the extent of one-third (1/3) of its total work force, and purchasing one-half (1/2) of its annual requirements of grain or coal from producers within this state:

(a) If the cabinet certifies that another state provides an exemption, credit, or refund from that state's motor fuel excise tax or sales tax that is applicable to fuel-grade alcohol, or a gasoline alcohol blend which contains fuel-grade alcohol distilled in Kentucky, and if the distiller in the other state otherwise meets the requirements of this section and secures the license provided in subsection (2)(b) of this section, then the alcohol distilled in the other state shall be eligible for the credit provided in subsection (2)(b) of this section to the extent that this credit would be allowed by such other state; and

(b) Under no circumstances shall the per gallon value of the credit for alcohol distilled in the other state, as provided by paragraph (a) of this subsection, exceed the per gallon value of the credit for fuel-grade alcohol provided in subsection (2)(b) of this section.

(4) Every dealer claiming a credit authorized by this section shall file his claim as a supplement to the dealer report required by KRS 138.240. The claim shall be made under oath or affirmation on forms the cabinet may prescribe of the total number of gallons of fuel-grade alcohol upon which a credit is claimed and the total amount of the credit claimed. The claim shall include the following information:

(a) An itemized statement of the total number of gallons of fuel-grade alcohol, or fuel-grade alcohol contained in gasoline-alcohol blends, upon which a credit is claimed, showing the date of receipt of each shipment, the name and address of the licensed alcohol producer or supplier of each shipment, the invoice number, the point of origin, the point of destination, the quantity of each purchase or shipment, the method of transportation, and the name and address of the carrier; and if blended by the dealer with received gasoline, the date and place of blending and such details of the sale, distribution or use of the gasoline-alcohol blend as the cabinet may require;

(b) A written certification from a licensed alcohol producer confirming that the fuel-grade alcohol supplied by it to the dealer, or to the dealer's supplier, was distilled by a licensed alcohol producer in conformity with the requirements of this section and is qualified for the credit authorized by subsection (2)(a) or (2)(b) of this section; and

(c) The dealer shall also furnish such other information relating to the purchase, receipt, inventory, transportation, sale, distribution, exchange or use of fuel-grade alcohol or gasoline-alcohol blends as the cabinet may require.

(5) Upon determination by the cabinet of a dealer's right to receive the credit authorized by this section, the credit shall be determined by multiplying the number of gallons of fuel-grade alcohol for which the credit is claimed by the appropriate amount as provided under subsection (2)(a) or (2)(b) of this section. The credit shall be applicable to the dealer's tax liability under KRS 138.220 for the following month but under no circumstances shall the credit exceed the dealer's tax liability for such month. Any residual credit may be carried over to the following month.

(6) (a) The credit provided in this section shall not apply to gasoline-alcohol blend delivered to storage facilities of persons qualifying, under the provisions of KRS 138.341, 138.344, 138.445, and 138.662, for a refund of the tax paid pursuant to the provisions of KRS 138.210 to 138.340;

(b) The revenue cabinet may require the dealer to report such information as is necessary to administer the provisions of this subsection;

(c) Refunds due under the provisions of KRS 138.341, 138.344, 138.445, and 138.662 for tax paid pursuant to the provisions of KRS 138.210 to 138.340 on gasoline-alcohol blend dispensed from storage facilities serving both persons qualifying and not qualifying for the refund due, shall be reduced by the amount of the credit provided for in this section;

(d) Notwithstanding the provisions of any other section to the contrary, the cabinet may require persons applying for a refund under the provisions of KRS 138.341, 138.344, 138.445 and 138.662 to furnish the cabinet such information as is necessary to administer the provisions of this subsection;

(e) The credit provided in this section shall not be allowed in respect of any fuel-grade alcohol improperly certified to a dealer or a dealer's supplier by a licensed alcohol producer, and any such certification which is fraudulent shall constitute cause for the suspension, revocation, cancellation or refusal to renew the license authorized by subsection (7) of this section; and

(7) (a) Any distiller who desires to qualify fuel-grade alcohol distilled by it for purposes of this section shall procure a license and post bond pursuant to regulations prescribed by the cabinet. No such license shall be granted:

1. Unless the cabinet has determined to its satisfaction that the aggregate present and proposed operations and activities of the licensee in this state will significantly assist in providing adequate, economical, and stable supplies of fuel-grade alcohol to dealers in this state and will tend to directly or indirectly confer measurable investment, trade, employment, or other economic or market benefits upon this state;

2. Unless the distillery owned or operated by the licensee is regulated by the United States; and

3. Unless, as a condition precedent for the grant of such license, the licensee shall agree to subject itself to the jurisdiction of this state for the purpose of paying all taxes required by law and filing such reports and permitting such audits of its records and inspection of its premises as the cabinet may prescribe;

(b) Such licensee shall also post and keep in force a continuous surety bond, issued by a surety authorized to do business in this state and approved by the cabinet. The bond shall be in the amount of not less than fifty thousand dollars ($50,000), or such greater amount as may be fixed from time to time by the cabinet having due regard to the quantity of fuel-grade alcohol supplied by the licensee and eligible for credit in this state, and shall be conditioned upon the faithful compliance by the licensee with the requirements of law and with all regulations of the cabinet. No bond shall be required if the distillery of the licensee is located entirely within this state;

(c) Upon the grant of any annual license pursuant to this subsection the licensee shall pay a regulatory license fee to the cabinet in the amount of ten thousand dollars ($10,000), for each annual license period, which shall commence on July 1 and end on June 30 of each year. No annual license fee shall be required if the distillery of the licensee is located within this state; and

(d) The cabinet may revoke, suspend, or cancel the license herein authorized at any time for cause and may for cause refuse to renew any annual license. Any ruling by the cabinet in respect of the refusal to grant such license or the revocation, cancellation, or suspension thereof shall be made by written notice and shall constitute a final ruling of the cabinet for all purposes.

(8) Every licensed alcohol producer selling or distributing fuel-grade alcohol to dealers or dealers' suppliers in this state shall file a report with the cabinet on or before the twenty-fifth day of each month in respect of the production, sale, use, distribution and exchange of fuel-grade alcohol during the immediately preceding calendar month. The report shall be made under oath or affirmation on such forms as the cabinet may prescribe of the total number of gallons of fuel-grade alcohol sold, used, distributed or exchanged and certified by it to dealers or dealers' suppliers in this state as qualified for the credit authorized by this section. The report shall include the following information:

(a) An itemized statement of the total number of gallons of fuel-grade alcohol sold or distributed to dealers or dealers' suppliers in this state or exchanged with another licensed alcohol producer, showing the date of each shipment, the name and address of the dealer or dealer's supplier, or, if exchanged, the name and address of the licensed alcohol producer, the invoice number, the point of origin, the point of destination, the quantity of each purchase, shipment or exchange, the method of transportation, and the name and address of the carrier;

(b) A copy of the written certification furnished by the licensed alcohol producer confirming that the fuel-grade alcohol supplied by it to the dealer, or to the dealer's supplier, was distilled by a licensed alcohol producer in conformity with the requirements of this section and is qualified for the credit authorized by subsection (2)(a) or (2)(b) of this section; and

(c) The licensed alcohol producer shall also furnish such other information relating to the production, purchase, receipt, inventory, transportation, sale, distribution, exchange or use of fuel-grade alcohol or gasoline-alcohol blends, if any, as the cabinet may require.

SECTION 11. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

There is hereby created a fund in the road fund of the Commonwealth of Kentucky entitled the debt payment acceleration fund. The fund shall consist of twenty percent (20%) of the revenues to the state road fund provided by the adjustments in KRS 138.220(2) excluding the provisions of KRS 177.320 and 177.365.

Annually the transportation cabinet shall use the funds generated to accelerate the payment of debt service including principal and interest, over and above the annual debt service payments appropriated for each fiscal year, for all bonds issued and any refinancings thereof by the Kentucky turnpike authority. The transportation cabinet shall notify the interim joint committee on appropriations and revenue by January 1 of each fiscal year of the debt payments which are to or have been accelerated in the fiscal year. In the event that, due to bond market conditions, the terms of the bonds issued or other factors, the transportation cabinet is unable to accelerate debt service payments, the transportation cabinet shall provide documentation to the interim joint committee on appropriations and revenue that such acceleration is not possible and the reasons therefor. In such an event, the funds not available for debt acceleration shall be placed in a special escrow account in the transportation cabinet. Such funds shall not be expended for any of the lawful purposes of the transportation cabinet but shall be held in the escrow account until such time as the debt acceleration described by this section is possible. The transportation cabinet shall invest the funds allocated to the escrow account and any funds generated from these investments shall remain in the escrow account. Any funds remaining in the escrow account at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year for use as provided in this section. In the event that all principal and interest outstanding on any bonds issued or any refinancing thereof by the turnpike authority has been paid, the transportation cabinet shall so report. In that event, any funds remaining in the escrow account shall remain in the fund until such time as the funds are appropriated by the general assembly for any of the lawful purposes of the transportation cabinet.

Section 12. KRS 138.210 is amended to read as follows:

As used in KRS 138.220 to 138.340, unless the context requires otherwise:

(1) "Accountable loss" of gasoline means loss or destruction of "received" gasoline through wrecking of transportation conveyance, explosion, fire, flood or other casualty loss, or "received" gasoline contaminated and returned to storage; provided that any such loss shall have been reported within thirty (30) days after discovery of such loss to the cabinet in a manner and form prescribed by the cabinet, supported by proper evidence which in the sole judgment of the cabinet substantiates the alleged loss or contamination and which is confirmed in writing to the reporting dealer by the cabinet. The cabinet may make any investigation deemed necessary to establish the bona fide claim of the loss.

(2) "Dealer" means any person who:

(a) Imports into this state and stores, or causes to be imported into and stored in this state, gasoline for use, distribution or sale and delivery in this state after it has been stored in this state; provided that the term "dealer" as used in KRS 138.220 to 138.340 shall not include any person who imports gasoline acquired from a refiner or other supplier who, at the time of such importation, is a duly licensed dealer in this state, except as may otherwise be provided under regulations of the cabinet.

(b) Receives or accepts delivery of gasoline within this state into bulk storage facilities owned or operated for the storage of gasoline for transshipment within or without this state.

(c) Refines, produces, distills, manufactures, blends or compounds gasoline in this state.

(d) Receives or accepts delivery within this state of gasoline for resale within this state in amounts of not less than an average of 100,000 gallons per month during any prior consecutive twelve (12) months' period, when in the opinion of the cabinet, such person has sufficient financial rating and reputation to justify the conclusion that he will pay all taxes and comply with all other obligations imposed upon a dealer.

(3) "Cabinet" means the revenue cabinet.

(4) "Gasoline" means all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments and all other products so usable except propane, butane or other liquefied petroleum gases, kerosene, cleaner solvent, fuel oil, diesel fuel and crude oil.

(5) "Received" or "received gasoline" shall have the following meanings:

(a) Gasoline produced, manufactured or compounded at any refinery in this state or gasoline acquired by any dealer and delivered into or stored in refinery, marine or pipeline terminal storage facilities in this state shall be deemed to be received when it has been loaded for bulk delivery into tank cars or tank trucks consigned to destinations within this state. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax and to enforce the duty of the dealer to collect the tax, it shall be presumed that all gasoline loaded by any licensed dealer within this state into tank cars or tank trucks is consigned to destinations within this state unless the contrary is established by the dealer pursuant to rules and regulations prescribed by the cabinet.

(b) Gasoline acquired by any dealer in this state, and not delivered into refinery, marine or pipeline terminal storage facilities, shall be deemed to be received when it has been placed into storage tanks or other containers for use or subject to withdrawal for use, delivery, sale or other distribution. Dealers may sell gasoline to licensed bonded dealers in this state in transport truckload, carload or cargo lots, withdrawing such gasoline from refinery, marine, pipeline terminal or bulk storage tanks, without paying the tax on such gasoline. In such instances the licensed bonded dealer purchasing such gasoline shall be deemed to have received such gasoline at the time of withdrawal from the seller's storage facility and shall be responsible to the state for the payment of the tax thereon and shall report and pay the tax on such gasoline purchased and received.

(6) "Refinery" means any place where gasoline is refined, manufactured, compounded or otherwise prepared for use.

(7) "Storage" means all gasoline produced, refined, distilled, manufactured, blended or compounded and stored at a refinery storage or delivered by boat at a marine terminal for storage or delivered by pipeline at a pipeline terminal, delivery station or tank farm for storage.

(8) "Transporter" means any person who transports gasoline on which the tax has not been paid or assumed.

(9) "Bulk storage facility" means gasoline storage facilities of not less than twenty thousand (20,000) gallons owned or operated at one (1) location by a single owner or operator for the purpose of storing gasoline for resale or delivery to retail outlets or consumers.

(10) "Average wholesale price" shall mean:

(a) The weighted average per gallon wholesale tank wagon price of gasoline, exclusive of the *nine (9)* [~~four (4)~~] cents per gallon federal tax in effect on January 1, *1984* [~~1980~~], *any increase in the federal gasoline tax after July 1, 1984, and any fee on imported oil imposed by the congress of the United States after July 1, 1986,* as determined by the revenue cabinet from information furnished by licensed gasoline dealers. Dealers shall furnish within twenty (20) days following the end of the first month of each calendar quarter, such information regarding wholesale selling prices for the previous month as may be reasonably required by the cabinet.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, for purposes of the taxes levied in KRS 138.220, 138.565, 138.660 and 234.320, in no case shall "average wholesale price" be deemed to be less than one dollar and eleven cents ($1.11) per gallon, and in no case shall "average wholesale price" be deemed to be more than one dollar and fifty cents ($1.50) per gallon on or before June 30, 1982. In fiscal year 1982-83 the "average wholesale price" shall not be deemed to increase more than ten percent (10%) over the "average wholesale price" at the close of fiscal year 1981-82; in each subsequent fiscal year the "average wholesale price" shall not be deemed to increase more than ten percent (10%) over the "average wholesale price" at the close of the previous fiscal year.

(11) "Gasoline-alcohol blend" means a mixture of gasoline and fuel-grade alcohol in which the fuel-grade alcohol content is ten percent (10%) or less of the mixture.

(12) "Fuel-grade alcohol" means *ethyl* [~~methyl~~] alcohol *which is:*

(a) At least one hundred and ninety-eight (198) proof;

(b) Denatured in accordance with legal requirements;

(c) Derived from United States produced corn, grain, or renewable resources, that is, ground, fermented and distilled by a licensed alcohol producer, in a plant facility that is powered primarily by United States produced coal; and

(d) Suitable for use in gasoline-alcohol blends [~~or at least one hundred ninety-eight (198) proof ethyl alcohol derived from United States produced coal or United States produced renewable resources that is denatured in accordance with legal requirements and is used in an internal combustion engine~~].

(13) "Licensed alcohol producer" means a distiller of fuel-grade alcohol who is licensed and bonded pursuant to this chapter.

Section 13. KRS 138.220 is amended to read as follows:

(1) An excise tax at the rate of nine percent (9%) of the average wholesale price rounded to the third decimal when computed on a per gallon basis shall be paid on all gasoline received in this state. No other excise or license tax shall be levied or assessed on gasoline by the state or any political subdivision of the state. The tax herein imposed shall be paid by the dealer receiving the gasoline to the state treasurer in the manner and within the time specified in KRS 138.230 to 138.340 and all such tax may be added to the selling price charged by the dealer or other person paying the tax on gasoline sold in this state. Nothing herein contained shall authorize or require the collection of the tax upon any gasoline after it has been once taxed under the provisions of this section.

(2) *In addition to the excise tax provided in subsection (1) of this section, there is hereby levied a supplemental highway user motor fuel tax to be paid in the same manner and at the same time as the tax provided in subsection (1) of this section. Such tax shall be calculated, starting with the quarter beginning July 1, 1986, by taking the excise tax resulting from the calculation provided for in subsection (1) of this section and adjusting such tax calculated, for each quarter, to reflect decreases in the average wholesale price, as defined in KRS 138.210(10)(a). The adjustment shall be made by calculating the difference between the average wholesale price computed for the quarter beginning October 1, 1985, and ending December 31, 1985, and the average wholesale price computed for the quarter beginning July 1, 1986, and each succeeding quarter. In the event of a decrease in the average wholesale price computed for the quarter beginning October 1, 1985, and ending December 31, 1985, and the average wholesale price computed for the quarter beginning July 1, 1986, and each succeeding quarter, the excise tax shall be adjusted upward for that quarter. The upward adjustment shall equal one-half (1/2) of the decrease between the two (2) quarterly periods, rounded to the third decimal. In no case shall the adjustment provided by this subsection result in a supplemental highway user motor fuel tax for the quarter of greater than five (5) cents and notwithstanding any adjustment which may be calculated as provided by this subsection, in no case shall the supplemental highway user motor fuel tax for the quarter be less than the previous quarter. The supplemental highway user motor fuel tax provided by this subsection and the provisions of subsection (1) of this section shall constitute the tax on motor fuels imposed by KRS 138.220.*

(3) Effective with the calendar quarter beginning July 1, 1980, the cabinet shall determine on a consistent basis the average wholesale price for each calendar quarter, on the basis of sales data accumulated for the first month of the preceding quarter. Notification of the average wholesale price shall be given to all licensed dealers at least twenty (20) days in advance of the first day of each calendar quarter.

(4)[~~(3)~~] Dealers with a tax-paid gasoline inventory at the time an average wholesale price becomes effective, shall be subject to additional tax or appropriate tax credit to reflect the increase or decrease in the average wholesale price for the new quarter. For the purpose of this adjustment, average wholesale price on June 30, 1980, shall be deemed to be one dollar ($1). The cabinet shall promulgate such rules and regulations to properly administer this provision.

Section 14. KRS 138.270 is amended to read as follows:

(1) From the total number of gallons of gasoline received by the dealer within this state during the next preceding calendar month, the following deductions shall be made:

(a) The total number of gallons of gasoline received by the dealer within this state that were sold or otherwise disposed of during the next preceding calendar month as set forth in subsection (2) of KRS 138.240.

(b) That number of gallons of gasoline equal to two and one-fourth percent (2 1/4%) of the total number of gallons of gasoline received by the dealer within this state during the next preceding calendar month, less the total number of gallons deducted under paragraph (a) of this subsection, this deduction being allowed to cover evaporation, shrinkage, unaccountable losses, collection costs, bad debts and handling and reporting the tax.

(2) The tax imposed by KRS 138.220*(1) and (2)* shall be computed on the number of gallons remaining after the deductions set forth in subsection (1) of this section have been made, and shall constitute the amount of gasoline tax payable for the next preceding calendar month.

Section 15. KRS 138.565 is amended to read as follows:

(1) An excise tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] is hereby levied and shall be paid by the special fuels dealer to the cabinet:

(a) For all special fuels delivered into any tank or other container equipped with a hose or other apparatus designed to dispense such fuels into the fuel supply tank of a motor vehicle except when such deliveries are made to another licensed special fuels dealer. The tax imposed by this section shall not apply to special fuels delivered into storage facilities of consumers or persons engaged in the business of selling special fuels for use in motor vehicles when such special fuels are to be sold or used for nonhighway purposes and provided that the storage facilities for such special fuels have been approved and identified as nontaxable storage pursuant to regulations of the cabinet provided that the cabinet may not refuse to approve such nontaxable storage except for adequate cause.

(b) For all special fuels withdrawn by any special fuels dealer and dispensed into the fuel supply tank of a motor vehicle. An allowance of one percent (1%) of the tax shall be made to the special fuels dealer to cover unaccountable losses, bad debts, and handling and reporting the tax. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax and to enforce the duty of the special fuels dealer to collect the tax, it shall be presumed that all special fuels delivered by any special fuels dealer within this state are taxable unless the contrary is established by the special fuels dealer pursuant to regulations prescribed by the cabinet.

(2) No other excise or license tax shall be levied or assessed on special fuels by any political subdivision of the state.

Section 16. KRS 234.320 is amended to read as follows:

(1) An excise tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] is hereby levied and shall be paid by the liquefied petroleum gas motor fuel dealer to the cabinet on all taxable liquefied petroleum gas motor fuel delivered to the licensed liquefied petroleum gas motor fuel user-seller or withdrawn by the liquefied petroleum gas motor fuel dealer to propel motor vehicles on the public highways, either within or without this state. An allowance of one percent (1%) of the tax shall be made to the liquefied petroleum gas motor fuel dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) No other excise or license tax shall be levied or assessed on liquefied petroleum gas motor fuel by any political subdivision of the state, except the licenses under KRS 234.120.

(3) No provision of KRS 234.310 to 234.440 shall in any way affect the surtax imposed on heavy equipment motor carriers under KRS 138.660.

Section 17. KRS 234.380 is amended to read as follows:

Liquefied petroleum gas motor fuel dealers using, selling, and/or delivering liquefied petroleum gas to motor vehicles, or into storage for use in motor vehicles, shall report and pay the state tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] on all such fuel to the revenue cabinet. The dealer shall issue an invoice to the customer whenever the sale or delivery is consummated giving the invoice date, name and address of the customer, and number of taxable gallons sold or delivered. The number of taxable gallons to be invoiced shall be determined in the following manner by the dealer:

(1) The metered gallons, if placed into a fuel tank of a motor vehicle;

(2) The metered gallons, if placed into storage, all of which is to be used or sold for use in motor vehicles;

(3) The number of gallons to be used in motor vehicles, if the storage is for multiple uses. The number of taxable gallons to be determined by the user and the dealer based on the best estimate possible from mileage and efficiency records available;

(4) If the motor vehicle carburetor is connected to a fuel line leading from a fuel tank where another, or other motors are supplied with fuel also, then the number of gallons to be invoiced as taxable motor fuel shall be determined from mileage and fuel efficiency records.

Section 18. KRS 177.020 is amended to read as follows:

(1) The state primary road system shall consist of such public roads and city streets within the state as the department of highways determines shall be established, constructed or maintained by the department of highways.

(2) The department shall, in its discretion, determine which public roads, or city streets, shall be established, constructed or maintained by it, and shall determine the type of construction or maintenance for that road or city street.

(3) In the establishment of the state primary road system, the department of highways is authorized to select new routes, deviate from an existing route whenever it deems such deviation proper, eliminate from the state primary system roads or city streets which have been replaced as proper part of the system by the construction of a new facility or the selection of a new route. No permanent ingress or egress ramp of the state primary road system on fully controlled access facilities shall be closed, except for repairs, unless a public hearing is first held in the area to be affected by the closing. The department of highways shall at least twenty (20) days before the hearing, advertise in a newspaper of general circulation in the area to be affected by the closing, the date, time and place of the hearing.

(4) The department shall notify the fiscal court of the county at least four (4) months before it eliminates a road, road segment, bridge or street in that county from the state primary road system. Upon receiving notice, the fiscal court may reject title and notify the department that the road will not become part of the county road system. If the fiscal court declines, the department shall give notice to all private persons entitled to a necessary access over this road of their rights under this chapter, and by petition of any private party entitled to such access the road shall be deemed a discontinued state road and shall be closed to public use but remain open in accordance with its condition and use for the access of the private parties involved. In the absence of such petition title shall be transferred to the owner or owners of the tract or tracts of land to which the road originally belonged.

(5) *As used in this section, the term "rural secondary roads" shall mean such system of roads in this state which are usually considered farm to market roads and that were classified as part of the rural secondary road system by the department of highways on January 1, 1986. By January 1, 1987, the department of highways shall meet with the fiscal courts in each of the counties to receive recommendations regarding the transfer of roads, included as part of the county road system on January 1, 1986, to the rural secondary system. Prior to such meeting with the department of highways, the fiscal court shall consult with the legislative bodies of municipalities within the county regarding their recommendations for the transfer of county roads located within the jurisdiction of the municipality. On July 1, 1987, the transportation cabinet shall by official order accept at least two thousand (2,000) miles of roads in the county road system into the rural secondary system. In accepting such roads into the rural secondary system, the transportation cabinet shall accept in each county at least seventy five percent (75%) of the total number of miles in each county generated by multiplying the total number of county road miles accepted in the rural secondary system by the percentage of county road aid funds received in each county in fiscal year 1984-85 compared to the total amount of county road aid funds generated in fiscal year 1984-85. The determination of the total funds received by each county from the county road aid program in fiscal year 1984-85 and the total amount of county road aid funds generated in fiscal year 1984-85 shall be made by the department of rural and municipal aid. The roads so transferred shall be maintained with the proceeds of the provisions of KRS 177.320(1) and in no case shall the rural secondary system, as defined in this subsection, be less than eleven thousand eight hundred (11,800) miles.*

(6) The establishment, construction or maintenance of the state primary road system shall be under the direction and control of the department of highways. The commissioner of highways is authorized to adopt regulations necessary to the administration of this authority.

on page 17, line 5, after the word "Section" to delete the number "10" and insert in lieu thereof the number "*19*".

on page 17, line 9, to delete the lines 9, 10, 11, and 12 in their entirety.

on page 17, line 8, after the "." to insert the following:

Section 20. KRS 138.755 Attorney General to confirm federal action affecting gasoline, diesel or special motor fuel tax, rates—Cabinet to announce any increase; and KRS 138.223 Tax credit for use of gasoline—Alcohol blend—dealers report—Use of coal produced in Untied States—Use of distilled spirits produced in Kentucky—Refunds are repealed.

Section 21. (1) The effective date of Sections 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 20 of this Act shall be July 1, 1986.

(2) The effective date of Sections 1, 2, 3, 4, 5, 7, and 19 of this Act shall be January 31, 1987.

Section 22. Whereas, motor fuel taxes are collected on a quarterly basis, an emergency is declared to exist and the provisions of Section 21(1) shall become effective July 1, 1986.

Floor Amendment No. 1 to HJR 139, by Representative Blandford:

Amend printed copy of HJR 139:

On page 2, line 5 after "1986." by adding:

"The task force shall be comprised of, but not limited to, representatives of the medical profession, legal profession, local governments, insurance agents, insurance companies, trade associations, chamber of commerce, and citizens at large."

Floor Amendment No. 1 to HB 614, by Representative Noe:

Amend printed copy of HB 614:

On page 2, line 21, after the word "unit" insert the following:

"*or to staff building-level instructional support positions provided such expenditures meet the criteria established by the state board of education*"

On page 2, beginning on line 24, delete all new language through line 2 on page 3.

The following meetings were announced:

Committee on Judiciary-Civil: Special meeting, March 12, 1986, on adjournment, Room 110.

Committee on Rules: On adjournment, State Reception Room.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Wednesday, March 12, 1986.

On the roll call the vote was yeas 76 Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Bronger, M. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Clarke, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gray, Gregory, Hancock, J. Harper, K. Harper, Hines, Holbrook, Holloway, Johnson, T. Jones, Keith, Kerr, Layman, Lefevers, LeMaster, Lile, Little, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Napier, Nett, Noe, Noland, O'Brien, Pearman, Priddy, Pritchett, Rapier, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Siler, Smith, Stewart, Strong, Stumbo, Todd, Turner, White, Williams, Worthington, Yates. Nays 1 Blevins.

The motion to adjourn was adopted.

WEDNESDAY, MARCH 12, 1986

FORTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Father Theodore Keller, Church of the Good Shepherd, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 11, 1986, be dispensed with and the same approved. Agreed.

Introduction of Resolutions

HCR 146, by Representative Heleringer: A CONCURRENT RESOLUTION directing a study of the feasibility of establishing and conducting a tax amnesty program in Kentucky for the purpose of collecting delinquent state taxes.

Senate Message

Announcing passage of SB 262.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: SB 361.

Banking and Insurance: SB 280.

Education: SB 350, SB 367.

Health and Welfare: SB 148, SB 343, SB 346.

Judiciary-Criminal: SB 311.

Labor and Industry: SB 266.

State Government: SB 319, SB 340, SB 344, SJR 78, HCR 145, SB 229, SB 327.

Report of Committees

The Committee on Rules reported HB 284, HB 311, HB 621, HB 772, HB 57, HB 419, HB 447, HB 468, HB 495, HB 520, HB 567, HB 652, HB 697, HB 704, HB 747, HB 815, HB 816, SB 99, SB 100, SB 101, SB 130, SB 260, HB 269, HB 280, HB 630, HB 657, HB 742, HB 777, HB 24, HB 549, HB 563, HB 677 and SB 120 have been posted for passage March 13, 1986.

The Committee on Rules reported the following Bills have been recommitted:

State Government: HB 655.

Appropriations and Revenue: SB 8.

Posting of Bills for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Counties and Special Districts: HB 845, HB 846.

Energy: SB 204.

Report on Enrolled Bills

The Committee on Enrollment reported HB 317, HB 356, HB 464, HB 603, HCR 39 and HCR 46 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:07 p.m.)

HB 317, HB 356, HB 464, HB 603, HCR 39 and HCR 46 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Report of Committees (continued)

The Committee on Agriculture and Small Business reported HB 897, HR 27, SB 213, and SB 242 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 897, AN ACT relating to selling agricultural commodities on state property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 247 IS CREATED TO READ AS FOLLOWS:

(1) It is hereby declared to be in the public interest and for the public health and welfare that the state department of agriculture shall have the authority to provide space on all state property, in conjunction with the appropriate state agency under whose jurisdiction the said real property falls, for those nonprofit agricultural commodity organizations designated in section 501(c)(5) of the federal internal revenue code to sell, give away, advertise, or promote Kentucky agricultural commodities.

(2) The department shall, in conjunction with other state agencies, develop administrative regulations to carry out the provisions of subsection (1) of this section, which may include a reasonable fee to be paid by the agricultural organization.

(3) This section shall not apply to existing contracts prior to its effective date, but shall apply to contract renewals and to new contracts after the effective date of this section.

HR 27, A RESOLUTION directing the Lousiville District of the Farm Credit System to adopt a farm foreclosure procedure providing the debtor-farmer the right to repurchase the farm prior to it being conveyed to another party.

WHEREAS, as of August 27, 1985, there were 11,300 Federal Land Bank borrowers in Kentucky of which there were 262 delinquent borrowers, and there were 17,700 Production Credit Association borrowers of which 373 were delinquent; and

WHEREAS, as of August 27, 1985, there had been 71 Federal Land Bank bankruptcies and 109 foreclosures, and 112 Production Credit Association bankruptcies and 197 foreclosures; and

WHEREAS, as of September 30, 1985, the Louisville District of the Farm Credit System had nonperforming loans totaling $787 million and it has been reported that the district has 11,000 additional loans amounting to $1.5 billion that may be in trouble in 1986; and

WHEREAS, there have been some farm foreclosures in Kentucky where the farm has been sold to another party at a price the debtor-farmer could have afforded; and

WHEREAS, it is clear that farm foreclosures will rise in 1986 and farmers should be treated fairly and given an opportunity to retain their farms on the same terms that the lender is willing to convey the farm to another party;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Louisville District of the Farm Credit system adopt the following farm foreclosure procedure:

(1) Before farm real estate may be conveyed by a lender because a debtor is in default, notification of the conveyance shall be sent by the lender to the debtor at least ten (10) days prior to the date of the conveyance. The notice shall be notarized and shall include the time and place of the conveyance, the selling price, and an offer to the debtor to purchase the property prior to the date of the conveyance.

(2) Prior to final acceptance of any bona fide offer less than the present amount of the loan, the lender shall first offer the property to the debtor, in writing, at the same price as the offer under consideration. The debtor shall have three (3) days after receipt of the offer to accept the lender's offer.

(3) The debtor may waive his rights to notice and repurchase by delivering a written waiver to the lender.

Section 2. That a copy of this resolution be delivered to Mr. Raymond Schlader, President, Federal Land Bank of Louisville.

SB 213, AN ACT relating to the county farm bureau delegates to the annual convention of farm bureau federation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 247.350 is amended to read as follows:

Any state federation organized pursuant to KRS 247.330 and 247.340 shall have the following organization and function in the following manner:

(1) The said federation shall hold an annual meeting at a date to be fixed by its bylaws, which annual meeting may be referred to as the "annual convention" of said federation.

(2) Each county farm bureau *shall be entitled to no less than two (2) voting delegates at the annual convention of the Kentucky farm bureau federation. When a county farm bureau has received, during the fiscal year ending prior to said state convention, one hundred fifty (150) paid-in regular memberships, as defined in the bylaws of the federation,* [~~a member of said federation shall be entitled to one (1) voting delegate at said convention for the first fifty (50) paid-in regular memberships, as defined in the bylaws of the federation, received during the year ending prior to said state convention.~~] each additional one hundred (100) paid-in regular memberships or major portion thereof shall entitle the county farm bureau to an additional voting delegate. No voting delegate shall vote by proxy, unless the proxy is in writing in a form approved by the board of directors of the state federation.

(3) The governing body of said state federation shall consist of a board of directors of not less than seven (7) members. The distribution of said directors shall be by state federation districts, and set forth in the bylaws of the corporation. Each director shall be elected for a term of two (2) years, shall be a resident of the district from which he is elected, must be actively engaged in farming, or evidencing a primary interest therein by reason of his position or occupation, and shall be nominated by the voting delegates of said district and elected by a majority vote of the voting delegates voting either in person or by proxy at said election.

(4) Said state federation, by bylaws, shall have authority to provide for additional directors representing cooperating agricultural agencies.

(5) The officers of said federation shall consist of a president, a first vice president, and a second vice president, who shall be elected by majority vote cast by the voting delegates at the annual convention, and there shall be an executive officer of the corporation, who shall be elected by the board of directors, and who shall be an ex officio member of the board, without power to vote.

(6) The board of directors shall select from its membership an executive committee composed of three (3) persons, and said committee shall have general charge of the management of the business of the federation in

the interim between meetings of the board of directors and shall possess such powers, duties and responsibilities as may be provided in the bylaws of the federation or by resolution of the board of directors.

SB 242, AN ACT relating to the Kentucky development finance authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 154.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Authority" means the Kentucky development finance authority;

(2) *"Borrower" means any person, partnership, corporation, cooperative, government or other legal entity* [~~"Local development agency" means any incorporated organization, commission, cooperative, foundation, association or agency, regardless of the particular name, to whose members or shareholders no profit inures, and which has as its primary function the promotion, encouragement and development of business enterprises~~];

(3) *"Eligible project" means any facility or undertaking involving non-retail business or industry for the manufacturing, servicing, processing, storing, warehousing, distributing, preparing or assembling of any product, including but not limited to agricultural, mining, manufacturing or timber products; any facility or undertaking for any tourism related activity; or any facility or undertaking incidential to the development of sites, including but not limited to land costs and the costs of site improvements thereon, such as grading, streets, drainage, storm and sanitary sewers, and other facilities and structures incidental to the use of such site or sites for commercial use* [~~"Industrial building project" means any site, structure, or facility acquired or constructed for ownership by a local development agency to be held for sale or lease to an enterprise as an inducement for business to locate in a community;~~

~~(4) "Industrial subdivision project" means any tract of land of not less than twenty-five (25) acres, located within or near the corporate limits of a city, together with utilities, services, and access roads, to be acquired by a local development agency and sold or leased to one (1) or more manufacturing enterprises;~~

~~(5) "Agricultural project" means any site, structure, facility or undertaking, including machinery or equipment to the extent permitted by regulation, concerned with the processing of raw agricultural products, including timber, or providing value added functions or supplying ingredients used for the production of basic agricultural crops and products; and shall include grain elevators and storage facilities, canneries, and horticultural, bee-keeping, meat packing, agricultural publication, fertilizer and specialty food product facilities;~~

~~(6) "Area of responsibility" means one (1) or more of the four (4) economic activities in which the authority is empowered to render assistance: (a) industrial buildings and subdivisions, (b) agriculture, (c) tourism, and (d) manufacturing~~];

(4)[~~(7)~~] "Assistance fee" means any payment made by the authority to the insurance corporation from one (1) of the mortgage insurance funds in the establishment of an [~~industrial building, industrial subdivision, manufacturing, agricultural or tourist~~] project;

(5)[~~(8)~~] "Contract" means the agreement between the authority and the insurance corporation under the terms of which the latter undertakes to insure the payment of mortgage loans;

(6)[~~(9)~~] "Federal application" means an application to the government;

(7)[~~(10)~~] "Government" means the United States of America or one (1) of its agencies which is authorized to make or to guarantee loans for an *eligible* [~~industrial building, industrial subdivision, manufacturing, agricultural or tourist~~] project, including the small business administration, the farmers home administration, the economic development administration, the department of housing and urban development and the Appalachian regional commission;

(8)[~~(11)~~] "Insurance corporation" means that nonprofit mortgage insurance corporation which may be established at the request of the authority as provided in KRS 154.040;

(9)[~~(12)~~] "Loan application" means either an application for a direct loan to be made from the funds appropriated to the authority for the purpose, or an application for insurance of a loan made or to be made by another governmental lender or by a private person or corporation, whether on an interim or a permanent basis;

(10)[~~(13)~~] "Mortgage insurance fund" means those funds granted to the insurance corporation to be held in a trust account as reserve for insurance commitments and from which valid insurance claims shall be paid;

(11)[~~(14)~~] "Guarantee" means the insurance or guarantee, by the insurance corporation, of the repayment of a first mortgage loan or the repayment of the debt arising from the issuance of industrial development revenue bonds issued under KRS Chapter 103;

[~~(15) "Tourist project" means any site, structure, facility or undertaking, including equipment and fixtures to the extent permitted by regulation and concerned with tourism;~~]

(12)[~~(16)~~] "Trust account" means that account in one (1) or more trust companies in the name of the insurance corporation into which shall be paid all of the assistance fees and mortgage insurance funds paid to the insurance corporation under the contract with the authority;

(13)[~~(17)~~] "Bond" means a revenue bond issued under the provisions of KRS 103.200 to 103.285, or issued under the provisions of this chapter;

[~~(18) "Manufacturing project" means any site, structure, facility or undertaking, including machinery and equipment, engaged in or to be engaged in the creation of finished goods from raw materials, or assembling, or packaging, or fabricating, or warehousing, or distributing or otherwise dealing with products, but not including retailing; and~~]

(14)[~~(19)~~] "Umbrella bond" means a revenue bond issued under the provisions of this chapter, the proceeds of which may be used to make loans which are secured by guarantees of the government or the insurance corporation and which may be used to finance more than one (1) project.

Section 2. KRS 154.040 is amended to read as follows:

The authority may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this chapter, including the following powers, in addition to others herein granted:

(1) To cooperate with local development agencies and other local development organizations in their efforts to promote economic development;

(2) To conduct hearings and other methods of examination and to authorize any of its members to do so on any matter material for its information and necessary to the determination of the feasibility of *eligible* [~~industrial building and industrial subdivision, manufacturing, agricultural and tourist~~] projects;

(3) To accept gifts or grants from any source, to enter into contracts or other transactions with any federal agency and to administer the gifts, grants or contracts according to their terms;

(4) To make contracts of every nature and to execute all instruments necessary or convenient for the carrying on of its business;

(5) To take title by foreclosure to any *eligible* [~~industrial building project, manufacturing project, agricultural project or tourist~~] project where such acquisition is necessary to protect any loan previously made therefor by the authority and to sell, transfer and convey any such *eligible* [~~industrial building, manufacturing, agricultural or tourist~~] project to any responsible buyer *including the Commonwealth of Kentucky*. In the event such sale, transfer and conveyance cannot be effected with reasonable promptness, the authority may in order to minimize financial losses and sustain employment, lease such *eligible* [~~industrial building, manufacturing, agricultural or tourist~~] project to a responsible tenant or tenants;

(6) [~~To take title by foreclosure to any industrial subdivision project where acquisition is necessary to protect any loan previously made therefor by the authority and to sell, transfer, and convey any such industrial subdivision project to any responsible buyer, including the Commonwealth of Kentucky;~~

~~(7)~~] To adopt, use and alter at will a corporate seal;

(7)[~~(8)~~] To appoint officers, agents and employes and to prescribe their duties and to fix their compensation, within the limitations provided by law;

(8)[~~(9)~~] To promulgate reasonable regulations for the administration of this chapter;

(9)[~~(10)~~] To assist any person or corporation in making application to the government for financial assistance under any program which assistance may include the expenditure of available funds to obtain the advice of experts in the preparation of applications and of business, industry, agricultural and tourist studies when such experts are not available among authority employes;

(10)[~~(11)~~] To cause to be established, as provided in this chapter, a nonprofit mortgage insurance corporation to insure *eligible project* [~~agricultural, tourist and business and industrial~~] loans, and to pay to said corporation, from one (1) or more of the mortgage insurance funds as herein established, assistance fees for the purpose of assisting a person or corporation to secure insurance of loans made to them in the establishment of an *eligible* [~~industrial building, and industrial subdivision, manufacturing, agricultural or tourist~~] project;

(11)[~~(12)~~] To contract with the insurance corporation to purchase for a period of time and for a specified amount, which may be paid in advance from the appropriate fund to said corporation as a lump sum payment for future interim guarantees and permanent guarantees in each area of responsibility, insurance of mortgage loans or bond issues made to assist any *eligible* [~~industrial building and industrial subdivision, manufacturing, agricultural or tourist~~] project, which purchased insurance may include the insurance of up to ninety-five percent (95%) of a loan or bond issue by a private or other governmental lender, or issuer;

(12)[~~(13)~~] To issue revenue bonds and umbrella bonds under the provisions of KRS Chapter 103 to finance the acquisition or construction of any facility defined as an industrial building in KRS 103.200 in the same manner as a city or a county;

(13)[~~(14)~~] To contract with other state agencies as provided in KRS 154.170; and

(14)[~~(15)~~] To provide technical assistance for the administration and coordination of other development finance programs of the government, regional commissions, area development districts, counties, cities, or other political subdivisions or private institutions concerned with economic development.

Section 3. KRS 154.060 is amended to read as follows:

The authority shall promulgate regulations governing its proceedings and its determinations of eligibility for loans or interim or permanent guarantees. Such regulations shall be based on transportation facilities, available utilities, existing industrial land, zoning, real estate prices, labor supply, unused natural resources, capital available for investment, and other relevant considerations. Regulations governing applications shall obtain full disclosure of financing plans and evidence that establishment of a new industrial subdivision will not be competitive with an existing, improved subdivision or that *the establishment of an eligible project will not cause an existing facility to relocate or, in the case of site development, will not be competitive with an existing, improved site* [~~establishment of a new industrial building, manufacturing, agricultural or tourist project will not cause an existing facility to relocate~~]. Regulations governing the granting of loans or interim or permanent guarantees shall be based on the expressed purposes of this chapter and shall be such as to reasonably protect each loan or interim or permanent guarantee by the authority.

Section 4. KRS 154.065 is amended to read as follows:

All applications made to the authority shall be subject to *written* approval by a local development corporation, local development agency, or in the absence thereof, approval by a local governmental body. [~~Approval shall take place in the following manner: the authority shall inform the local development corporation, agency or governmental body no later than thirty (30) days prior to the meeting of the authority at which the particular application will be considered. Recommendation for approval or disapproval by the local development corporation, agency or governmental body shall be submitted to the authority within thirty (30) days of the date of notification by the authority. Failure by the local development corporation, agency or governmental body to respond to the notification within thirty days shall be deemed to be approval of the application by the local development corporation, agency or governmental body.~~]

Section 5. KRS 154.070 is amended to read as follows:

(1) Any *borrower* [~~local development agency~~] may apply to the authority for assistance in an *eligible* [~~industrial building or industrial subdivision~~] project. Applications shall be made in a manner prescribed by regulations of the authority.

(2) [~~Any person, partnership, corporation, cooperative, government, or other legal entity may apply to the authority for assistance in a manufacturing, tourist, business, or agricultural project.~~

~~(3)~~] The authority shall hold such hearings and examinations as to each application as shall be necessary to determine whether the public purposes of this chapter and the development of the particular community will be accomplished by granting financial assistance to such applicants.

(3) The authority may enter into such contract or agreement as may be necessary, with the borrower or with the insurance corporation, to lend or to guarantee the lending of the amount to be borrowed.

Section 6. KRS 154.130 is amended to read as follows:

Every loan of the authority shall be for such period of time and shall bear interest at such rate as shall be determined by the authority and shall be secured by a promissory note of the *borrower,* [~~local development agency, in the case of an industrial building or industrial subdivision project, or the persons or corporation to whom the loan is made, in the case of a manufacturing, agricultural or tourist project, and~~] by an appropriate mortgage [~~on the industrial building, or industrial subdivision~~], *by a lien or* [~~and~~] by such security as deemed necessary by the authority for any *eligible* [~~manufacturing, agricultural or tourist~~] project for which such loan was made. Each interim or permanent guarantee shall be made pursuant to the terms of the contract between the authority and the insurance corporation, which contract shall contain provisions requiring appropriate protection of the insurance corporation by mortgage, lien, subrogation or otherwise.

Section 7. KRS 154.560 is amended to read as follows:

The insurance corporation shall be empowered by its articles:

(1) To contract with the authority to insure loans, bonds or their debt service, made by any lender or issuer to finance the acquisition, construction or alteration of any *eligible* [~~industrial building or subdivision, manufacturing, agriculture or tourist~~] project;

(2) To enter into agreements for such insurance;

(3) To fix a rate or rates of premiums to be paid for such insurance by the person or corporation assisted, which premiums shall be fixed to take into account the fact that the authority has paid an assistance fee to the insurance corporation as an assistance to the person or corporation whose loan or bond is being insured; and

(4) To exercise such other powers as are necessary or incidental to the foregoing.

Section 8. The following KRS sections are repealed:

154.080 Loans to building projects.

154.090 Prerequisites for proposed building projects.

154.110 Loans to subdivision projects.

154.127 Loans to agricultural or tourist projects.

154.140 Federal agency participation.

154.146 Exception to minimum acreage requirement.

The Committee on Appropriations and Revenue reported HB 448, with Committee Amendments attached thereto, and HB 662, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 2 to HB 448 is as follows:

Amend printed copy of HB 448:

On page 1, line 5, by deleting "*eight hundred (800)*" and inserting in lieu thereof "*two hundred (200)*".

The Committee on Appropriations and Revenue reported HB 699, HB 783 with Committee Amendment attached thereto, and SB 193 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 699, AN ACT relating to the Kentucky River Authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 151 IS CREATED TO READ AS FOLLOWS:

(1) The general assembly declares that based upon an implied contract between the Commonwealth and the U.S. government through the secretary of the U.S. army and his predecessors, the validity of which is evidenced by over one hundred (100) years of performance by the federal government, it is the responsibility of the U. S. army corps of engineers and the U. S. congress to operate and maintain the locks and dams on the Kentucky river and therefore urges the congress and the corps to provide the funds necessary to properly maintain the locks and dams, the condition of which the general assembly finds is deteriorating .

(2) The general assembly recognizes the historic importance of the Kentucky river locks and dams in providing a source of clean water supply for several hundred thousand citizens of the Commonwealth. Therefore, if the congress and the corps fail to fulfill their responsibility for the Kentucky river locks and dams as stated in subsection (1) of this section and the Commonwealth thereby must assume ownership of the locks and dams, it shall be the public policy of the Commonwealth to protect the health and welfare of the citizens dependent upon this system of locks and dams for their source of clean water, and to that end the Commonwealth shall provide for the proper maintenance of the Kentucky river locks and dams through the Kentucky river authority.

SECTION 2. A NEW SECTION OF KRS CHAPTER 151 IS CREATED TO READ AS FOLLOWS:

(1) In the event the Commonwealth assumes ownership of a portion or all of the Kentucky river lock and dam system, the governor shall, within ninety (90) days thereafter, appoint members to the Kentucky river authority, created to carry out the essential public purpose of protecting the health and welfare of the people of the Commonwealth as declared in Section 1 of this Act.

(2) The governor, in accordance with subsection (1) of this section, shall appoint the secretary of the natural resources and environmental protection cabinet and eight (8) other persons as the members of the authority. Of the eight (8) persons, one (1) shall be a registered engineer, one (1) an expert in water quality, one (1) a mayor, and one (1) a county judge/executive. The mayor and the county judge/executive shall be officers from counties which obtain the major portion of their water supply from the Kentucky river. Each of the other six (6) members, excluding the secretary, shall reside in a county adjacent to the main stem of the Kentucky river.

(3) Of the eight (8) members first appointed, two (2) shall continue in office for terms of one (1) year, two (2) for terms of two (2) years, two (2) for terms of three (3) years, and two (2) for terms of four (4) years, as the governor designates. At the expiration of the original terms and for all succeeding terms, the governor shall appoint a successor to the authority for a term of four (4) years in each case. Members may be reappointed. A vacancy in an unexpired term shall be filled for the unexpired portion of the term in the same manner as the original appointment to that term.

(4) Each member shall receive as compensation one hundred dollars ($100) per day for attending a meeting of the authority.

(5) Any member who misses three (3) consecutive meetings of the authority shall be deemed to have vacated the office. The authority shall declare the office vacant and the office shall be filled as provided by subsections (2) and (3) of this section.

(6) The authority annually shall elect one (1) of its members as chairman. A quorum for the transaction of

business shall be five (5) members, and a majority of the members present at a meeting may take action on any matter legally before the authority.

(7) Members shall be paid their necessary travel expenses incurred in attending meetings and in the performance of their official duties, in addition to the per diem compensation of one hundred dollars ($100).

(8) The authority shall meet at least quarterly, and may meet upon the call of the chairman.

(9) The chairman shall be paid necessary travel expenses and a one hundred dollar ($100) per diem compensation for conducting official business of the authority.

(10) The authority shall be attached for administrative purposes to the natural resources and environmental protection cabinet, and the cabinet shall provide the necessary personnel to provide administrative services for the authority.

(11) The necessary travel expenses and per diem compensation of the members of the authority in attending meetings and in the performance of their official duties shall be paid by the cabinet. The cabinet also shall pay the necessary travel expenses and per diem compensation of the chairman in conducting official business of the authority.

(12) The authority shall issue administrative regulations necessary to carry out its duties, and shall report annually to the governor and the legislative research commission.

SECTION 3. A NEW SECTION OF KRS CHAPTER 151 IS CREATED TO READ AS FOLLOWS:

The Kentucky river authority is authorized and empowered, subject to Section 1 and subsection (1) of Section 2 of this Act, to:

(1) Construct, reconstruct, provide for the major maintenance, or repair the locks and dams on the Kentucky river and all real and personal property pertaining thereto, as well as maintain the channel;

(2) Acquire by purchase, exercise of the rights of eminent domain, grant, gift, devise or otherwise, the fee simple title to or any acceptable lesser interest in any real or personal property and by lease or other conveyance, contract for the right to use and occupy any real or personal property selected in the discretion of the authority as constituting necessary, desirable, or acceptable sites to fulfill its statutory authority and power;

(3) Lease its real or personal property to other state agencies, political subdivisions of the Commonwealth, corporations, partnerships, associations, foundations, or persons as the authority deems necessary to carry out the purposes of this Act;

(4) Sell or otherwise dispose of its real or personal property in accordance with KRS 56.463 and KRS 45.360;

(5) Issue revenue bonds, in accordance with Section 4 of this Act, payable from fees collected from all facilities using water from the Kentucky river or its tributaries, except those facilities using water primarily for agricultural purposes. Facilities charged such a fee may pass on all or any part of the fee;

(6) Contract for services with other state agencies, political subdivisions of the Commonwealth, corporations, partnerships, associations, foundations, or persons to perform its duties;

(7) Issue administrative regulations providing for clean water; and

(8) Exercise all other powers necessary to perform its public purpose.

SECTION 4. A NEW SECTION OF KRS CHAPTER 151 IS CREATED TO READ AS FOLLOWS:

(1) The authority is hereby authorized to provide, at one (1) time or from time to time, for the issuance of its revenue bonds for the purpose of paying all or any part of the cost of any one (1) or more projects undertaken pursuant to this Act. The principal of and the interest on such bonds shall in each instance be payable solely from a special fund provided for such payment, with revenues derived from fees collected from all facilities using water from the Kentucky river or its tributaries, except those facilities using water primarily for agricultural purposes, pledged to be set aside and deposited in such special fund. The bonds of any issue may be

in one or more series and any one (1) or more such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be dated, shall bear interest, shall mature at such time or times not exceeding the thirtieth (30th) anniversary of their respective dates, all as may be provided by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of bonds including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the facsimile signature of the chairman of the authority, and the seal of the authority or a facsimile thereof shall be affixed thereto and attested by the manual signature of the treasurer of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all qualities and incidents of negotiable instruments under the uniform commercial code of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds at public sale, and for such price as it may determine will best effect the purposes of this Act.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or projects for which such bonds shall have been issued, and shall be disbursed in such a manner and under such restrictions, if any, as the authority may provide in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund or funds for such bonds or any account or accounts therein as the authority shall have provided in the proceedings or trust indenture authorizing and securing such bonds.

(3) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(4) The authority may issue revenue bond anticipation notes.

(5) Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent of the rights given in this section, may be restricted by such trust indenture or proceedings, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted under this Act or under such trust indenture or the proceedings authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or proceedings to be performed by the authority or by any officer or employe thereof.

(6) Revenue bonds issued under the provisions of this Act shall not be a debt, liability, or obligation of the Commonwealth or any political subdivision thereof and shall not be a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

(7) Revenue bonds issued by the authority shall not be subject to the jurisdiction or approval of the state property and buildings commission or the industrial revenue bond oversight committee but shall be subject to review by the division of investment and debt management.

(8) The authority shall not be required to pay any taxes and assessments to the Commonwealth or any county, municipality or other governmental subdivision of the Commonwealth upon any of its property or upon its obligations or other evidences of indebtedness pursuant to the provisions of this Act, or upon any monies, funds, revenues or other income held or received by the authority and the bonds or notes of the

authority and the income therefrom shall at all times be exempt from taxation, except for death and gift taxes and taxes of transfers.

(9) Contractual expenses to construct, reconstruct, provide for the major maintenance, or repair the Kentucky river locks and dams, or to maintain the channel, or to acquire real or personal property pertaining thereto, or to construct, reconstruct, maintain, or repair such property, shall be paid from the proceeds of the revenue bonds. Expenses for administrative services provided to the authority by the natural resources and environmental protection cabinet, necessary travel expenses and per diem compensation of authority members, shall not be paid from the proceeds of the revenue bonds. Nor shall the cabinet's cost of operating the locks be paid from the proceeds of the revenue bonds.

HB 783, AN ACT relating to bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 56.872 is amended to read as follows:

(1) Notwithstanding the provisions of KRS 56.870(1), KRS 56.870 to 56.874 shall not apply to any financing by the turnpike authority of Kentucky until July 1, 1982, and shall not apply to any refinancing transaction by any agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth, if such refinancing transaction results in a net debt service savings to such agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth.

(2) The secretary of the finance and administration cabinet shall report to the general assembly in the branch budget recommendation, defined in KRS 48.010, on the net debt service savings, any funds released from a debt service reserve fund or any other funds generated as a result of any refinancing or other mechanism approved by any agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth after July 15, 1986. No portion of any net debt service savings, any debt service reserve fund released or other funds generated shall be expended for any of the purposes for which such agency, authority, board, corporation, cabinet, commission, or agency or instrumentality of the Commonwealth may be authorized by law to perform. The general assembly shall on a biennial basis appropriate the net debt service savings, any debt service reserve fund or other funds generated, reported by the finance and administration cabinet, to a special escrow account within the finance and administration cabinet. The proceeds within this account shall be used to accelerate the payment of outstanding principal and interest, in addition to the amounts budgeted for such purposes over the biennium, on definitive bonds, temporary bonds or interim financing secured by bond anticipation notes, loan agreements or other means issued by an agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth. The finance and administration cabinet shall report to the general assembly on a biennial basis the amount of total funds utilized in the escrow account to retire the outstanding principal and interest and the amount of principal and interest so retired for each agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth. In the event that the funds appropriated to the escrow account cannot be used in the biennium for the purposes prescribed by this subsection, the finance and administration cabinet shall so report and provide the reasons therefor. The funds appropriated shall not lapse at the end of the biennium but be carried forward to the next biennium to be utilized for the purposes prescribed by this subsection.

(3) In the event the cost of an authorized bond project exceeds its estimated cost, as approved by the general assembly, the financing of such project may be authorized upon approval by the secretary of finance and administration cabinet, so long as such cost does not exceed the estimated cost by more than twenty-five percent (25%). In the case of financing of any bond project approved by the general assembly, the costs of issuance of bonds or notes shall be added to project costs in determining the principal amount of authorized financing of any such project.

The Committee Amendment No. 1 to HB 783 is as follows:

Amend printed copy of HB 783:

On page 1, line 21, after the word "*savings*" and before the comma, by adding:

"*realized subsequent to a refinancing or open market bond purchase and available during the biennium in which the savings are realized*"

Page 2, line 6, after the word "*savings*" and before the comma, by adding:

"*as described*";

line 9, by adding after the word "*account*" the words "*for each bond issue*";

line 12, by adding after the comma "*either through open market bond purchases or investments at maximum yield,*"; and,

line 22, after the word "*retired*", by adding:

"*, or to be retired,*".

SB 193, AN ACT relating to the sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.497 is amended to read as follows:

Notwithstanding any other provisions of this chapter, the taxes imposed herein do not apply to sales by elementary or secondary schools or nonprofit elementary or secondary school sponsored clubs and organizations or any nonprofit, elementary or secondary school affiliated groups such as parent-teacher organizations and booster clubs, whose membership may be composed of individuals other than students, provided the *net* proceeds from such sales are used solely for the benefit of the elementary or secondary school or its students. *Such nontaxable sales shall include sales resulting from agreements or contracts entered into with resident or nonresident organizations to participate in fund-raising campaigns for a percentage of the gross receipts where students act as agents or salesmen for the organizations by selling or taking orders for the sale of tangible personal property, and no one shall be required to pay sales or use taxes on such sales.*

The Committee on Business Organizations and Professions reported HB 606 with Committee Substitute attached thereto, HB 790, HB 837 and SB 212 with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 606, AN ACT relating to speech pathologists and audiologists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 334A.010 is amended to read as follows:

It is hereby declared to be a policy of the Commonwealth of Kentucky that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech-*language* pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech-*language* pathology and audiology services to the public.

Section 2. KRS 334A.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the *Kentucky* state board of [~~examiners of~~] speech-*language* pathology and audiology.

(2) "Person" means any individual, organization or corporate body, except that only individuals can be licensed under this chapter.

(3) "Speech-*language* pathologist" means one who practices speech-*language* pathology. A speech-*language* pathologist may describe himself to the public by any title or description of services incorporating the words "speech-*language* pathologist," "speech-*language* pathology," "speech-*language* therapy," "speech-*language* correction," "speech-*language* correctionist," "speech-*language* therapist," "speech clinic," "speech clinician," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "phoniatrist," "*communication disorders;* or any similar titles or descriptions [~~of services~~].

(4) ’’The practice of speech pathology‘‘ means the application of principles, methods and procedures for the measurement, testing, *audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation,* prediction, counseling, [~~or~~] instruction *and research* related to the development and disorders of speech, voice, *verbal and written* [~~or~~] language, *cognition/communication, or oral and pharyngeal sensori-motor competencies* for the purpose of *diagnosing, designing and implementing programs for the amelioration of* [~~preventing, treating, ameliorating or modifying~~] such disorders and conditions [~~in individuals and/or groups of individuals~~]. *Any representation to the public by title or by description of services, methods or procedures for the evaluation, counseling, remediation consultation, measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, instruction and research of persons suffering or suspected of suffering from conditions or disorders affecting speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies shall be considered to be the practice of speech-language pathology.*

(5) *’’Audiologist‘‘ means a person who practices audiology or who is held out to the public directly or indirectly by any means, act, title, identification, performance, method or procedure as one who non-medically examines, measures, tests, interprets, evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes and recommends for persons affected by or suspected of having disorders of or conditions of impaired hearing or assists persons in achieving the reception, communication, and perception of sound and determines the range, nature and degree of hearing function related to communication needs, evaluating and diagnosing auditory and vestibular competencies using audio-electronic instrumentation such as audiometers, electroacoustic immitance equipment, evoked potential response equipment and electronystagmographic equipment. Services provided by an audiologist also include: testing and consultation regarding noise control and hearing conservation; testing and interpretation of vestibular function, auditory brain stem function, and nystagmus; hearing aid and assistive listening device evaluation and recommendation; the making, provision, and selling of earmolds, fitting and selling of hearing aids and other assistive listening devices; counseling and guidance for hearing impaired individuals and their families; speech reading and auditory training; therapy and non-medical treatment of tinnitus; evaluation of sound environment and equipment; and, calibration of instruments used in testing and supplementing auditory function. A person is deemed to be an audiologist if he directly or indirectly provides or offers these services or the functions set forth in subsection (6) of this section or any related function. Any representation to the public by title or by description of services, methods, or procedures for the evaluation, examination, speech and language screening, counseling or remediation of persons suffering or suspected of suffering from conditions or disorders affecting hearing shall be considered to be the practice of audiology* [~~’’Speech pathology aide‘‘ means any person meeting the minimum requirements established by the State Board of Examiners of Speech Pathology and Audiology, and who works directly under the supervision of a licensed speech pathologist. The qualifications for licensure as speech pathology aide shall be uniform, but shall be less than those prescribed for the speech pathologist~~].

(6) *’’The practice of audiology‘‘ means the rendering or offering to render to individuals, groups, agencies, organizations, industries or the public any performance or service related to the application of principles, methods, and procedures and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating, prescribing, consulting, treating, instructing, and researching, related to hearing and disorders of hearing, to related language and speech disorders and to aberrant behavior related to hearing loss, for the purpose of preventing and modifying disorders related to hearing loss, and planning, directing, managing, conducting and participating in hearing conservation, noise control, habilitation and rehabilitation programs including hearing aid and assistive listening device evaluation, prescription, preparation and dispensing and auditory training, and speech reading* [~~’’Audiologist‘‘ is defined as one who practices audiology. An audiologist may describe himself to the public by any title or description of services incorporating the words ’’audiologist,‘‘ ’’audiology,‘‘ ’’audiological,‘‘ ’’hearing center,‘‘ ’’hearing clinic,‘‘ ’’hearing clinician,‘‘ ’’hearing therapist,‘‘ ’’audiometry,‘‘ ’’audiometrist,‘‘ ’’audiometrics,‘‘ ’’otometry,‘‘ ’’otometrist,‘‘ or any similar titles or descriptions of service~~].

(7) *’’Continuing professional education‘‘ in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speech-language pathology and audiology practitioners to enable them to provide improved health care to the public* [~~’’The practice of audiology‘‘ means the application of principles, methods and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting or participating in identification and hearing conservation programs; habilitative and rehabilitative programs including hearing aid recommendations and evaluation, auditory training, or speech reading.~~

~~(8) ''Audiology aide'' means any person, meeting the minimum requirements established by the State Board of Examiners of Speech Pathology and Audiology, who works directly under the supervision of a licensed audiologist. The qualifications for licensure as an aide shall be uniform, but shall be less than those prescribed for the audiologist~~].

Section 3. KRS 334A.030 is amended to read as follows:

(1) Licensure shall be granted either in speech-*language* pathology or audiology independently. A person may be licensed in both areas if he meets the respective qualifications.

(2) No person shall practice or represent himself as a speech-*language* pathologist or audiologist in this state unless he is licensed in accordance with the provisions of this law.

Section 4. KRS 334A.040 is amended to read as follows:

(1) Nothing in this chapter, however, shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which he is licensed.

(2) [~~Nothing in this chapter shall be construed to prevent qualified hearing aid dispensers from engaging in those practices and procedures used solely for the fitting and selling of hearing aids.~~

~~(3)~~] Nothing in this chapter shall be construed as restricting or preventing activities of a speech-*language* pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:

(a) Persons who *on August 1, 1986,* hold a valid and current credential as a speech and hearing specialist issued by the Kentucky state department of education *who have not obtained a master's degree in speech-language pathology or audiology or substantive equivalent and who render speech-language pathology or audiology services exclusively in the public schools; or*

(b) Speech-*language* pathologists or audiologists employed by *the* [~~local, state or~~] federal government [~~agencies~~]; providing such persons are performing such activities solely within the confines or under the jurisdiction of the organization in which they are employed and do not offer to render speech-*language* pathology or audiology services as defined in subsections (4) and *(6)*[~~(7)~~] of KRS 334A.020 to the public outside of the institutions or organizations in which they are employed. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter.

[~~(c) Registered and practical nurses or others trained to perform audiometric testing under the direct supervision of a licensed physician or surgeon.~~]

(3)[~~(4)~~] Nothing in this chapter shall be construed as restricting the activities and services of a [~~graduate~~] student or speech-*language* pathology intern [~~in speech pathology~~] pursuing a course of study leading to a [~~graduate~~] degree in speech-*language* pathology at an accredited or approved college or university or an approved clinical training facility, provided these activities and services constitute a part of *the planned* [~~his supervised~~] course of study and that such persons are designated by such title as "speech-*language* pathology intern," "speech-*language* pathology trainee," or other such title clearly indicating the training status appropriate to his level of training *under the supervision of a licensed speech-language pathologist.*

(4)[~~(5)~~] Nothing in this chapter shall be construed as restricting the activities and services of a [~~graduate~~] student or audiology intern [~~in audiology~~] pursuing a course of study leading to a [~~graduate~~] degree in audiology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and services constitute a part of his *planned* [~~supervised~~] course of study and that such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his level of training, *under supervision of a licensed audiologist.*

(5)[~~(6)~~] Nothing in this chapter shall be construed as restricting a *speech-language pathologist or audiologist* [~~person~~] from another state *from* offering his speech-*language* pathology or audiology services in this state provided such services are performed for no more than five days in any calendar year and provided that person meets the qualifications and requirements stated in the section on qualifications *except that such person need*

not apply for licensure under this chapter. However, a person from another state who is licensed or certified as a speech-*language* pathologist or audiologist by a similar board of another state, or territory of the United States, or of a foreign country or province whose standards are equivalent to or higher than, at the date of his certification or licensure, the requirements of this chapter, and regulations duly adopted hereunder, or a person who meets the qualifications and requirements, and resides in a state or territory of the United States, or a foreign country or province which does not grant certification or license to speech-*language* pathologists, may also offer speech-*language* pathology services in this state for a total of not more than thirty (30) days in any calendar year without *making application for licensure* [~~being licensed~~] under this *chapter* [~~law~~].

(6) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist who has all the qualifications necessary for licensure under this chapter, who is not certified or licensed by another administrative agency,and who has made application for licensure under this chapter from rendering speech-language pathology or audiology services within this state while awaiting licensure.

Section 5. KRS 334A.050 is amended to read as follows:

(1) To be eligible for licensure by the board as a speech-*language* pathologist or audiologist, the applicant must:

(a)[~~(1) Be of good moral character; and~~

~~(2)~~] Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make application shall be sufficient proof of compliance with this subsection; [~~and~~]

(b) Show evidence of meeting current professionally accepted academic and practicum standards as determined by the board and which may include:

1. Master's degree in the area of speech-language pathology or audiology or substantive equivalent. The specific coursework for this requirement is to be determined by the board and delineated in the regulations;

2. Completion of supervised direct clinical practicum with individuals presenting a variety of disorders of communication, the experience being obtained with the training institution or in one (1) of its cooperating programs; or

3. Completion of postgraduate professional experience as deemed necessary by the board; and

[~~(3) Possess at least a master's degree in the area of speech pathology or audiology; and~~

~~(4) Submit transcripts from an educational institution approved by the board evidencing the successful completion of at least 60 semester hours of courses related to the normal development, function and use of speech, hearing and language, and courses that provide information about, and training in, the management of speech, hearing, and language disorders including the legal, professional, and ethical practices of speech pathology and audiology; and~~

~~(5) Submit evidence of the completion of a minimum of 275 clock hours of supervised, direct, clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs; and~~

~~(6) Present written evidence from a licensed and/or certified speech pathologist or audiologist supervisor of nine months of full-time professional employment pertinent to the license being sought. This experience must follow the completion of the requirements listed in subsections (3), (4) and (5). Full-time is defined as at least nine months in a calendar year and a minimum of thirty hours per week or part-time equivalent over an 18 month period; and~~]

(c)[~~(7)~~] Pass *the national examinations in speech-language pathology or audiology which are approved by the American-Speech-Language-Hearing Association and in effect at the time of application for licensure* [~~an examination approved by the board. The board shall determine the subject and scope of the examinations~~]. Written examinations may be supplemented by such oral examinations as the board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

(2) A person who has a master's degree in the area of speech-language pathology or audiology or substantive equivalent course work as defined by the board's regulations and who has completed supervised direct clinical practicum with individuals presenting a variety of disorders of communication,the experience being obtained with a training institution or in one of its cooperating programs, may apply for an interim license during the time that person is completing postgraduate professional experience as deemed necessary by the board. This postgraduate professional experience must be completed under the supervision of a speech-language pathologist if the applicant is seeking interim licensure in speech-language pathology, or under an audiologist who holds a Kentucky license, if the applicant is seeking interim licensure in audiology. A person with interim licensure shall make every effort to take and pass an examination approved by the board. Upon completion of postgraduate professional experience as deemed necessary by the board, the speech-language pathologist or audiologist shall make immediate application to the board for permanent licensure if all requirements have been satisfactorily completed or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

Section 6. KRS 334A.060 is amended to read as follows:

(1) The board may waive the examination and educational requirements for those applicants who, [~~on June 16, 1972,~~] are actively engaged in the practice of speech-*language* pathology or audiology, *hold a valid and current credential as a speech and hearing specialist issued by the Kentucky state department of education, and have obtained a masters degree in the area of speech-language pathology or substantive equivalent,* upon proof of bona fide practice presented to the board in the manner prescribed by the board's regulations[~~, providing that they file an application for examination on or before two (2) years of June 16, 1972~~].

(2) *The board may waive the examination and educational requirements for those applicants who, after August 1, 1986, are actively engaged in the practice of speech-language pathology or audiology exclusively in the public schools, hold a valid and current credential as a speech and hearing specialist issued by the Kentucky state department of education, and have not obtained a masters degree in the area of speech-language pathology or audiology or substative equivalent, upon proof of bona fide practice presented to the board in the manner prescribed by the board's regulations, provided such applicants obtain a bachelors degree in speech-language pathology or audiology by August 1, 1987 and further provided such applicants obtain a masters degree in speech-language pathology or audiology or substantive equivalent on or before August 1, 1991.*

(3) The board may waive the examination and grant a license to applicants who present proof of current licensure in a state which has standards *that are at least* equivalent to those of this state.

(4)[~~(3)~~]) The board may waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for licensure.

Section 7. KRS 334A.070 is amended to read as follows:

(1) There is hereby created a board of [~~examiners of~~] speech-*language* pathology and audiology which shall consist of *seven (7)* [~~five (5)~~] members to be appointed by the governor. *Three (3) members* [~~One (1) member~~] shall be *audiologists* [~~an audiologist~~], *three (3) members* [~~one (1)~~] shall be [~~a~~] speech-*language pathologists* [~~pathologist~~], [~~one (1) shall be an otolaryngologist~~] and one (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. *The audiologists and speech-language pathologists members must hold a Kentucky license from the board of speech-language pathology and audiology and must practice in Kentucky.* The members of the board shall serve until the expiration of the term for which they have been appointed or until their successors are qualified. All appointments made shall be for a term of three (3) years except for appointments to fill vacancies caused by a reason other than the expiration of a member's term which shall be filled for the remaining portion of the member's term. No person shall be appointed to serve more than two (2) consecutive terms.

(2) The board shall reorganize annually and select a chairman. *Four (4)* [~~Three (3)~~] members of the board shall constitute a quorum to do business. The board shall hold at least one (1)regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the board. All meetings of the board shall be open and public except that the board may hold executive sessions to prepare, approve, grade or administer examinations; or upon the request of an applicant who fails an examination, prepare a response indicating the cause of his failure.

Section 8. KRS 334A.080 is amended to read as follows:

(1) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, supervise the examination of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this chapter.

(2) The board shall conduct such hearings and keep such records and minutes as shall be necessary to an orderly dispatch of business.

(3) The board shall adopt responsible rules and regulations, including but not limited to regulations which *delineate qualifications for licensure and renewal of licensure and which* establish ethical standards of practice, and may amend or repeal the same.

(4) Every person who holds a license to practice speech-*language* pathology or audiology in this state shall be governed and controlled by the rules of professional conduct adopted by the board.

(5) The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general powers conferred by this section.

(6) The board shall fix appropriate and reasonable fees for licensing, and shall periodically review and modify these fees as necessary.

Section 9. KRS 334A.130 is amended to read as follows:

(1) Each person desiring to obtain a license from the board shall make application to the board. The application shall be made upon a form and [~~shall be made~~] in such a manner as the board prescribes in regulations duly adopted under this chapter.

(2) The application shall be accompanied by the application fee *as determined by the board and set forth by regulations* [~~prescribed by KRS 334A.160~~]. This fee shall not be refunded by the board.

Section 10. KRS 334A.150 is amended to read as follows:

The board shall issue a license to all applicants who meet the requirements of this chapter and who pay to the board the initial license fee provided in KRS 334A.160 *as prescribed by board regulations.*

Section 11. KRS 334A.160 is amended to read as follows:

[~~(1)~~] The amount of fees prescribed in connection with a license as a speech pathologist or audiologist *shall be* [~~is~~] as follows:

[~~(a) The examination fee for a license is $25;~~]

(1)[~~(b)~~] The initial license fee *shall not exceed one hundred dollars ($100)* [~~will be $50~~];

[~~(c) The renewal fee shall be $25;~~]

(2)[~~(d)~~] The delinquency fee shall *not exceed twenty dollars ($20)* [~~be $10~~];

(3)[~~(e)~~] The application fee shall *not exceed fifty dollars ($50)* [~~be $25~~]; and

(4)[~~(f)~~] The inactive license fee shall *not exceed ten dollars ($10)* [~~be $5~~].

[~~(2) The fees in this article shall be fixed by the board and shall be set forth with the regulations which are duly adopted under this chapter.~~

~~(3) Every person to whom a license is issued after December 31, 1972, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee. The board may, by regulation, provide for the waiver where the license is issued less than 45 days before the date on which it will expire.~~]

Section 12. KRS 334A.170 is amended to read as follows:

(1) Each licensed speech-*language* pathologist or audiologist shall annually on or before January 30, pay to the board a *renewal* fee *not to exceed seventy-five dollars ($75)* [~~of $25~~] for a renewal of his license. A 30-day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of a *renewal* fee *plus grace period fee which combined shall not exceed ninety dollars ($90)* [~~of $30 to the board~~]. After expiration of the grace period, the board may renew each license upon payment of *a renewal fee plus a delinquency fee which combined shall not exceed one hundred twenty-five dollars ($125)* [~~$35 to the board~~]. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, provided such renewal application is made within five years from the date of such expiration.

(2) A suspended license is subject to expiration and shall be renewed as provided in this chapter, but such renewal does not entitle the licensee while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order of judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

(3) A person who fails to renew his license within the five years after its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new license if he meets the requirements of this chapter.

(4) A person applying for renewal of licensure shall show evidence of completion of continuing professional education in speech-language pathology or audiology as prescribed by the board.

Section 13. KRS 334A.990 is amended to read as follows:

(1) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding $1000 or by both.

(2) Whenever any person other than a licensed speech-*language* pathologist *or audiologist* has engaged in any act or practice which constitutes an offense against this chapter, the Franklin Circuit Court on application of the board, may issue an injunction or other appropriate order restraining such conduct.

Section 14. KRS 334A.140, Examination—Scope, is repealed.

Section 15. KRS Section 334A.140 Examination—Scope, is repealed.

The Committee Substitute to HB 606 is as follows:

HB 606, AN ACT relating to speech pathologists and audiologists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 334A.010 is amended to read as follows:

It is hereby declared to be a policy of the Commonwealth of Kentucky that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech-*language* pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech-*language* pathology and audiology services to the public.

Section 2. KRS 334A.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the *Kentucky* [~~state~~] board of [~~examiners of~~] speech-*language* pathology and audiology.

(2) "Person" means any individual, organization or corporate body, except that only individuals can be licensed under this chapter.

(3) ”Speech-*language* pathologist“ means one who practices speech-*language* pathology. A speech-*language* pathologist may describe himself to the public by any title or description of services incorporating the words ”speech-*language* pathologist,“ ”speech-*language* pathology,“ ”speech-*language* therapy,“ ”speech-*language* correction,“ ”speech-*language* correctionist,“ ”speech-*language* therapist,“ ”speech clinic,“ ”speech clinician,“ ”language pathologist,“ ”language pathology,“ ”language therapist,“ ”logopedics,“ ”logopedist,“ ”communicology,“ ”communicologist,“ ”aphasiologist,“ ”voice therapy,“ ”voice therapist,“ ”voice pathology,“ ”voice pathologist,“ ”phoniatrist,“ *”communication disorders“;* or any similar titles or descriptions [~~of services~~].

(4) "The practice of speech pathology" means the application of principles, methods and procedures for the measurement, testing, *audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation,* [~~prediction,~~] counseling, [~~or~~] instruction *and research* related to the development and disorders of speech, voice, *verbal and written* [~~or~~] language, *cognition/communication, or oral and pharyngeal sensori-motor competencies* for the purpose of *diagnosing, designing and implementing programs for the amelioration of* [~~preventing, treating, ameliorating or modifying~~] such disorders and conditions [~~in individuals and/or groups of individuals~~]. *Any representation to the public by title or by description of services, methods or procedures for the evaluation, counseling, remediation consultation, measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, instruction and research of persons suffering or suspected of suffering from conditions or disorders affecting speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies shall be considered to be the practice of speech-language pathology.*

(5) [~~"Speech pathology aide" means any person meeting the minimum requirements established by the State Board of Examiners of Speech Pathology and Audiology, and who works directly under the supervision of a licensed speech pathologist. The qualifications for licensure as speech pathology aide shall be uniform, but shall be less than those prescribed for the speech pathologist.~~

~~(6)~~] "Audiologist" is defined as one who practices audiology. An audiologist may describe himself to the public by any title or description of services incorporating the words "audiologist," "audiology," "audiological," "hearing center," "hearing clinic," "hearing clinician," "hearing therapist," "audiometry," "audiometrist," "audiometrics," "otometry," "otometrist," or any similar titles or descriptions of service.

(6)[~~(7)~~] "The practice of audiology" means the application of principles, methods and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting or participating in identification and hearing conservation programs; habilitative and rehabilitative programs including hearing aid recommendations and evaluation, auditory training, or speech reading.

(7) "Continuing professional education" in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speech-language pathology and audiology practitioners to enable them to provide improved health care to the public.

[~~(8) "Audiology aide" means any person, meeting the minimum requirements established by the State Board of Examiners of Speech Pathology and Audiology, who works directly under the supervision of a licensed audiologist. The qualifications for licensure as an aide shall be uniform, but shall be less than those prescribed for the audiologist.~~]

Section 3. KRS 334A.030 is amended to read as follows:

(1) Licensure shall be granted either in speech-*language* pathology or audiology independently. A person may be licensed in both areas if he meets the respective qualifications.

(2) No person shall practice or represent himself as a speech-*language* pathologist or audiologist in this state unless he is licensed in accordance with the provisions of this law.

Section 4. KRS 334A.040 is amended to read as follows:

(1) Nothing in this chapter, however, shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which he is licensed.

(2) Nothing in this chapter shall be construed to prevent qualified hearing aid dispensers from engaging in those practices and procedures used solely for the fitting and selling of hearing aids.

(3) Nothing in this chapter shall be construed as restricting or preventing activities of a speech-*language* pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:

(a) Persons who *on August 1, 1986,* hold a valid and current credential as a speech and hearing specialist issued by the Kentucky state department of education *who have not obtained a master's degree in speech-language pathology or audiology or substantive equivalent and who render speech-language pathology or audiology services exclusively in the public schools; or*

(b) Speech-*language* pathologists or audiologists employed by *the* [~~local,~~ ~~state~~ ~~or~~] federal government [~~agencies~~]; providing such persons are performing such activities solely within the confines or under the jurisdiction of the organization in which they are employed and do not offer to render speech-*language* pathology or audiology services as defined in subsections (4) and *(6)*[~~(7)~~] of KRS 334A.020 to the public outside of the institutions or organizations in which they are employed. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter.

(c) Registered and practical nurses or others trained to perform audiometric testing under the direct supervision of a licensed physician or surgeon *or audiologist.*

(4) Nothing in this chapter shall be construed as restricting the activities and services of a [~~graduate~~] student or speech-*language* pathology intern [~~in speech pathology~~] pursuing a course of study leading to a [~~graduate~~] degree in speech-*language* pathology at an accredited or approved college or university or an approved clinical training facility, provided these activities and services constitute a part of *the planned* [~~his supervised~~] course of study and that such persons are designated by such title as "speech-*language* pathology intern," "speech-*language* pathology trainee," or other such title clearly indicating the training status appropriate to his level of training *under the supervision of a licensed speech-language pathologist.*

(5) Nothing in this chapter shall be construed as restricting the activities and services of a [~~graduate~~] student or audiology intern [~~in audiology~~] pursuing a course of study leading to a [~~graduate~~] degree in audiology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and services constitute a part of his *planned* [~~supervised~~] course of study and that such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his level of training, *under supervision of a licensed audiologist.*

(6) Nothing in this chapter shall be construed as restricting a *speech-language pathologist or audiologist* [~~person~~] from another state *from* offering his speech-*language* pathology or audiology services in this state provided such services are performed for no more than five days in any calendar year and provided that person meets the qualifications and requirements stated in the section on qualifications *except that such person need not apply for licensure under this chapter.* However, a person from another state who is licensed or certified as a speech-*language* pathologist or audiologist by a similar board of another state, or territory of the United States, or of a foreign country or province whose standards are equivalent to or higher than, at the date of his certification or licensure, the requirements of this chapter, and regulations duly adopted hereunder, or a person who meets the qualifications and requirements, and resides in a state or territory of the United States, or a foreign country or province which does not grant certification or license to speech-*language* pathologists, may also offer speech-*language* pathology services in this state for a total of not more than thirty (30) days in any calendar year without *making application for licensure* [~~being licensed~~] under this *chapter* [~~law~~].

(7) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist who has all the qualifications necessary for licensure under this chapter, who is not certified or licensed by another administrative agency, and who has made application for licensure under this chapter from rendering speech-language pathology or audiology services within this state while awaiting licensure.

Section 5. KRS 334A.050 is amended to read as follows:

(1) To be eligible for licensure by the board as a speech-*language* pathologist or audiologist, the applicant must:

(a)[~~(1) Be of good moral character; and~~

~~(2)~~] Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make application shall be sufficient proof of compliance with this subsection; [~~and~~]

(b) Show evidence of meeting the following professionally accepted academic and practicum standards:

1. Master's degree in the area of speech-language pathology or audiology or substantive equivalent. The specific coursework for this requirement is to be determined by the board and delineated in the regulations;

2. Completion of supervised direct clinical practicum with individuals presenting a variety of disorders of communication, the experience being obtained with the training institution or in one (1) of its cooperating programs;

3. Completion of postgraduate professional experience as deemed necessary by the board; and

[~~(3) Possess at least a master's degree in the area of speech pathology or audiology; and~~

~~(4) Submit transcripts from an educational institution approved by the board evidencing the successful completion of at least 60 semester hours of courses related to the normal development, function and use of speech, hearing and language, and courses that provide information about, and training in, the management of speech, hearing, and language disorders including the legal, professional, and ethical practices of speech pathology and audiology; and~~

~~(5) Submit evidence of the completion of a minimum of 275 clock hours of supervised, direct, clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs; and~~

~~(6) Present written evidence from a licensed and/or certified speech pathologist or audiologist supervisor of nine months of full-time professional employment pertinent to the license being sought. This experience must follow the completion of the requirements listed in subsections (3), (4) and (5). Full-time is defined as at least nine months in a calendar year and a minimum of thirty hours per week or part-time equivalent over an 18 month period; and~~]

(c)[~~(7)~~] Pass *the national examinations in speech-language pathology or audiology which are approved by the American-Speech-Language-Hearing Association and in effect at the time of application for licensure* [~~an examination approved by the board. The board shall determine the subject and scope of the examinations~~]. Written examinations may be supplemented by such oral examinations as the board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

(2) A person who has a master's degree in the area of speech-language pathology or audiology or substantive equivalent course work as defined by the board's regulations and who has completed supervised direct clinical practicum with individuals presenting a variety of disorders of communication,the experience being obtained with a training institution or in one of its cooperating programs, shall apply for an interim license during the time that person is completing postgraduate professional experience as deemed necessary by the board. This postgraduate professional experience must be completed under the supervision of a speech-language pathologist who holds a Kentucky license if the applicant is seeking interim licensure in speech-language pathology, or under an audiologist who holds a Kentucky license, if the applicant is seeking interim licensure in audiology. A person with interim licensure shall make every effort to take and pass an examination approved by the board. Upon completion of postgraduate professional experience as deemed necessary by the board, the speech-language pathologist or audiologist shall make immediate application to the board for permanent licensure if all requirements have been satisfactorily completed or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

Section 6. KRS 334A.060 is amended to read as follows:

(1) The board may waive the examination and educational requirements for those applicants who, on *August 1, 1986* [~~June 16, 1972,~~] are actively engaged in the practice of speech-*language* pathology or audiology, *hold a valid and current credential as a speech and hearing specialist issued by the Kentucky state department of*

education, and have obtained a masters degree in the area of speech-language pathology or substantive equivalent, upon proof of bona fide practice presented to the board in the manner prescribed by the board's regulations[~~, providing that they file an application for examination on or before two (2) years of June 16, 1972~~].

(2) *The board may waive the examination and educational requirements for those applicants who, after August 1, 1986, are actively engaged in the practice of speech-language pathology or audiology exclusively in the public schools, hold a valid and current credential as a speech and hearing specialist issued by the Kentucky state department of education, and have not obtained a masters degree in the area of speech-language pathology or audiology or substative equivalent, upon proof of bona fide practice presented to the board in the manner prescribed by the board's regulations, provided such applicants obtain a bachelors degree in speech-language pathology or audiology by August 1, 1987 and further provided such applicants obtain a masters degree in speech-language pathology or audiology or substantive equivalent on or before August 1, 1991.*

(3) The board may waive the examination and grant a license to applicants who present proof of current licensure in a state which has standards *that are at least* equivalent to those of this state.

(4)[~~(3~~]) The board may waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for licensure.

Section 7. KRS 334A.070 is amended to read as follows:

(1) There is hereby created a board of [~~examiners of~~] speech-*language* pathology and audiology which shall consist of *seven (7)* [~~five (5)~~] members to be appointed by the governor. *Three (3) members* [~~One (1) member~~] shall be *audiologists* [~~an audiologist~~], *three (3) members* [~~one (1)~~] shall be [~~a~~] speech-*language pathologists* [~~pathologist~~], [~~one (1) shall be an otolaryngologist~~] and one (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. *The audiologists and speech-language pathologists members must hold a Kentucky license from the board of speech-language pathology and audiology and must practice in Kentucky.* The members of the board shall serve until the expiration of the term for which they have been appointed or until their successors are qualified. All appointments made shall be for a term of three (3) years except for appointments to fill vacancies caused by a reason other than the expiration of a member's term which shall be filled for the remaining portion of the member's term. No person shall be appointed to serve more than two (2) consecutive terms.

(2) The board shall reorganize annually and select a chairman. *Four (4)* [~~Three (3)~~] members of the board shall constitute a quorum to do business. The board shall hold at least one (1)regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the board. All meetings of the board shall be open and public except that the board may hold executive sessions to prepare, approve, grade or administer examinations; or upon the request of an applicant who fails an examination, prepare a response indicating the cause of his failure.

Section 8. KRS 334A.080 is amended to read as follows:

(1) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, supervise the examination of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this chapter.

(2) The board shall conduct such hearings and keep such records and minutes as shall be necessary to an orderly dispatch of business.

(3) The board shall adopt responsible rules and regulations, including but not limited to regulations which *delineate qualifications for licensure and renewal of licensure and which* establish ethical standards of practice, and may amend or repeal the same.

(4) Every person who holds a license to practice speech-*language* pathology or audiology in this state shall be governed and controlled by the rules of professional conduct adopted by the board.

(5) The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general powers conferred by this section.

(6) The board shall fix appropriate and reasonable fees for licensing, and shall periodically review and modify these fees as necessary.

Section 9. KRS 334A.130 is amended to read as follows:

(1) Each person desiring to obtain a license from the board shall make application to the board. The application shall be made upon a form and [~~shall be made~~] in such a manner as the board prescribes in regulations duly adopted under this chapter.

(2) The application shall be accompanied by the application fee *as determined by the board and set forth by regulations* [~~prescribed by KRS 334A.160~~]. This fee shall not be refunded by the board.

Section 10. KRS 334A.150 is amended to read as follows:

The board shall issue a license to all applicants who meet the requirements of this chapter and who pay to the board the initial license fee provided in KRS 334A.160 *as prescribed by board regulations.*

Section 11. KRS 334A.160 is amended to read as follows:

[~~(1)~~] The amount of fees prescribed in connection with a license as a speech-*language* pathologist or audiologist *shall be* [~~is~~] as follows:

[~~(a) The examination fee for a license is $25;~~]

(1)[~~(b)~~] The initial license fee *shall not exceed one hundred dollars ($100)* [~~will be $50~~];

[~~(c) The renewal fee shall be $25;~~]

(2)[~~(d)~~] The delinquency fee shall *not exceed twenty dollars ($20)* [~~be $10~~];

(3)[~~(e)~~] The application fee shall *not exceed fifty dollars ($50)* [~~be $25~~]; and

(4)[~~(f)~~] The inactive license fee shall *not exceed ten dollars ($10)* [~~be $5~~].

[~~(2) The fees in this article shall be fixed by the board and shall be set forth with the regulations which are duly adopted under this chapter.~~

~~(3) Every person to whom a license is issued after December 31, 1972, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee. The board may, by regulation, provide for the waiver where the license is issued less than 45 days before the date on which it will expire.~~]

Section 12. KRS 334A.170 is amended to read as follows:

(1) Each licensed speech-*language* pathologist or audiologist shall annually on or before January 30, pay to the board a *renewal* fee *not to exceed seventy-five dollars ($75)* [~~of $25~~] for a renewal of his license. A 30-day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of a *renewal* fee *plus grace period fee which combined shall not exceed ninety dollars ($90)* [~~of $30 to the board~~]. After expiration of the grace period, the board may renew each license upon payment of *a renewal fee plus a delinquency fee which combined shall not exceed one hundred twenty-five dollars ($125)* [~~$35 to the board~~]. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, provided such renewal application is made within five years from the date of such expiration.

(2) A suspended license is subject to expiration and shall be renewed as provided in this chapter, but such renewal does not entitle the licensee while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order of judgment by which the license was suspended. A license revoked on disciplinary grounds is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

(3) A person who fails to renew his license within the five years after its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new license if he meets the requirements of this chapter.

(4) A person applying for renewal of licensure shall show evidence of completion of continuing professional education in speech-language pathology or audiology as prescribed by the board.

Section 13. KRS 334A.990 is amended to read as follows:

(1) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding $1000 or by both.

(2) Whenever any person other than a licensed speech*-language* pathologist *or audiologist* has engaged in any act or practice which constitutes an offense against this chapter, the Franklin Circuit Court on application of the board, may issue an injunction or other appropriate order restraining such conduct.

Section 14. KRS 334A.140, Examination—Scope, is repealed.

HB 790, AN ACT relating to emergency medical services and making an appropriation therefor.

The Kentucky General Assembly hereby declares that:

WHEREAS, the provision of emergency medical services is a matter of vital concern affecting the public health, safety and welfare of the people of the Commonwealth of Kentucky; and

WHEREAS, it is the purpose of this chapter to promote the establishment and maintenance of an effective system of emergency medical service, including the personnel, training, necessary equipment, and facilities to insure that all emergency patients receive prompt and adequate medical care throughout the range of emergency conditions encountered; and

WHEREAS, it is the purpose and intent that the commission to be established shall cooperate with other agencies empowered to license persons engaged in the delivery of health care so as to coordinate the efforts of the commission and such agencies, and to establish standards and requirements for the furnishing of emergency medical services by persons not licensed or regulated by other appropriate agencies; and

WHEREAS, it is also the purpose and intent of this Act to consolidate under this chapter of KRS all ambulance service (KRS 216B.010 to 216B.130 and 216B.990(1)(2)), emergency medical technician (KRS 211.960 to 211.968) and related sections on emergency medical technician training, emergency medical services funding (KRS 211.950 to 211.958) and related statutes and regulations to greatly facilitate and improve the coordination of emergency medical services within the Commonwealth of Kentucky. It is the intent of this Act to leave the regulation and certification of paramedics under the direction and control of the Kentucky board of medical licensure (KRS 311.650 to 311.658). The Kentucky board of medical licensure, and the proposed emergency medical services commission, would coordinate the use of the paramedic in the system, and on ambulances;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 211A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the Kentucky emergency medical services (EMS) commission created under this chapter;

(2) "Emergency patient" means an individual who is acutely ill, injured, or otherwise incapacitated or helpless and who requires emergency care;

(3) "Ambulance" means any vehicle, including a helicopter, fixed wing aircraft or watercraft, except

vehicles or aircraft operated by the United States government, that are specially designed, constructed or that have been modified or equipped with the intent of using the same, for the purpose of transporting any individual who is sick, injured or otherwise incapacitated;

(4) "Ambulance provider" means any individual or private or public organization, except the United States government, having a vehicle or vehicles, including helicopters, watercraft or fixed wing aircraft, with the intent of using the same, for the provision of health care and transportation alone to any individual who is sick, injured, or otherwise incapacitated;

(5) "Non-emergency health transportation" means health care transportation provided on a scheduled basis to individuals whose impaired health condition requires special transportation considerations, supervision or handling but does not indicate a need for medical treatment during transit or emergency medical treatment upon arrival at the final destination;

(6) "Emergency care ambulance transportation" means health care transportation provided on an emergency or scheduled basis to persons who are sick, injured, or otherwise incapacitated, and may require immediate stabilization and continued medical response and intervention during transit or upon arrival at the patient's destination to safeguard the patient's life or physical well-being, except transportation provided by on-duty police and fire department personnel assisting in emergency situations by providing first-aid and transportation when regulation emergency units licensed to provide first-aid emergency medical care or transportation are unable to arrive at the scene of an emergency situation within a reasonable time;

(7) "Emergency medical technician" means an individual who is responsible for the provision of basic emergency care procedures, handling and transportation to sick and injured patients, and is certified under the provisions of this chapter;

(8) "Emergency medical services" means the services utilized in responding to the perceived individual need for immediate medical care to protect against loss of life, or aggravation of physiological or psychological illness or injury;

(9) "Emergency medical service facility" means those facilities that are licensed and operated under the provisions of the Kentucky Revised Statutes and are equipped, prepared and staffed to provide medical care for emergency patients appropriate to its classification;

(10) "First responder" means an individual who is responsible for the provision of basic emergency care procedures, handling and transportation to sick and injured patients, and is certified under the provisions of this chapter; and

(11) "Certification", "certificate" or "license" as used herein shall mean authorization in written form issued by the commission to a person to furnish, operate, conduct, maintain, advertise, or otherwise engage in providing emergency medical services as a part of a regular course of doing business, either paid or voluntary, where such person is not licensed by another state agency.

SECTION 2. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

There is hereby created a Kentucky emergency medical services commission.

SECTION 3. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) The commission shall be composed of fifteen (15) members, who shall be appointed by the governor for a term of four (4) years, except that the first appointments which shall be made to the commission shall be made so as to provide three (3) one (1) year, four (4) two (2) year, four (4) three (3) year and four (4) four (4) year terms on said commission. Of the fifteen (15) members appointed by the governor:

(a) One (1) shall be a certified paramedic;

(b) One (1) shall be a certified emergency medical technician;

(c) One (1) shall be a certified emergency medical technician appointed from a fire service providing emergency ambulance services;

(d) One (1) shall be a certified emergency medical technician appointed from a duly organized volunteer fire or rescue department which provides emergency service;

(e) One (1) from those who operate hospital emergency medical service facilities;

(f) One (1) who provides private ambulance services;

(g) One (1) who provides full-time municipal emergency ambulance service not otherwise affiliated with a fire department;

(h) One (1) certified emergency medical technician instructor;

(i) One (1) representative from the coal mining industry involved in the provision of emergency care;

(j) One (1) representative from the county judge/executives;

(k) One (1) licensed registered nurse working in emergency nursing;

(l) One (1) certified emergency medical technician appointed from law enforcement;

(m) One (1) physician who is licensed to practice medicine or surgery in the Commonwealth of Kentucky, is affiliated with an emergency medical services facility and board certified in emergency medicine;

(n) One (1) physician who is licensed to practice medicine or surgery in the Commonwealth of Kentucky and is actively practicing in an emergency medical services facility; and

(o) One (1) person representing the public at large who is not in any way related to providing emergency medical services.

(2) Any appointment to fill a vacancy occurring on the commission shall be for the unexpired term.

SECTION 4. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

The staff of the emergency medical services branch of the cabinet for human resources will provide the initial staff support to the commission. The commission shall have the authority to hire additional staff deemed necessary and appropriate to the efficient operation of the commission.

SECTION 5. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

The commission shall have the following duties and responsibilities:

(1) To develop and promote, in cooperation with state, regional, and local public and private organizations, agencies, and persons, a statewide program for the provision of emergency medical services which shall include, but not be limited to, the following:

(a) Preparation of state, regional and local emergency ambulance service plans;

(b) Provisions of consultative services to state, regional and local organizations and agencies in developing and implementing emergency ambulance service programs;

(c) Promotion of a statewide system of emergency medical care by developing minimum standards, procedures and guidelines in regard to personnel, training, equipment, supplies, and communications;

(d) Promote programs for the training of personnel engaged in the provisions of emergency medical care and treatment, and programs for the education of the general public in first aid techniques and procedures. Such training shall be held in various local communities of the state and shall be conducted by agreement with existing publicly supported educational institutions, organizations, or hospitals wherever appropriate. Promotion and coordination of emergency communications, resources, and procedures throughout the state and the development of, in cooperation with interested state, regional, and local public and private agencies, organizations, and persons, an effective state, regional, and local emergency communications system shall be carried out by the commission;

(2) To regulate, inspect, and certify services, and personnel engaged in providing emergency medical services as provided in this chapter;

(3) To promulgate such administrative regulations as may be required to implement an approved system of emergency medical services; provided that the initial administrative regulations will be submitted to the legislative research commission no later than October 1, 1986, and provided further that such administrative regulations shall not take effect and shall not be implemented before January 1, 1987;

(4) To apply for, receive and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services;

(5) To employ necessary administrative staff.

SECTION 6. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) In the promulgation of administrative regulations relative to the duties and responsibilities of the commission, the commission shall appoint such technical advisory committees as deemed necessary and appropriate, including an emergency medical technician training advisory committee.

(2) Members of technical advisory committees may be appointed for a term not exceeding one (1) year, but may be reappointed.

(3) The commission may call upon the paramedic advisory committee of the Kentucky board of medical licensure created pursuant to KRS 311.650 to 311.658 for technical advice and assistance.

SECTION 7. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) The governor or a designated representative shall serve as temporary chairman and shall convene the first meeting of the commission. At its first meeting, the commission may select such officers from its membership as it deems necessary.

(2) The commission may meet as often as is necessary upon call of the chairman but meetings shall be held at least six (6) times each year.

(3) Each eligible member of the commission and advising committees shall receive reimbursement for necessary expenses and mileage allowances.

(4) A quorum shall consist of eight (8) members of the commission. No member of the commission may send an alternate or proxy to a meeting of the commission. A majority of the commission shall be required for the approval of an administrative regulation.

(5) In the event a member of the commission fails to attend three (3) consecutive meetings or four (4) meetings in any twelve (12) month period, his position on the commission shall automatically be vacated and the governor shall appoint a replacement.

(6) The commission may adopt and use a seal, the description of which shall be filed at the office of the secretary of state, which may be used for the authentification of the acts of the commission.

SECTION 8. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) On and after January 1, 1987, no person shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services or non-emergency health transportation service as a part of the regular course of doing business, either paid or voluntary, unless such person holds a currently valid certificate issued by the commission to provide emergency medical services. On or before January 1, 1987, the commission shall establish standards for persons required to be certified by it to provide emergency medical services. In order to be certified such person shall meet the following minimum requirements:

(a) The personnel shall meet the standards for education and training established by the commission by administrative regulations;

(b) Ambulances to be used shall conform with the requirements of the commission, and shall be covered by insurance issued by a company licensed to do business in this state in such amounts and under such terms as may be required in administrative regulations adopted by the commission, taking into consideration recommendations of the advisory committee;

(c) Emergency ambulance service or non-emergency health transportation service shall be provided in accordance with administrative regulations adopted by the commission, taking into consideration recommendations of the advisory committee concerning the staffing, equipping, and operating procedures thereof;

(d) Ambulances shall be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system shall properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services; and

(e) Emergency medical communications shall be provided in accordance with administrative regulations adopted by the commission.

(2) On or before January 1, 1987, the commission shall establish standards for persons engaged in providing emergency medical services who are not otherwise licensed or regulated by state law or administrative regulations promulgated thereunder.

SECTION 9. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) An application for a certificate shall be made upon such forms, provide such information, and be in accordance with such procedures as prescribed by the commission.

(2) Except as provided heretofore, all certificates shall be valid for a period specified by the commission unless earlier suspended, revoked or terminated.

(3) Renewal of any certificate issued hereunder upon expiration for any reason, or after suspension, revocation, or termination shall require conformance with all the requirements of this chapter as upon original certification.

(4) A certificate issued hereunder shall not be assignable or transferable.

(5) No official entry made upon a certificate may be defaced, removed or obliterated.

(6) The commission may, by administrative regulation, prescribe a reasonable schedule of fees and charges for examination, inspection, issuance of certificates, and renewal of certificates. All such fees, charges, or other moneys collected by the commission under this chapter shall be paid into the state treasury and credited to a trust and agency fund which shall not lapse to be used by the commission for carrying out the provisions of this chapter.

SECTION 10. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) A certificate shall not be required for a person who provides emergency ambulance service, or an emergency medical technician, first responder, or an ambulance when:

(a) Rendering assistance to persons certified to provide emergency ambulance service, to emergency medical technicians, first responders or to ambulances conforming with the requirements of this chapter and in the case of a major catastrophe, disaster, or emergency with which persons certified to provide emergency medical services are insufficient or unable to cope; or

(b) Operating from a location or headquarters outside of this state in order to provide emergency ambulance services to patients who are picked up outside the state for transportation to locations within or without the state.

(2) An agency of the United States and any emergency medical technicians or ambulances of such agency shall not be required to be certified nor to conform to the standards prescribed under this chapter.

SECTION 11. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

(1) After notice and hearing, the commission may, and is authorized to, suspend or revoke a certificate issued under this chapter, for failure to comply and maintain compliance with or for violation of any applicable provisions, standards, or other requirements of this chapter or administrative regulations promulgated under this chapter.

(2) The commission may initiate proceedings to suspend or revoke a certificate upon its own motion, or on the verified written complaint of any interested person.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the commission, upon finding that the public health or safety is in imminent danger, may temporarily suspend a certificate without hearing for a period not to exceed thirty (30) days upon written notice to the certificate holder.

(4) Upon suspension, revocation, or termination of a certificate, the provision of such service shall cease.

SECTION 12. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

The attorney general, the county attorney, or the commission, when any person shall be in violation of the provisions of this chapter, or any administrative regulations adopted pursuant to this chapter, may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Kentucky to enjoin such person from continuing in violation of the provisions of this chapter. However, such injunction shall not relieve any such person from criminal prosecution for such offense as provided for in this chapter, but such remedy shall be in addition to any remedy provided for the criminal prosecution of such offense.

SECTION 13. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

A matching fund program is hereby created for the purpose of assisting local ambulance providers in the purchases of ambulances and equipment. The fund shall consist of such moneys as may be appropriated by the general assembly or may be obtained from other sources for the fund as provided in this section and Section 14 of this Act:

(1) Application and justification of need for moneys from the fund shall be based upon the commission's priorities;

(2) Application for moneys from the fund may be made to the commission by any city or county with the assistance of the applicable emergency medical services system based upon guidelines established by the commission;

(3) Moneys from the fund will be provided on a fifty percent (50%) state and fifty percent (50%) local funds matching basis for any ambulance or other item of equipment desired to be procured. No county, including all grants to cities within the county, shall receive more than twelve thousand five hundred dollars ($12,500) from the fund per year;

(4) No funds awarded pursuant to this section shall be used for any other purpose than the purpose for which they were awarded. Funds remaining unexpended one year from the date of the award shall lapse and shall be returned to the fund by the recipient city or county;

(5) Funding periods shall coincide with the fiscal year as established by the commission;

(6) Each ambulance or item of equipment purchased shall meet or exceed, if a standard has been set for the particular item of equipment, the standards set by the commission.

SECTION 14. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

A matching fund program is hereby created for the purpose of assisting city and county governments in providing for an adequate number of trained emergency medical service personnel in those cities or counties where other personnel funding resources are unavailable or inadequate and where expenditures for ambulance services exceed five percent (5%) of the city or county general fund budget:

(1) Monies from the fund may be provided to a city or county government for emergency medical services personnel only;

(a) When the number of personnel operating the ambulance service is consistent with commission guidelines;

(b) When the revenue of the city or county (as appropriate), including ambulance service district tax revenue and other income is insufficient to meet the personnel needs of the ambulance service; and

(c) When the provision of ambulance service meeting the personnel guidelines would require more than five percent (5%) of the general fund budget of the city or county.

(2) Moneys from the fund shall be used solely to match expenditures which exceed the five percent (5%) limit and may not be used to supplement expenditures below the five percent (5%) limit.

(3) If the city or county enacts an ambulance service district tax as provided for in KRS Chapter 108 then the revenues raised by that tax may be used as a set-off against the five percent (5%) of the general fund requirement on a one for one direct reduction basis. Thus, if the ambulance service district tax raises revenues equalling one percent (1%) of the general fund budget then the amount necessary from the general fund budget shall be four percent (4%) and so forth up to the required limit of five percent (5%).

(4) Application for money from the fund may be made to the commission by any city or county.

(5) Moneys from the fund will be provided on a fifty percent (50%) state and fifty percent (50%) local funds matching basis for emergency medical services personnel salaries. Local match shall be in money and in-kind matching is prohibited. No county, including all grants to cities within the county, shall receive more than forty thousand dollars ($40,000) from the fund per year.

(6) No funds awarded pursuant to this section shall be used for any other purpose than the purpose for which they were awarded. When the actual expenditures from the city or county general fund budget for ambulance service do not meet or exceed five percent (5%) of the general fund budget of the city or county for that year, then the matching money shall be refunded to the commission. Funds remaining unexpended one (1) year from the date of the award shall lapse and shall be returned to the fund by the city or county.

(7) Funding periods shall coincide with the fiscal year.

SECTION 15. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

In any city or county where at least fifty percent (50%) of ambulance personnel are volunteers or in which at least fifty percent (50%) of the ambulance services are operated by volunteers the city or county may elect to apply up to forty thousand dollars ($40,000) of the amount for which they are eligible under Section 14 of this Act to increase the amount of money available for purposes of Section 13 of this Act.

SECTION 16. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

No person shall:

(1) Hold himself out as certified pursuant to Sections 16 or 17 of this Act nor use the initials "EMT" when he does not hold a current valid certification issued pursuant to Sections 16 or 17 of this Act; or

(2) If certified, violate any provision of Sections 16 or 17 of this Act or any administrative regulation, adopted by the commission relating thereto.

SECTION 17. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

The commission shall adopt administrative regulations relating to emergency medical technicians. The administrative regulations may include, but need not be limited to, the classification and certification of emergency medical technicians, instructors, instructor-trainers, and students and trainees; examinations; standards of training and experience; curricula standards; issuance, renewal, suspension, denial, and revocation of certificates, and such other reasonable standards or regulations as may be necessary for the protection of public health and safety in the delivery of emergency medical services; however, no additional testing or course work shall be required for recertification, except for proficiency testing of new skills or knowledge, or areas in which there is evidence of deterioration of skills. Recertification programs shall be organized to include continuing education and in-service training approved by the commission.

SECTION 18. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

No person shall:

(1) Hold himself out as certified pursuant to Sections 18 or 19 of this Act as a first responder when he does not hold a current valid certification issued pursuant to Sections 18 or 19 of this Act.

(2) If certified, violate any provision of this Act or any administrative regulation adopted by the commission relating thereto.

SECTION 19. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

The commission shall adopt administrative regulations relating to first responders. The administrative regulations may include, but need not be limited to, the classification and certification of first responders, instructors, instructor-trainers, and students and trainees; examinations; standards of training and experience; curricula standards; issuance, renewal, suspension, denial, and revocation of certificates, and such other reasonable standards or regulations as may be necessary for the protection of public health and safety in the delivery of emergency medical services; however, no additional testing or course work shall be required for recertification, except for proficiency testing of new skills or knowledge, or areas in which there is evidence of deterioration of skills. Recertification programs shall be organized to include continuing education and in-service training approved by the commission.

SECTION 20. A NEW SECTION OF KRS CHAPTER 211A IS CREATED TO READ AS FOLLOWS:

Any person who violates any of the provisions of this chapter shall be fined not more than five hundred dollars ($500) or imprisoned in the county jail for not more than sixty (60) days, or both fined and imprisoned. Each day of continued violation of the provisions of this chapter shall be considered a separate offense.

Section 21. KRS 65.710 is amended to read as follows:

In order to enable cities and counties to fulfill their obligations regarding the public health, safety, and welfare the general assembly does hereby allow cities and counties to contract with private persons, partnerships, or corporations for providing ambulance service to the residents of such cities and counties subject to the following conditions:

(1) All such contracts must be in writing and must be approved by the city council or board of aldermen if a city is party thereto, or by the fiscal court in case a county is party thereto.

(2) No contract shall be made with an ambulance service or other organization or person unless such contract shall stipulate that at least one (1) person on each ambulance run shall possess currently valid emergency medical technician certification.

(3) All contracts made with any ambulance service or other organization or person shall stipulate that all vehicles used for operation of the service comply with vehicle and equipment regulations issued by the *Kentucky emergency medical services commission* [~~cabinet for human resources~~].

(4) All contracts shall include the stipulation that at least two (2) trained persons, one (1) driver and one (1) attendant, shall be carried on each ambulance for each ambulance call which is covered by such contract.

(5) No contract shall be made for a period of time greater than one (1) year.

(6) The vehicle, equipment, training, and personnel requirements of subsections (2), (3), and (4) of this section shall also apply to the operation of an ambulance service by a city or a county or by a city and a county jointly.

(7) No provisions of this section shall be construed as to limit the power of any city or county to contract for or operate ambulance services under requirements which are stricter than those of this section, or to require insurance, or bonding of contractors, provided such provisions are not in conflict with the requirements of this section.

Section 22. KRS 216B.015 is amended to read as follows:

Except as otherwise provided, for purposes of this chapter, the following definitions shall apply:

(1) "Administrative regulation" means a regulation adopted and promulgated pursuant to the procedures in KRS Chapter 13*A*.

(2) "Affected persons" means the applicant; any person residing within the geographic area served or to be served by the applicant; any person who regularly uses health facilities within that geographic area; health facilities located in the health service area in which the project is proposed to be located which provide services similar to the services of the facility under review; health facilities which, prior to receipt by the agency of the proposal being reviewed, have formally indicated an intention to provide similar services in the future; the cabinet and third party payors who reimburse health facilities for services in the health service area in which the project is proposed to be located.

(3) "Applicant" means any person, health facility, or health service requesting a certificate of need or license.

(4) "Board" means the Kentucky health facilities and health services certificate of need and licensure board.

(5) "Capital expenditure" means an expenditure made by or on behalf of a health facility which:

(a) Under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance; or

(b) Is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part thereof.

(6) "Capital expenditure minimum" means six hundred thousand dollars ($600,000) for the twelve (12) month period beginning July 15, 1980 and as adjusted annually thereafter. In determining whether an expenditure exceeds the expenditure minimum, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the improvement, expansion, or replacement of any plant or any equipment with respect to which the expenditure is made shall be included. Donations of equipment or facilities to a health facility which if acquired directly by such facility would be subject to review under this chapter shall be considered a capital expenditure, and a transfer of the equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review.

(7) "Certificate of need" means an authorization by the board to proceed to acquire, to establish, to offer, to substantially change the bed capacity or to substantially change a health service as covered by this chapter.

(8) "Cabinet" means the cabinet for human resources which functions as the state health planning and development agency.

(9) "Federal act" means the National Health Planning Resources Development Act of 1974, P.L. 93-641, and subsequent amendments.

(10) "Formal review process" means the ninety (90) day certificate of need review conducted by the board.

(11) "Health facility" means any institution, place, building, agency or portion thereof, public or private, whether organized for profit or not, used, operated or designed to provide medical diagnosis, treatment, nursing, rehabilitative or preventive care and includes alcohol abuse, drug abuse, and mental health services. This shall include, but shall not be limited to health facilities and health services commonly referred to as hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, nursing homes, personal care homes, intermediate care facilities, family care homes, primary care centers, rural health clinics, outpatient clinics, ambulatory care facilities, ambulatory surgical centers, emergency care centers and services, [~~ambulance services, non-emergency health transportation services,~~] hospices, community mental health and mental retardation centers, home health agencies, kidney disease treatment centers and free standing hemodialysis units, health maintenance organizations, and others providing similarly organized services regardless of nomenclature.

(12) "Health maintenance organization" means a public or private organization, organized under KRS 304.38-010 to 304.38-200, which:

(a) Is a qualified health maintenance organization under the federal act; or

(b) 1. Provides or otherwise makes available to enrolled participants health services, including at least the following basic health services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out of area coverage;

2. Is compensated (except for co-payments) for the provision of the basic health services listed in subparagraph 1. of this paragraph to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and

3. Provides physicians' services primarily;

a. Directly through physicians who are either employes or partners of such organization; or

b. Through arrangements with individual physicians or one (1) or more groups of physicians (organized on a group practice or individual practice basis).

(13) "Health service area" means a particular geographical area designated by the governor as a health service planning area.

(14) "Health services" means clinically related services provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services.

(15) "Local health planning agency" means a health planning agency organized for a particular geographical area of the Commonwealth and designated by the governor.

(16) "Major medical equipment" means equipment which is used for the provision of medical and other health services and which costs in excess of the medical equipment expenditure minimum except that such term does not include medical equipment acquired by or on behalf of a medical laboratory. For purposes of this *subsection* [~~paragraph~~], "medical equipment expenditure minimum" means four hundred thousand dollars ($400,000) for the twelve (12) month period beginning July 15, 1982 and as adjusted annually thereafter. In determining whether medical equipment has a value in excess of the medical equipment expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

(17) "Nonsubstantive review" means an expedited review conducted by the cabinet of an application for a certificate of need as authorized under KRS 216B.095.

(18) "Operating cost expenditure minimum" means two hundred fifty thousand dollars ($250,000) for the twelve (12) month period beginning July 15, 1982 and as adjusted annually thereafter.

(19) "Party to the proceedings" means the applicant for a certificate of need and any affected person who appears at a hearing on the matter under consideration and enters an appearance of record.

(20) "Person" means an individual, a trust or estate, a partnership, a corporation, an association, a group, state or political subdivision or instrumentality (including a municipal corporation) of a state.

(21) "Record" means, as applicable in a particular proceeding:

(a) The application and any information provided by the applicant at the request of a local health planning agency, the cabinet or the board;

(b) Any information provided by a holder of a certificate of need or license in response to a notice of revocation of a certificate of need or license;

(c) Any memoranda or documents prepared by or for a local health planning agency, the cabinet or the board regarding the matter under review which were introduced at any hearing;

(d) Any staff reports or recommendations prepared by or for a local health planning agency, the cabinet or the board;

(e) Any recommendation or decision of the cabinet;

(f) Any testimony or documentary evidence adduced at a hearing;

(g) The findings of fact and recommendation of the hearing officer; and

(h) Any other items required by administrative regulations promulgated by the board.

(22) "Secretary" means the secretary of the cabinet for human resources.

(23) "State health plan" means the document duly adopted by the state health planning council and approved by the governor.

(24) "State health planning council" means the statewide health coordinating council or a state health planning agency established and designated by the governor.

(25) "Substantial change in a health service" means the addition of a clinically related service not previously provided in the health facility which entails an annual operating cost which exceeds the operating cost expenditure minimum, or the addition of a health service for which there is a component of the state health plan, or the addition of a health service subject to licensure under this chapter, or the reduction or termination of a health service which had previously been provided in the health facility.

(26) "Substantial change in bed capacity" means the addition, reduction, relocation or redistribution of beds by licensure classification within a health facility.

(27) "To acquire" means to obtain from another by purchase, lease or other comparable arrangement of the controlling interest of a capital asset or capital stock, or voting rights of a corporation. An acquisition is deemed to occur when more than fifty percent (50%) of an existing capital asset or capital stock or voting rights of a corporation is purchased, leased or acquired by comparable arrangement by one person from another person.

(28) To "batch" means to review in the same review cycle and, if applicable, give comparative consideration to all filed applications pertaining to similar types of services, facilities or equipment affecting the same health service area.

(29) "To establish" means to construct, develop, or initiate a health facility.

(30) "To obligate" means to enter any enforceable contract for the construction, acquisition, lease, or financing of a capital asset. A contract shall be considered enforceable when all contingencies and conditions in such contract have been met. An option to purchase or lease which is not binding, shall not be considered an enforceable contract.

(31) "To offer" means, when used in connection with health services, to hold a health facility or health maintenance organization out as capable of providing, or as having the means of providing, specified health services.

Section 23. KRS 216B.020 is amended to read as follows:

(1) The provisions of this chapter that relate to the issuance of a certificate of need shall not apply to family care homes [~~or non-conforming ambulance services~~] as defined by administrative regulation.

(2) Nothing in this chapter shall be construed to authorize the licensure, supervision, regulation or control in any manner of:

(a) Private offices and clinics of physicians, dentists, and other practitioners of the healing arts.

(b) Office buildings built by or on behalf of a health facility for the exclusive use of physicians, dentists and other practitioners of the healing arts, provided that no capital expenditure or expenses relating to any such building shall be chargeable to or reimbursable as a cost for providing inpatient services offered by a health facility.

(c) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employes, provided that such facility does not contain inpatient or resident beds for patients or employes who generally remain in the facility for more than twenty-four (24) hours.

(d) Establishments, such as motels, hotels and boarding houses which provide domiciliary and auxiliary commercial services, but do not provide any health related services and boarding houses which are operated by persons contracting with the United States veterans administration for boarding services.

(e) The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination and recognized by that church or denomination.

(f) On-duty police and fire department personnel assisting in emergency situations by providing first-aid or transportation when regular emergency units licensed to provide first-aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.

(g) Ambulance service, non-emergency health transportation service, or any other service regulated by the Kentucky emergency medical services commission.

Section 24. KRS 311.550 is amended to read as follows:

As used in KRS 311.530 to 311.620 and 311.990(8) to (11):

(1) "Board" means the state board of medical licensure;

(2) "President" means the president of the state board of medical licensure;

(3) "Secretary" means the secretary of the state board of medical licensure;

(4) "Executive director" means the executive director of the state board of medical licensure or any assistant executive directors appointed by the board;

(5) "General counsel" means the general counsel of the state board of medical licensure or any assistant general counsel appointed by the board;

(6) "Regular license" means a license to practice medicine or osteopathy at any place in this state;

(7) "Limited license" means a license to practice medicine or osteopathy in a specific institution to the extent indicated in the license;

(8) "Temporary permit" means a permit issued to a person who has applied for a regular license, and who appears (from verified information in the application) to the secretary to be qualified and eligible therefor;

(9) "Emergency permit" means a permit issued to a physician currently licensed in another state, authorizing him to practice in this state for the duration of a specific medical emergency, not to exceed thirty (30) days;

(10) Except as provided in subsection (11) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices or instrumentalities;

(11) The "practice of medicine or osteopathy" does not include the practice of Christian Science, the practice of podiatry as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015, the practice as a nurse as defined in KRS 314.011, the performance of duties for which they have been trained by emergency medical technicians, *first responders,* or medical emergency dispatchers certified by the *Kentucky emergency medical services commission* [~~cabinet for human resources~~], the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that KRS 311.530 to 311.620 shall not be construed as repealing the authority

conferred on the cabinet for human resources by KRS Chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

(12) "Physician" means a doctor of medicine or a doctor of osteopathy;

(13) "Committee" means the physician review advisory committee unless otherwise indicated from the context;

(14) "Grievance" means any allegation in whatever form alleging misconduct by a physician;

(15) "Charge" means a specific allegation contained in any document issued by the board or its committees alleging a violation of a specified provision of this chapter;

(16) "Complaint" means a formal administrative pleading authorized by the board that sets forth charges against a physician and commences a formal disciplinary proceeding; and

(17) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those crimes which have dishonesty as a fundamental and necessary element, including, but not limited to crimes involving theft, embezzlement, false swearing, perjury, fraud, or misrepresentation.

Section 25. KRS 411.148 is amended to read as follows:

(1) No physician licensed under KRS Chapter 311, *paramedic certified pursuant to KRS Chapter 311,* registered or practical nurse licensed under KRS Chapter 314, person certified as an emergency medical technician *or first responder* by the Kentucky *emergency medical services commission* [~~department for human resources~~], person certified by the American heart association or the American red cross to perform cardiopulmonary resuscitation, or employe of any board of education established pursuant to the provision of KRS 160.160, who has completed a course in first aid and who maintains current certification therein in accordance with the standards set forth by the American red cross shall be liable in civil damages for administering emergency care or treatment at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment excluding house calls, for acts performed at the scene of such emergency, unless such acts constitute willful or wanton misconduct.

(2) Nothing in this section applies to the administering of such care or treatment where the same is rendered for remuneration or with the expectation of remuneration.

(3) The administering of emergency care or treatment at the scene of an emergency by employes of a board of education shall not be considered to be rendered for remuneration or with the expectation of remuneration because such personnel perform such care as part of their regular professional or work responsibilities for which they receive their regular salaries from the school board which is their employer.

Section 26. Authority for the enforcement of the following administrative regulations is transferred to the emergency medical services commission as of July 15, 1986:

(a) 902 KAR 13:010 through 902 KAR 13:100 relating to emergency medical technicians;

(b) 902 KAR 14:010 and 902 KAR 14:020 relating to emergency medical services funding;

(c) 902 KAR 20:115 relating to ambulance services;

(d) 902 KAR 20:120 relating to non-emergency health transportation service; and

(e) 902 KAR 20:155 relating to air ambulance service.

(2) These regulations shall remain in effect until replaced by the commission.

(3) The governor shall make the appointments required by this Act on July 15, 1986.

(4) The staff of the emergency medical services branch of the cabinet for human resources shall be assigned to the commission as of July 15, 1986.

Section 27. There is hereby appropriated to the Kentucky emergency medical services commission out of the general fund of the Commonwealth the sum of $1,976,700 for fiscal year 1986-87 and the sum of $2,040,000 for fiscal year 1987-88 to implement the provisions of this Act.

Section 28. The following KRS sections are repealed:

211.950 Definitions.

211.952 Emergency medical services program.

211.954 Matching fund program for local purchase of ambulances and equipment.

211.956 Matching fund program for providing trained emergency medical service personnel.

211.958 Application to areas having volunteer ambulance services.

211.960 Title.

211.962 Current valid certification required—Violation of law or regulation.

211.964 Rules and regulations.

211.966 Fees and charges.

211.968 Certification and utilization of emergency medical technicians restricted.

216B.410 Reports and records of conforming ambulance services.

HB 837, AN ACT relating to cooperative corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 272.010 is amended to read as follows:

(1) As used in KRS 272.020 to 272.050*:*[~~,~~]

(a) "Cooperative *corporation* [~~plan~~]" means a business concern that distributes the net profit of its business by first paying a fixed dividend upon its stock, *if any,* and then prorating the remainder of its profits *as patronage refunds* to its stockholders, *members* or customers, [~~or both,~~] as provided *in* [~~by~~] bylaws*;* [~~, upon their purchases from or sales to the corporation.~~]

(b) "Patronage refund" means the portion of net profit returned to member patrons or to all patrons in proportion to their patronage. In the case of an employe cooperative in which only employes are voting members, "patronage" means the amount or value of work performed by an employe, as provided in bylaws;

(c) "Stockholder" means the holder of voting stock in a cooperative corporation organized with shares;

(d) "Member" means the holder of a membership in a cooperative corporation organized with memberships;

(e) "Membership" means a lifetime payment made to a cooperative corporation to secure or provide services, not made in expectation of dividend or profit, and without any redemption value except at time of dissolution. The articles of incorporation or bylaws may specify the conditions under which a membership may be terminated; and

(f) "Nonprofit basis" means that no part of the income or profit of the cooperative corporation is distributable to its members, directors or officers except in the form of patronage refunds.

(2) As used in KRS 272.360 to 272.510, unless the content for such requires otherwise, the term

(a) "Livestock" shall mean sheep, cattle, hogs, horses, jacks, mules, poultry or any other animal or bird commonly kept on the farm.

(b) "Farmer" shall mean any individual, firm, partnership, corporation or farm management group which derives a portion or all of its income from the production of live stock domiciled on a farm within the Commonwealth.

(c) "Member" shall include actual members of the association organized under KRS 272.360 to 272.510.

(d) "Association" means any corporation organized under KRS 272.360 to 272.510.

(e) "Department" shall mean the Department of Agriculture.

(3) Associations organized under KRS 272.360 to 272.510 shall be termed nonprofit inasmuch as they are not organized to make profit for themselves.

Section 2. KRS 272.020 is amended to read as follows:

(1) Any three (3) or more persons who are residents of this state may organize a *cooperative* corporation to conduct any agricultural, dairy, mercantile, mining, manufacturing, [~~or~~] mechanical, *service, or other lawful* business, *except organizations subject to any of the provisions of the banking laws of this state* [~~on the cooperative plan~~].

(2) The cooperative corporation shall be organized with shares or with memberships, as provided in articles of incorporation.

(3) The directors of the *cooperative* corporation shall be elected by the stockholders *or members* at such times and for such term of office as the bylaws prescribe, and shall hold office until their successors are elected. A majority of the stockholders *or members* at any regular or special stockholders' *or members'* meeting, legally called, may remove any director or official for cause, and fill the vacancy.

(4)[~~(3)~~] There shall be a president, one or more vice presidents, and a secretary and treasurer, or secretary treasurer, elected annually by and from the directors.

(5)[~~(4)~~] No stockholder *or member*, regardless of the number of shares he may own, shall have more than one (1) vote upon any proposition.

(6) The articles of incorporation or bylaws of a cooperative corporation may prohibit voting by proxy or voting trusts.

(7) Unless otherwise provided in the articles of incorporation or bylaws, a majority of the stockholders or members entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of stockholders or members. In no event shall a quorum consist of less than one-third (1/3) of the stockholders or members entitled to vote, except that the articles of incorporation or bylaws of a cooperative corporation which prohibits both proxies and voting trusts may provide for a lower quorum; but in no event shall the quorum be set lower than one-tenth (1/10) of the stockholders or members entitled to vote or twenty (20) such stockholders or members, whichever is less.

Section 3. KRS 272.030 is amended to read as follows:

By a vote of at least two-thirds (2/3) of the stockholders *or members*, and after the payment of a fixed dividend upon its stock, but before the profits are prorated, any cooperative corporation may create a reserve fund by setting aside each year ten (10) to twenty-five percent (25%) of the remainder of the net profits of its business.

Section 4. KRS 272.040 is amended to read as follows:

Any cooperative company may become subject to the provisions of KRS 272.020 to 272.050 by filing with the secretary of state a declaration signed and sworn to by the president and secretary that the company, by a majority vote of its stockholders *or members*, has decided to adopt KRS 272.020 to 272.050. There shall be paid to the secretary of state a fee of two dollars ($2.00) for filing the declaration.

SECTION 5. A NEW SECTION OF KRS CHAPTER 272 IS CREATED TO READ AS FOLLOWS:

Unless otherwise provided in KRS 272.010(1) and KRS 272.020 to 272.050, a cooperative corporation organized with shares shall be subject to the provisions of KRS Chapter 271A, and a cooperative corporation organized with memberships and operated on a nonprofit basis shall be subject to the provisions of KRS 273.161 to 273.390.

SECTION 6. A NEW SECTION OF KRS CHAPTER 272 IS CREATED TO READ AS FOLLOWS:

The provisions of KRS 272.010(1) and 272.020 to 272.050 are applicable only to cooperative associations organized under KRS 272.020 to 272.050.

Section 7. KRS 292.400 is amended to read as follows:

KRS 292.340 to 292.390 shall not apply to any of the following:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institutions, or trust company organized and supervised under the laws of any state;

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) Securities issued by corporations formed under KRS Chapter 279;

(6) Any security

(a) Issued or guaranteed by any federal credit union or any credit union; or

(b) Any security issued by any industrial loan association or consumer loan company organized and supervised under the laws of this state if either

1. Such issuer has a capital account of at least one million dollars ($1,000,000); or

2. The issuer first files a notice with the director along with a copy of the prospectus or offering circular intended for distribution to prospective investors, which shall contain such information as the director by rule requires, and the director does not by order disallow the exemption within the next ten (10) full business days. "Capital account" means, for the most recent fiscal year, the sum of the par or stated value of all classes of capital stock, the consolidated surplus, whether capital or earned, and any indebtedness which by its terms is subordinate to the exempt security;

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is:

(a) Subject to the jurisdiction of the interstate commerce commission;

(b) A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act;

(c) Regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or

(d) Regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange or any other stock exchange approved by the director; any other security of the same issuer which is of senior or substantially equal rank: any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidence an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any investment contract issued in connection with an employe's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on January 1, 1961, within sixty days thereafter (or within thirty days before they are reopened if they are closed on January 1, 1961);

(12) Securities issued by corporations formed under or which have adopted the provisions of KRS 272.101 to 272.345 and patronage dividends or refunds be they in the form of stock, book equities, letters of credit or letters of advice issued by any agricultural cooperative association which are the result of distributable earnings or savings;

(13) Any class of securities added by the director, by rule and subject to such terms and conditions as the director prescribes, to the securities exempted by this section, if the director finds that enforcement of this chapter with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or limited character of the public offering, but no issue of securities shall be exempted under this subsection where the aggregate amount at which such issue is offered to the public exceeds two hundred thousand dollars ($200,000);

(14) Any security which meets all of the following conditions:

(a) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of such agent in its prospectus;

(b) A class of the issuer's securities is required to be and is registered under section 12 of the securities exchange act of 1934, and has been so registered for the three (3) years immediately preceding the offering date;

(c) Neither the issuer nor a significant subsidiary has had a material default during the last seven (7) years (or the issuer's existence if less than seven (7) years) in the payment of:

1. Principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money; or

2. Rentals under leases with terms of three (3) years or more;

(d) The issuer has had consolidated net income (before extraordinary items and the cumulative effect of accounting changes) of at least one million dollars ($1,000,000) in four (4) of its last five (5) fiscal years including its last fiscal year; and if the offering is of interest bearing securities, has had for its last fiscal year, such net income, but before deduction for income taxes and depreciation, of at least one and one-half (1 1/2) times the issuer's annual interest expense, giving effect to the proposed offering and the intended use of the proceeds. "Last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than fifteen (15) months from the commencement of the offering;

(e) If the offering is of stock or shares, other than preferred stock or shares, such securities have voting rights and such rights include:

1. The right to have at least as many votes per share; and

2. The right to vote on at least as many general corporate decisions, as each of the issuer's outstanding classes of stock or shares, except as otherwise required by law;

(f) If the offering is of stock or shares, other than preferred stock or shares, such securities are owned beneficially or of record, on any date within six (6) months prior to the commencement of the offering, by at least twelve hundred (1200) persons, and on such date there are at least seven hundred fifty thousand (750,000) such shares outstanding with an aggregate market value, based on the average bid price for that day, of at least three million seven hundred fifty thousand dollars ($3,750,000). In connection with the determination of the number of persons who are beneficial owners of the stock or shares of an issuer, the issuer or broker-dealer may rely in good faith for the purposes of this section upon written information furnished by the record owners.

(15) Memberships and voting stock issued by cooperative corporations formed under or which have adopted the provisions of KRS 272.020 to 272.050, and patronage refunds issued by cooperative corporations which are the result of distributable earnings or savings.

SB 212, AN ACT relating to the practice of podiatry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 311.410 is amended to read as follows:

(1) There is hereby created in the government of the Commonwealth a state board of podiatry which shall consist of five (5) members, each appointed by the governor. Four (4) members shall be appointed from lists of three (3) names for each position submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. Any vacancy shall be filled for the unexpired term by the governor, as provided in the original appointment.

(2) A person to be eligible for appointment as a podiatrist member of the board shall be at least twenty-one (21) years of age, of good moral character, a resident of this state, and a licensed practicing podiatrist in this state for at least five (5) consecutive years next preceding the date of his appointment. No member of the board shall be a stockholder, officer or member of the faculty or board of trustees of any school, college or institution of podiatry or chiropody.

(3) The terms of office of each member shall be four (4) years, or until his successor shall be appointed and qualified.

(4) The board shall elect one (1) of its members as president *and another of its members as secretary.* The secretary may, subject to approval by the board, employ and fix the compensation of all personnel required for the administration of KRS 311.390 to 311.510. The board may make all rules and regulations, not inconsistent with KRS 311.390 to KRS 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510.

(5) The board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the board may designate. A majority of the members shall constitute a quorum.

(6) The board may sue and be sued in its own name.

(7) Members of the board shall be immune from suit in any civil or criminal action which is based upon any official act or acts performed by them in good faith as members of the board.

Section 2. KRS 311.480 is amended to read as follows:

The board may refuse to license or renew, or may suspend, *probate* or revoke the license of any podiatrist *or in addition to such punishment or in lieu thereof may impose a fine not to exceed five hundred dollars ($500) for each offense*, upon proof that he:

(1) Has been convicted of a felony;

(2) Has been convicted of a misdemeanor involving moral turpitude or conduct likely to deceive or defraud the public;

(3) Has employed, hired, procured or induced a person not licensed to practice podiatry in this state so to practice;

(4) Has aided or abetted in the practice of podiatry a person not licensed to practice podiatry in this state;

(5) Has been granted a license upon a mistake of a material fact; [~~or~~]

(6) Has violated any provision of KRS 311.380 to 311.510; [~~or~~]

(7) Has become drug addicted; [~~or~~]

(8) Has become a chronic or persistent alcoholic; [~~or~~]

(9) Has developed such physical or mental disability, or other condition whereby continued practice is dangerous to patients or to the public; [~~or~~]

(10) Has violated any order of suspension, or the terms or the conditions of any order of probation, issued by the board; [~~or~~]

(11) Has engaged in, or attempted to engage in the practice of podiatry under a false or assumed name; [~~or~~]

(12) Has willfully violated a confidential communication*;*

(13) Has acted in a grossly negligent or willful manner which is inconsistent with the practice of podiatry;

(14) Is unfit or incompetent to practice podiatry by reason of gross negligence or other causes including but not limited to being unable to practice podiatry with reasonable skill or safety;

(15) Has a license to practice as a podiatrist denied, limited, suspended, probated or revoked in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated or revoked in this Commonwealth; or

(16) Has engaged in conduct likely to deceive or defraud the public.

Section 3. KRS 311.490 is amended to read as follows:

(1) A suspension, *probation* or revocation of a license, or a refusal to renew a license, may be made *or a fine imposed* by the board only after a hearing of which the accused has been given adequate notice. At the hearing, the board and the accused shall have the benefit of counsel.

(2) The board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person *and compel the production of documents* as in civil cases by subpoena issued over the signature of the president of the board and in the name of the state.

(3) Proceedings for the suspension, *probation,* or revocation of a license may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board.

(4) The board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of KRS 311.380 to 311.510, regardless of whether the defendant has been convicted for violations of the penal provisions thereof, and shall not be required to pay any cost or filing fees or furnish any bond in connection therewith. Violations of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 4. KRS 311.510 is amended to read as follows:

A licensee whose license has been revoked, *probated* or suspended *or against whom a fine has been imposed* by the board, or who has been refused a renewal license, may, within thirty (30) days of the entry of the order, appeal to the circuit court of the county in which the hearing was held. The person taking the appeal shall serve upon the board a written notice of the appeal, and shall file with the board an appeal bond with good and sufficient surety, to be approved by the president of the board, conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. The board, within ten (10) days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the court a certified copy, under the seal of the board, of the accusations on which the ruling of the board was based and the ground for appeal, together with the notice and bond of appeal. The clerk shall then docket the case, and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The order appealed from shall be stayed from the date of the approval of the bond until final determination of the appeal.

The Committee on Cities reported HB 818, HB 954, HB 955 with Committee Amendment attached thereto, HB 975, SB 251 with Committee Amendment and Committee Title Amendment attached thereto, SB 264 with Committee Amendment, SB 265, SB 278 and SB 284 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 818, AN ACT relating to county law libraries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 172.180 is amended to read as follows:

Any county may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or 172.170:

(1) Upon petition of three-fourths (3/4) of the duly licensed and practicing attorneys resident in the county addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county indorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the name of each duly licensed and practicing attorney signing said petition, and the order book and page number containing the resolution of the fiscal court.

(3) The order shall direct the following:

(a) That upon receipt of the order by the clerks of said courts there shall be taxed as costs in all criminal actions, except examining trials and felony trials, thereafter instituted in said court the following fee, which shall be designated as county law library fee, in district court, a sum not to exceed fifty (50) cents; in circuit and district courts, on all civil actions a sum not to exceed one dollar ($1.00) *excepting, however, in counties containing cities of the first class, where the county law library fee, in district court, shall be a sum not to exceed one dollar ($1.00), effective January 1, 1987 and continuing at that rate until January 1, 1989, after which date the said sum shall not exceed one dollar and fifty cents ($1.50); in circuit and district courts, on all civil actions, a sum not to exceed two dollars ($2.00), effective January 1, 1987 and continuing at that rate until January 1, 1989, after which date the said sum shall not exceed three dollars ($3.00)*; and

(b) That the circuit clerk shall at the end of each month pay all sums collected as county law library fees during the preceding month, to the trustees of the county law library, and the clerk shall make a full report with said payment, and receive a receipt for all payments.

HB 954, AN ACT relating to metropolitan sewer districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 76.030 is amended to read as follows:

(1) The business, activities, and affairs of such district shall be managed, controlled and conducted by a board composed of seven (7) members, four (4) of whom shall be appointed by the mayor of such city subject to the approval of the city legislative body, and three (3) of whom shall be appointed by the county judge/executive of such county subject to the approval of the fiscal court, and which seven (7) members thus appointed shall constitute the board of such district. In counties containing a city of the first class, of the three (3) members appointed by the county judge/executive there shall be representatives of each city of the fourth class which uses metropolitan sewer district treatment facilities for treatment of all of the sewage generated

within the city. Such appointment shall be subject to approval by the fiscal court. Not more than four (4) members of the board shall be affiliated with the same political party. After March 19, 1977, members shall be so selected and appointed so that no more than one (1) member resides in any one (1) state senatorial district. *In counties containing a city of the first class, there shall be one (1) additional member of the board for each city of the third class which uses metropolitan sewer district facilities. Each additional member shall be appointed by the mayor of each city of the third class.*

(2) Each such member shall be at least twenty-five (25) years of age; each appointed by *a* [~~the~~] mayor shall be a resident of such city and wherein he shall have actually continuously resided for at least three (3) years next prior to appointment; each appointed by the county judge/executive shall be a resident of such county and wherein he shall have actually continuously resided for at least three (3) years next prior to appointment. No officer or employe of such city or county, whether holding a paid or unpaid position, shall be eligible for appointment as a member of such board.

(3) The term of each of such members shall be four (4) years, ending on July first. A member is eligible to succeed himself and shall continue in office until his successor has been appointed and qualified. Vacancies in the membership shall be filled for the unexpired portion of the term by the mayor or the county judge/executive as the case may be, subject to the same approval.

(4) Any member of the board appointed by *a* [~~the~~] mayor may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten (10) days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office. Any member of the board appointed by the county judge/executive may be removed by the county judge/executive, for cause, after hearing by the county judge/executive, and after at least ten (10) days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the county judge/executive shall be final and removal results in vacancy in such office.

(5) The members of the board shall be paid seventy-five dollars ($75.00) for each meeting of the board attended by such member, and fifty dollars ($50.00) for attendance at any meeting of a committee which has been authorized or duly appointed by the board. But in no instance shall any member of said board be paid for more than one meeting per day, nor more than eighteen hundred dollars ($1800) during any fiscal year of the board, nor for more than twenty-four (24) board meetings and twenty-eight (28) committee meetings held during any fiscal year of said board.

HB 955, AN ACT relating to taxation by cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 82.095 is amended to read as follows:

(1) Any city of the fourth class[~~,~~] located in a county containing a city of the first class, *or any city of the third class,* which provides police, fire or garbage collection services for the residents of the city may levy a supplemental tax which shall be in addition to ad valorem property taxes.

(2) Such supplemental tax shall be in an amount not to exceed the reasonable cost of police, fire and garbage collection services actually provided by the city. The rate of such tax shall be established by an ordinance which shall have readings at no less than two (2) different meetings of the city legislative body before passage.

(3) The rate of such supplemental tax may be apportioned in a reasonable manner, other than an ad valorem approach, so that the recipient of police, fire or garbage collection services pays an amount based on the cost of services actually received.

(4) Any ordinance levying a supplemental tax pursuant to subsection (2) of this section may be recalled as provided in subsections (2) and (3) of KRS 160.485, provided that the petition for recall shall be effective upon the signature of a number of registered and qualified voters as described therein equal to five percent (5%) instead of the percentage provided therein.

The Committee Amendment No. 1 to HB 955 is as follows:

Amend printed copy of HB 955:

On page 1, page 4, insert after the comma and before the word "which", the following: "*located in a county containing a city of the first class,*"

HB 975, AN ACT changing the classification of the City of Shively, in Jefferson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Shively, in Jefferson County, is such as to justify its being classified as a city of the third class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Shively, in Jefferson County, is transferred from the fourth to the third class of cities.

SB 251, AN ACT changing the classification of the City of Richmond, in Madison County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Richmond, in Madison County, is such as to justify its being classified as a city of the second class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Richmond, in Madison County, is transferred from the third to the second class of cities.

The Committee Amendment No. 1 to SB 251 is as follows:

Amend printed copy of SB 251:

On page 1, delete the WHEREAS clause and insert in lieu thereof the following:

"WHEREAS, satisfactory information has been presented to the General Assembly that the populations of the cities named in this Act warrant their being reclassified in accordance with Section 156 of the constitution.";

And on page 1, add the following new sentence on line 3:

"The City of Nicholasville, in Jessamine County, is transferred from the fourth to the third class of cities."

The Committee Title Amendment to SB 251 is as follows:

Amend printed copy of SB 251:

Amend title to read as follows:

"AN ACT changing the classification of cities."

SB 264, AN ACT relating to mass transit authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.180 is amended to read as follows:

An authority *may* [~~shall~~] provide for insurance of its properties, and for workers' compensation, and for public liability or any other risk or hazard arising from its activities, and may provide for the insuring of its officers or employes against any such risk or hazard, and the expense of obtaining such insurance, and of paying the premiums therefor from time to time, shall be borne by the authority and chargeable as an operating expense of the authority. [~~In the event it shall prove to be uneconomical to obtain any such insurance coverage from reliable and reputable insurance carriers at reasonable rates,~~] The board of an authority may provide for self insurance and may establish for that purpose such reserves as it deems prudent.

The Committee Amendment No. 1 to SB 264 is as follows:

Amend printed copy of SB 264:

On page 1, line two, delete the word "*may*" and on that same line, delete the brackets around and strikethroughs over the word "shall".

SB 265, AN ACT relating to mass transit authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.095 is amended to read as follows:

(1) The transportation cabinet is authorized and empowered to receive and accept from the Commonwealth or any of its agencies and from federal agencies appropriations or grants to accomplish the promotion and development of mass transit services in Kentucky, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value to promote mass transit services. Subject to the provisions of section 230 of the constitution of the Commonwealth of Kentucky, any such funds, property, or things of value received by the transportation cabinet may be given directly to a local transit authority as created under this chapter or to a city or a county *or other public mass transit providers*, in order to accomplish the purposes of this section.

(2) The transportation cabinet is authorized and directed to apply for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make any said funds received available to transit authorities created under this chapter or to a city or a county *or other public mass transit providers* in order to accomplish the purposes of this section*;* [~~,~~] or in such cases where federal laws or regulations preclude the transportation cabinet from direct application for such federal funds, the cabinet is authorized and directed to provide assistance to local transit authorities or a city or a county *or other public mass transit providers* as necessary to enable it to apply for and obtain such federal funds, in order to accomplish the purposes of this section.

(3) The transportation cabinet is authorized to assist cities and counties in the formation of local transit authorities in conformance with this chapter, but nothing in this chapter shall be construed as preventing the transportation cabinet from providing such assistance as authorized in this chapter to cities or counties where local transit authorities do not exist.

SECTION 2. A NEW SECTION OF KRS CHAPTER 96A IS CREATED TO READ AS FOLLOWS:

There is hereby created in the state treasury a special fund to be known as the "Kentucky public transportation development fund." All monies deposited or paid into this fund are appropriated and shall be available to the cabinet for the purposes of KRS 96A.095. All monies in such fund shall be expended solely for public transportation development or the administrative costs incidental to said developments. The fund shall consist of all money appropriated by the state and all money received from the United States or from any other source for the purpose of public transportation development. All monies in the Kentucky public transportation development fund shall be deposited, administered, and dispersed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the state treasury, except that any balance in this fund shall not lapse at any time but shall be continuously available to the cabinet for the purposes of carrying out the provisions of KRS 96A.095. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this fund.

SB 278, AN ACT relating to transportation of pupils.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.110 is amended to read as follows:

(1) Boards of education may provide transportation from their general funds or otherwise for any pupil of any grade to the nearest school to said pupil's residence within the district who does not live within a reasonable walking distance to such nearest school of appropriate grade level. *The local board may provide transportation by means of board-operated transportation system, transit authorities organized and operating pursuant to KRS Chapter 96A, local governmental mass transit systems and individual contracted buses and vehicles.*

(2) When space is not available at the nearest school, boards of education may provide transportation from their general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance to the nearest school of appropriate grade level where space is available. *Transportation may be provided by means pursuant to subsection (1) of this section.*

(3) Public elementary and secondary schools shall not change their present grade level structure without written permission from the state board of education.

(4) The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the state board of education dealing with the transportation of pupils.

Section 2. KRS 158.115 is amended to read as follows:

(1) Each county may furnish transportation from its general funds, and not out of any funds or taxes raised or levied for educational purposes or appropriated in aid of the common schools, to supplement the present school bus transportation system for the aid and benefit of all pupils of elementary grade attending school in compliance with the compulsory school attendance laws of the commonwealth of Kentucky who do not reside within reasonable walking distance of the school they attend and where there are no sidewalks along the highway they are compelled to travel; and any county may provide transportation from its general funds to supplement the present school bus transportation system for the aid of any pupil of any grade who does not live within reasonable walking distance of the school attended by him in compliance with the compulsory school attendance laws and where there are no sidewalks along the highway he is compelled to travel.

(2) Each county may provide transportation by means of local board of education operated transportation system, transit authorities organized and operating pursuant to KRS Chapter 96A, local governmental mass transit systems and individual contracted buses and vehicles.

SB 284, AN ACT relating to mass transit authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.170 is amended to read as follows:

An authority created and established under this chapter, together with its ownership, financing, operation, rates and charges for use of its services and facilities, rules and regulations, routes, schedules, size and character of its equipment and quality of service [~~within its transit area~~] shall be exempt from all jurisdiction of the transportation cabinet of the Commonwealth, provided, however, that no new service may be instituted within or outside of the authority's transit area in competition with an existing certificated bus company without an application to and a grant of authority from the transportation cabinet as provided by KRS Chapter 281, provided further that nothing in this section shall deny the transportation cabinet the authority to render such advice and assistance, including financial aid, engineering, planning and technical assistance, as it deems advisable, to enable an authority as created under this chapter to acquire, construct, expand, maintain, and operate a mass transit system as defined in this chapter and to establish regulations to promote local transit authorities.

Section 2. KRS 96A.020 is amended to read as follows:

(1) A transit authority may be created and established under the provisions of this chapter by proceedings or joint proceedings, and the name thereof shall be "Transit Authority of ________." If established by a city alone, or by a county alone, the name shall be completed by identification of the city or county. If created and established by joint proceedings, the name may be completed by inserting words generally identifying the area intended to be served, in such manner as the public bodies may determine by concert or agreement in their joint proceedings. Such transit authority shall constitute an agency and instrumentality for accomplishing essential governmental functions of the public body or public bodies creating and establishing the same, and shall be a political subdivision and a public body corporate, with power to contract and be contracted with, to sue and be sued, to establish, alter and enforce rules and regulations in furtherance of the purposes of its creation, to adopt, use and alter a corporate seal, and to have and exercise, generally, all of the powers of private corporations, as enumerated in KRS 271A.020, except to the extent the same may be inconsistent with this chapter. An authority shall be authorized to promote and develop mass transportation in its transit area and adjoining areas, including acquisition, operation and extension of existing mass transit systems; and an

authority shall have and may exercise such powers as may be necessary or desirable to carry out such purposes. Subject to proof of public convenience and necessity as required by KRS Chapter 281 it may provide service outside its transit area *and its adjoining areas.*

(2) Subsequent to the creation and establishment of a transit authority, one or more additional public bodies may be permitted to join therein, in such manner and subject to such conditions as may be prescribed by the board of the authority with the concurrence and approval of all public bodies which have theretofore participated in the establishment or previous enlargement of the authority.

The Committee on Natural Resources and Environment reported **HB 758**, with Committee Amendment attached thereto, with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 758, AN ACT relating to the Kentucky pollution abatement authority and the water resources finance authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 224A.010 is amended to read as follows:

As used in this chapter, the following words or terms shall have the respective meanings indicated whenever used in this chapter, unless a different meaning is clearly indicated by the context:

(1) "Assistance agreement" shall mean the agreement to be made and entered into by and between a governmental agency and the authority, as authorized by this chapter, providing for a state grant or grants to the governmental agency, and for the repayment thereof to the authority by the governmental agency.

(2) "Authority" shall mean the Kentucky pollution abatement and water resources finance authority, which is created by this chapter.

(3) "Governmental agency" means any incorporated city or municipal corporation, or other agency, or unit of government within the Commonwealth of Kentucky, now having or hereafter granted, the authority and power to finance, acquire, construct, and operate waste water treatment facilities, as hereinafter defined*;* [~~, and~~] water distribution facilities, as hereinafter defined*; and water resources projects, as hereinafter defined;* and such definition shall specifically apply, but not by way of limitation, to incorporated cities, counties, including any counties containing a metropolitan sewer district, sanitation districts, water districts, sewer construction districts, metropolitan sewer districts, sanitation taxing districts, and any other agencies, commissions, districts, or authorities (either acting alone, or in combination with one another pursuant to any regional or area compact, or multi-municipal agreement), now or hereafter established pursuant to the laws of the Commonwealth of Kentucky having and possessing such described powers.

(4) "Person" means any individual, firm, partnership, association, corporation, or governmental agency.

(5) "State" means the Commonwealth of Kentucky.

(6) "State water pollution agency" means the Kentucky natural resources and environmental protection cabinet, or its successor, said term being meant to relate specifically to the state agency which is designated as the water pollution agency for the Commonwealth of Kentucky, for purposes of the Federal Water Pollution Control Act, Public Law 845, 80th Congress (62 Stat. 1155) (1948), as said federal act has been amended by subsequent acts of congress, including the Federal Water Pollution Control Act Amendments of 1972, 92nd Congress, Public Law 92-498 (86 Stat. 814) (1972), and as said federal act may be amended from time to time in the future.

(7) "Federal act" means the Federal Water Pollution Control Act, Public Law 845, 80th Congress (62 Stat. 1155) (1948) as said federal act has been amended by subsequent acts of congress, including the Federal Water Pollution Control Act Amendments of 1972, 92nd Congress, Public Law 92-498 (86 Stat. 814) (1972), and as said federal act may be amended from time to time in the future.

(8) "Waters of the state" means all streams, lakes, watercourses, waterways, ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground,

natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural, surface or underground, waters.

(9) "Water resources" means all waters of the state occurring on the surface, in natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface aquifers, which are available, or which may be made available to agricultural, industrial, commercial, recreational, public, and domestic users.

(10) "Pollution" means the placing of any noxious or deleterious substances ("pollutants"), including sewage and industrial wastes, in any waters of the state or affecting the properties of any waters of the state in a manner which renders such waters harmful or inimical to the public health or to animal or aquatic life, or to the use, present or future, of such waters for domestic water supply, industrial, or agricultural purposes, or recreational purposes.

(11) "Sewage" means any of the waste products or excrements, or other discharges from the bodies of human beings or animals, which pollute the waters of the state.

(12) "Industrial waste" means any liquid, gaseous, or solid waste substances resulting from any process of industry, manufacture, trade, or business, or from the mining or taking, development, processing or recovery of any natural resources, including heat and radioactivity, together with such sewage as is present therein, which pollutes the waters of the state, and specifically, but not by way of limitation, means heat or thermal differentials created in the waters of the state by any industrial processing, generating or manufacturing processes.

(13) "Waste water" means any water or liquid substance containing sewage, industrial waste, or other pollutants or contaminants derived from the prior use of such waters.

(14) "Treatment works" or "waste water treatment works" means all or any part of any facilities, devices, and systems used and useful in the storage, treatment, recycling, and reclamation of waste water, including facilities for the treatment, neutralization, disposal of, stabilization, collecting, segregating, or holding of waste water, including without limiting the generality of the foregoing, intercepting sewers, outfall sewers, pumping power stations and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any waste water treatment works, including site acquisition of the land that will be an integral part of the waste water treatment process, or is used for ultimate disposal of residues resulting from such treatment, together with any other facilities which are deemed to be treatment works pursuant to the federal act.

(15) "Construction" means and includes, inter alia:

(a) Preliminary planning to determine the economic and engineering feasibility of treatment works, [~~and~~] distribution facilities *and water resources projects*, the engineering, architectural, legal, fiscal, and economic investigations and studies necessary thereto, and surveys, designs, plans, working drawings, specifications, procedures and other actions necessary to the construction of treatment works and distribution facilities;

(b) The erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works, [~~and~~] distribution facilities *and water resources projects*; and

(c) The inspection and supervision of the construction of treatment works, [~~and~~] distribution facilities *and water resources projects*, and all costs incidental to the acquisition and financing of same; and such term shall also relate to and mean any other physical devices or appurtenances in connection with, or reasonably attendant to, treatment works, [~~and~~] distribution facilities *and water resources projects* which shall in futuro become eligible for federal grant or loan participation.

(16) "Eligible project" means any construction of treatment works, [~~or~~] distribution facilities, *or water resources projects* instituted by a governmental agency which is approved by the authority, and the state water pollution agency, public service commission or other agency if required.

(17) "Federal grant" means money which is made available to any governmental agency or to the authority or the state water pollution agency pursuant to the provisions of any federal law, which money is made available for the purpose of assisting such governmental agency, either directly or through allocation by the state, in the acquisition or construction of treatment works *or water resources projects*.

(18) "Service charge" means any monthly, quarterly, semiannual, or annual charges to be imposed by a governmental agency, or by the authority, for the collection, treatment, and disposal of pollutants, which service charge arises by reason of the existence of, and requirements of, any assistance agreement. Said term shall also mean any moneys and funds agreed to be paid on an annual automatically renewable basis by any county, including any county containing a metropolitan sewer district, to the authority pursuant to an assistance agreement.

(19) "Water utility tax" means the tax which may be imposed by the authority on every purchase of water service in the Commonwealth of Kentucky.

(20) "State grant" or "state grants" means moneys to be made available to governmental agencies by the authority for the purpose of defraying all or any part of the total costs incidental to construction of treatment works, *distribution facilities, or water resources projects* which constitute the subject matter of any eligible project.

(21) "Authority revenues" means the totality of all:

(a) Service charges,

(b) Water utility tax receipts, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority,

(c) Any gifts, grants or loans received from any agency of government, both federal and state, to the extent not otherwise required to be applied,

(d) Any and all appropriations made to the authority by the general assembly of the Commonwealth of Kentucky, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority,

(e) All moneys received in repayment of and for interest on, any state grant made by the authority to a governmental agency, and

(f) The proceeds of bonds or long term debt obligations of governmental agencies pledged to the payment of bond anticipation notes issued by the authority on behalf of the said governmental agency to provide interim construction financing.

(22) "Revenue bonds" means special obligation bonds issued by the authority pursuant to the provisions of this chapter, which are not direct or general obligations of the state, and which are payable only from a pledge of, and lien upon, authority revenues, and shall include revenue bond anticipation notes.

(23) "General obligation bonds" means bonds issued by the state for the use and benefit of the authority, and to provide funds for authority purposes, secured by the full faith, credit, and unlimited taxing power of the state, which bonds have been properly voted at one or more elections, held in accordance with the requirements of sections 49 and 50 of the constitution of the Commonwealth of Kentucky.

(24) "Applicable interest rate" means the net average rate of interest which is established as a result of the sale of authority revenue bonds upon the occasion of the sale of authority revenue bonds last occurring before the execution of any particular assistance agreement, or occurring after the execution of any assistance agreement and contemplated thereby, which shall be used as a part of the repayment criteria of the governmental agency which is a party of such assistance agreement.

(25) "Federal loan" means money loaned to any governmental agency or to the authority pursuant to the provisions of any federal law, which money is made available for the purpose of assisting such governmental agency, either directly or through allocation by the state, in the acquisition and construction of treatment works, [~~or~~] distribution facilities *or water resources projects.*

(26) "Distribution facilities" means all or any part of any facilities, devices, and systems used and useful in obtaining, *storing,* treating and distributing water for agricultural, industrial, commercial, recreational, public and domestic use.

(27) "Interim financing agreement" shall mean the agreement to be made and entered into by and between a

governmental agency and the authority, as authorized by this chapter, providing for the use of the authority as an issuing agency in providing interim financing through the issuance of bond anticipation notes by the authority on behalf of a governmental agency in order to provide construction financing to said governmental agency pending the sale, issuance and delivery of long term debt obligations to effect federal loans to said governmental agency.

(28) "Water resources project" means any structural or nonstructural study, plan, design, construction, development, improvement or any other activity including programs for management, intended to conserve and develop the water resources of the Commonwealth and shall include all aspects of water supply, flood damage abatement, navigation, water-related recreation, and land conservation facilities and measures.

Section 2. KRS 224A.020 is amended to read as follows:

The general assembly of the Commonwealth of Kentucky finds as a fact that the polluting and befouling of the waters of the state has harmed, and is presently harming and injuring, the state's abundant water resources, and, if unabated, will continue to harm such state water resources, and will endanger the health, safety, welfare and well-being of the general public, and the ability of the Commonwealth of Kentucky to provide essential governmental services for the benefit of the public, and that such situation, if allowed to continue unchecked, will destroy the natural chemical, physical, and biological integrity of the waters of the state. *Further, the conservation, development and proper use of the water resources of the Commonwealth of Kentucky are of vital importance as a result of population expansion and concentration, industrial growth, technological advances and an ever increasing demand for water for agricultural industrial, commercial, recreational, public and domestic use.* It is hereby found and determined to be essential to the preservation of the natural water resources, economic potential, and general well-being of the Commonwealth that, to the maximum and greatest extent possible, the Commonwealth of Kentucky should and must actively engage in a program *to provide financial, technical, or other support for projects to abate the devastation and destruction to the state's water resources and for projects that will control and store our water resources in order that continued growth and development of the Commonwealth might be assured* [~~of assistance to governmental agencies whereby waste water treatment works may be provided to abate the devastation and destruction to the state's water resources, and the health menace to the general public, caused and occasioned by the pollution of the waters of the state~~].

Section 3. KRS 224A.030 is amended to read as follows:

(1) There is hereby created the Kentucky pollution abatement and water resources finance authority, which authority shall be a body corporate and politic, constituting a public corporation and a governmental agency and instrumentality of the Commonwealth of Kentucky. The affairs of the authority shall be managed and carried out by a board consisting of seven (7) members who shall be appointed by the governor of the state. The membership of the authority shall include the [~~secretary of the commerce cabinet who shall serve in an ex officio capacity, and as chairman of the authority. The~~] secretaries of finance and administration, *commerce,* [~~and~~] natural resources and environmental protection*;* [~~,~~] and the commissioners of economic development and local government [~~shall also serve as ex officio members of the authority~~]. The governor shall additionally appoint two (2) at large members who shall serve for terms of four (4) years. Said members *or their designees* shall constitute said Kentucky pollution abatement and water resources finance authority, with power in that name to contract and be contracted with, sue and be sued, have and use a corporate seal, and exercise, in addition to the powers and functions specifically stated in this chapter, all of the usual powers of private corporations to the extent that the same are not inconsistent with specifically enumerated powers of the authority. In the carrying out of its purposes and the exercise by it of the powers conferred by this chapter, the authority is deemed and declared to be performing essential governmental functions and public purposes of the Commonwealth of Kentucky.

(2) The members of the authority shall receive no compensation for their services in said capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as such members.

(3) Four (4) members of the authority *or their designees* shall constitute a quorum for the transaction of business, and in the absence of a quorum, one (1) or more members may adjourn from time to time until a quorum is convened. *The authority shall meet quarterly to conduct its business.* Within 90 days from March 27, 1972, the authority shall convene and organize. The members of the authority shall choose from their ranks a chairman and a vice-chairman of the authority. The authority shall elect a secretary and a treasurer who shall not be members of the authority, each of whom shall serve at the pleasure of the authority and shall receive

such compensation as may be determined by the authority with approval of the commissioner of personnel, to be paid from funds appropriated for that purpose. The treasurer shall give bonds to the authority and the state conditioned upon his faithful accounting for all funds coming into his custody from time to time, the same to be in such amount as the authority shall prescribe, with corporate surety given by a surety company qualified to do business in the Commonwealth of Kentucky, premium therefor to be paid by the authority. The authority *shall* [~~may~~] engage an executive director, who shall be bonded as in the case of said treasurer, and such other technical personnel as may in the premises be deemed proper and prudent. *The executive director shall perform, in the name of the authority, such functions and duties and may exercise such powers of the authority as the authority may delegate to him. The executive director shall be dismissed only with the approval of the authority. The executive director shall be selected on demonstrated administrative skills and experience with financing water projects.*

(4) The authority shall, for administrative purposes, be attached to the *natural resources and environmental protection* [~~finance and administration~~] cabinet, and shall establish and maintain offices in premises which shall be provided for that purpose by the *natural resources and environmental protection* [~~finance and administration~~] cabinet; and the secretary of the authority shall at all times maintain therein complete records of all of the authority's actions and proceedings which shall constitute public records open to inspection at all reasonable times.

(5) The director will prepare, with the assistance of personnel of the natural resources and environmental protection cabinet and the finance and administration cabinet, a report on the water infrastructure needs in the Commonwealth, which shall contain:

(a) Separate criteria for prioritizing treatment works, distribution facilities and water resources projects;

(b) An overall needs analysis for each infrastructure category;

(c) A review of financing options available to the authority; and

(d) A set of objectives and goals to meet immediate and future water infrastructure needs.

The report shall be completed by June 1, 1987 and updated annually thereafter.

Section 4. KRS 224A.035 is amended to read as follows:

The Kentucky pollution abatement and water resources finance authority is created solely to perform essential governmental functions and to serve the public purpose of engaging in a program of assistance to governmental agencies in Kentucky with respect to the construction and acquisition of waste water treatment works, [~~and~~] distribution facilities, *and water resources projects*. In accomplishing such purposes, the Kentucky pollution abatement and water resources finance authority shall be and constitute a de jure municipal corporation and political subdivision of the Commonwealth of Kentucky.

Section 5. KRS 224A.040 is amended to read as follows:

The authority is specifically authorized, pursuant to the terms, conditions, restrictions and requirements of this chapter to make state grants as funds are available, to any governmental agency to assist said governmental agency to carry out the construction of waste water treatment works, *distribution facilities, and water resources projects* which will constitute and be an eligible project.

Section 6. KRS 224A.050 is amended to read as follows:

It is hereby found and declared as a legislative finding of fact that in performing its duties and responsibilities, the authority is performing and carrying out essential governmental functions. The authority is empowered, from time to time, to receive and accept any and all appropriations to the authority which may be made by the general assembly of the Commonwealth of Kentucky, and such appropriations are specifically authorized to be made to the authority. *Such appropriations may be used as direct grants for eligible projects to be repaid as determined by the authority, or to subsidize the interest payments on bond issues, as determined by the authority.* The authority may, from time to time, receive and accept from the state, its agencies, and any federal agency, grants for, or in aid of, any eligible project, and grants for, or in aid of, any *projects* [~~waste water research or waste water management study or training project~~] related to the purposes for which the authority is created, such grants or contributions to be held, used, and applied only for the purposes for which such grants and contributions are made and received.

SECTION 7. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

(1) In order to provide for the development of Kentucky's water resources to meet future demands for usable water and to provide for the construction of water resource projects, including, but not limited to, the construction of dams with water storage capacity, reservoirs for municipal and industrial water supply, and other projects and water supply facilities to assure the adequate supply of water which is essential to the continued municipal, industrial, recreational and agricultural growth of the Commonwealth, the authority is hereby authorized and empowered to:

(a) Contract with the federal government for the inclusion of water supply storage space behind existing or proposed flood control or other projects;

(b) Construct, maintain, repair and operate water supply projects;

(c) Participate with the federal government or any of its agencies, the state government or any of its agencies or political subdivisions, or any other person in the construction, maintenance, repair or operation of any water supply project;

(d) Lease water supply projects to the state water pollution agency or other governmental agencies and political subdivisions of the Commonwealth; and

(e) Provide financial assistance through loans or otherwise for the development of water supply projects.

(2) The authority is hereby authorized and empowered to:

(a) Contract with the federal government to conduct water resources projects studies;

(b) Contract with the federal government for the construction, maintenance, repair and operation of flood control, navigation, and water-related recreation projects;

(c) Construct, maintain, repair and operate structural and non-structural projects and facilities for flood damage abatement and non-point source pollution control or associated with publicly-owned water supply dams;

(d) Participate with any state governmental agency, political subdivision, or any other person in the construction, maintenance, repair and operation of any water resources project;

(e) Lease any water resources project to the state water pollution agency or any other governmental agency and political subdivision of the Commonwealth;

(f) Provide financial assistance through loans or otherwise for the development of any water resources project;

(g) Coordinate the programs of all state agencies in the conservation, development and wise use of public water; and

(h) Promote the beneficial and proper distribution of water throughout the Commonwealth.

Section 8. KRS 224A.070 is amended to read as follows:

The authority is expressly empowered to carry out and perform the following essential governmental functions of statewide import and concern:

(1) To adopt comprehensive rules, regulations and bylaws for the regulation of its affairs and the conduct of its business, which *shall* [~~may~~] define with specificity conditions precedent under which applications for state grants may be made and the order of priority upon which applications shall be acted upon. *The authority shall consider specific projects from those identified by the state water pollution agency as being of high priority;*

(2) [~~To retain an executive director, who shall be experienced and knowledgeable in the fields in which~~] Said authority is empowered to act, together with such other employes as shall be necessary and appropriate to enable the authority to fulfill its duties, functions and responsibilities;

(3) To adopt a corporate seal;

(4) To sue and be sued in its own name and to have the right, power, and authority to enforce its obligations and covenants made pursuant to the provisions of this chapter;

(5) To levy a tax on every purchase of water service in the Commonwealth of Kentucky, such tax to be equal to not more than two percent (2%) of the gross amount of the bill for water services rendered;

(6) To approve or reject applications made to the authority for state grants;

(7) To make state grants to any governmental agency for the purpose of assisting such governmental agency in the construction of eligible projects. All such state grants shall be payable to the governmental agency in accordance with the terms and conditions of an assistance agreement by and between the authority and such governmental agency, which shall include the provisions and conditions specified in KRS 224A.100, and such other reasonable terms and conditions as the authority shall determine;

(8) Without reference to the provisions of KRS Chapter 56, to acquire and hold in the name of the authority, by the exercise of the power of eminent domain pursuant to the Eminent Domain Act of Kentucky, such real property or rights therein, including rights-of-way, easements and licenses, and such personal property as may be reasonably deemed necessary in order to effectuate the development, implementation, financing, and construction of any eligible project, and to make such properties available to governmental agencies in connection with eligible projects;

(9) To receive service charges from governmental agencies which have entered into assistance agreements with the authority, in accordance with the terms and conditions of such assistance agreements, and to use and employ such service charges in accordance with the provisions of this chapter, such service charges to constitute authority revenues;

(10) To enforce assistance agreements made and entered into with governmental agencies by suit, action, mandamus or other proceedings, including the obtaining by judicial decree of the appointment of a receiver to administer eligible projects partially financed by state grants which have been undertaken by governmental agencies;

(11) To enter interim financing agreements with governmental agencies qualified for federal loans in order to provide to said governmental agencies interim construction monies pending the sale, issuance and delivery of long term debt obligations by said governmental agency to the federal government through the issuance of one (1) or more series of the authority's bond anticipation notes*;* [~~.~~]

(12) To enforce interim financing agreements made and entered into with governmental agencies by suit, action, mandamus or other proceedings in order to provide for the payment of the authority's bond anticipation notes issued on behalf of said governmental agencies*;*[~~.~~]

(13) *To expend, on a reasonable basis, funds of the authority in the form of grants for research, scientific study or planning of the development of water resources throughout the Commonwealth;*

(14) To have, possess and exercise all other powers reasonably incident to the carrying out of the duties and responsibilities of the authority*; and*

(15) To construct, reconstruct, maintain, repair, operate and regulate water resources projects at such locations within the Commonwealth as may be determined by the authority.

Section 9. KRS 224A.100 is amended to read as follows:

The authority may enter into assistance agreements with governmental agencies, and governmental agencies may enter into assistance agreements with the authority in connection with eligible projects. *Prior to final negotiation of assistance agreements,* each such assistance agreement shall be subject to approval by the state water pollution agency, may contain and include such provisions as may be agreed upon by the parties thereto, and shall include and prescribe the following provisions:

(1) An estimate of the reasonable cost of the eligible project, as determined by the authority;

(2) The amount of state grants to be made to the governmental agency;

(3) The time or times at which such state grants shall become payable to the governmental agency;

(4) The specific purpose or purposes for which the proceeds of state grants made pursuant to the assistance agreement shall be expended;

(5) The conditions under which state grants may be expended on account of the eligible project by the governmental agency;

(6) An agreement by the governmental agency:

(a) To proceed expeditiously with and promptly complete the eligible project or cause same to be completed in accordance with plans and specifications approved by federal and state regulatory agencies;

(b) To commence or cause to be commenced operation of the eligible project on completion of construction, and not to discontinue operations or dispose of such eligible project without the approval of the authority and the state water pollution agency;

(c) To operate and maintain or cause to be operated and maintained the eligible project in accordance with the applicable provisions of federal and state law;

(d) To coöperate fully with the authority and the state water pollution agency before applying for federal assistance for pollution abatement, if any;

(e) To provide for the payment of the governmental agency's share of the cost of the eligible project, if the entire eligible project is not financed by a state grant and describe with specificity the manner in which the governmental agency proposes to finance its share of such cost, if any;

(7) A provision that in the event federal grant assistance which was not included in the calculation of the state grant payable pursuant to subsection (2) of this section becomes available to the governmental agency, the amount of the state grant shall be recalculated with the inclusion of such additional federal assistance, and the governmental agency shall pay to the authority the amount, if any, by which the state grant actually made, exceeds the state grant payment as determined by the recalculation;

(8) The extent to which the state grant shall be repaid to the authority, which shall not be less than the sum of the following, *except as provided under Sections 6 and 11 of this Act*:

(a) The aggregate principal amount of the state grant; and

(b) Interest on the aggregate balance of the principal amount of the state grant from time to time remaining unpaid, computed at the applicable interest rate, plus not to exceed 1/4 of 1%*;* [~~.~~]

(9) The time or times and amounts when the repayments required by subsection (8) of this section shall be made by the governmental agency to the authority;

(10) The extent to which a service charge shall be imposed by the governmental agency. Any such service charge shall be calculated to produce amounts sufficient to meet the repayment schedule prescribed by subsection (8) of this section; *and*

(11) An agreement between the governmental agency and the authority that upon any failure of the governmental agency to make payment to the authority in accordance with the time schedule and repayment schedule fixed by the assistance agreement of the amounts prescribed by said schedules, that in such event the authority may, without further action, require the state treasurer to pay to the authority such amount of other state revenues, tax sharing, or other state aid (with the exception of funds in aid to education and funds derived from motor fuel taxes or vehicle license taxes pursuant to section 230 of the Constitution of Kentucky) as the governmental agency may thereafter become entitled to receive from the state, until all delinquent payments pursuant to the repayment schedule, plus interest thereon, from the date of each delinquency at the rate of six percent (6%) per annum, shall have been paid.

Section 10. KRS 224A.110 is amended to read as follows:

All moneys derived by the authority pursuant to all assistance agreements shall be received by the authority as constituting authority revenues, and shall, in common with all other authority revenues, be immediately deposited into an account designated as the "Kentucky pollution abatement authority revenue fund." *Separate accounts may be established for waste water treatment works, distribution facilities and water resources projects.* All authority revenues from whatever source derived shall, before being expended for any other purposes of the authority, first be applied to the payment of the principal of and interest on authority revenue bonds, as, and when the same become due and payable.

SECTION 11. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

(1) The water pollution control revolving fund is established which shall be administered by the authority.

(2) The fund established in subsection (1) of this section shall be a dedicated fund and all monies in the fund shall be dedicated solely to providing financial assistance to governmental agencies for the planning, design and construction of treatment works owned by a governmental agency and for the development and implementation of management programs established under sections 319 and 320 of the clean water act, as amended (P.L. 92-500).

(3) The authority may enter into grant agreements with the administrator of the United States environmental protection agency and accept capitalization grants for the revolving fund in accordance with payment schedules established by the administrator.

(4) All payments from the administrator pursuant to subsection (3) of this section shall be deposited in the dedicated revolving fund created above.

(5) The authority shall seek appropriations for deposit into the revolving fund of the amount required to match the capitalization grants from the administrator.

(6) The financial assistance which may be provided to governmental agencies by the revolving fund may be limited to loans, loan guarantees, payments to reduce interest on loans and loan guarantees, bond interest subsidies and bond guarantees.

(7) The revolving fund shall be established, maintained and credited with repayments and the fund balance shall be available in perpetuity for its stated purposes.

(8) The authority shall obligate all payments from the administrator of the United States environmental protection agency by the end of the federal fiscal year for which the payments are authorized.

(9) The authority shall only provide financial assistance from the fund for those projects which the state water pollution agency has determined to be of priority.

(10) The authority may make and condition loans from the fund as required by state or federal law.

(11) The authority shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for payments and disbursements received and made by the revolving fund and for fund balances at the beginning and end of the accounting period.

(12) The authority may make or prepare any necessary or required plan or report.

(13) The authority or loan recipient shall make available to the administrator of the United States environmental protection agency records which the administrator reasonably requires to review and determine compliance with any applicable provision of law.

(14) The authority may enter into any necessary or required agreement and give or make any necessary or required assurance or certification with any person to receive payments or grants or to make or provide any financial assistance.

The Committee Amendment No. 1 to HB 758 is as follows:

Amend printed copy of HB 758:

on page 12, line 15, after the word "of", by inserting "*nine (9)*" and by placing brackets around, and striking through the words "seven (7)";

on page 12, line 25, after the word "appoint", by inserting "*four (4)*", and by placing brackets around and striking through the words "two (2)";

on page 12, line 26, after the word "years", add the following: "*, one (1) of whom shall be a representative of the coal industry from the Eastern Kentucky coalfields and one (1) of whom shall be a representative of the coal industry from the Western Kentucky coalfields*"; and

on page 13, line 19, after "(3)" by inserting "*Five (5)*" and by placing brackets around and striking through "Four (4)".

The Committee on Counties and Special Districts reported HB 525, HB 859, HB 879 and SB 199 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 525, AN ACT relating to vehicle registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186A.190 is amended to read as follows:

(1) Financing statements relating to vehicles required to be titled in Kentucky through the county clerk shall be filed in the office of the county clerk of the county in which the debtor resides or, if the debtor is a nonresident, in the office of the county clerk in which the vehicle is principally operated. *In the case of vehicles from other states being titled and registered pursuant to KRS 186A.095, the county clerk may record the original title from the other state in lieu of the financing statement if the title from the other state shows the security interest.* Notwithstanding the existence of any filed financing statement *or original title from another state* relating to any vehicle registered or titled in Kentucky, the sole means of determining priority of security interests in such vehicle shall be the notation of the security interest on such vehicle's *Kentucky* registration or title.

(2) Before ownership of a vehicle subject to a lien evidenced by a financing statement executed pursuant to KRS Chapter 355 may be transferred, the transferor shall obtain the release of the prior liens in his name against the vehicle being transferred.

(3) No more than two (2) active financing statements as provided by KRS Chapter 355 may be recorded upon a certificate of title.

(4) In recording the filing of a financing statement upon a certificate of title, the county clerk shall ensure that the certificate of title bears the lienholder's name, mailing address and zip code, the date the lien was filed, its file number and the county in which the financing statement is on file.

(5) A copy of the application, certified by the county clerk, indicating the lien will be filed shall be forwarded to the lender.

HB 859, AN ACT relating to county police.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 78.400 is amended to read as follows:

As used in KRS 78.400 to 78.480 and 78.990, unless the context otherwise requires the following words and terms shall have the following meaning:

(1) "Board" means the county police force merit board or boards hereinafter created.

(2) "Chief" means the chiefs of the county police forces affected by KRS 78.400 to 78.480 and 78.990.

(3) "Assistant chief" means the next in command to the chiefs of the county police forces affected by KRS 78.400 to 78.480 and 78.990.

(4) "Secretary" means the executive secretary and examiner employed by the county police force merit board or boards hereinafter created.

(5) "Officer" means any member of the county police forces affected by KRS 78.400 to 78.480 and 78.990, *except chiefs, assistant chiefs and all officers above the rank of captain, but said terms shall include all officers of the rank of captain and below, including lieutenants, sergeants, corporals, patrolmen of whatever grade, and new hires for any of the aforesaid offices or positions of the rank of captain and below during any period of probationary employment if such be applicable subsequent to initial hiring by the county police forces* [~~including chiefs and assistant chiefs and all commissioned or noncommissioned patrolmen, corporals, sergeants, lieutenants and captains~~].

(6) "Employe" means all other employes of the county police forces affected by KRS 78.400 to 78.480 and 78.990, *and shall include new hires during any period of probationary employment if such be applicable subsequent to initial hiring by the county police forces.*

Section 2. KRS 78.405 is amended to read as follows:

(1) Any county of the commonwealth of Kentucky may, by order of its fiscal court, duly made and entered of record, create a county police force merit system, and for that purpose, establish a county police force merit board, whose duties it shall be to classify and examine applicants seeking employment as officers or employes of the police force of the said county, and in addition *thereto* to promulgate rules and regulations *not inconsistent with KRS 78.400 to 78.480 and 78.990* governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said county police force of all personnel of the county police force or forces affected and covered by KRS 78.400 to *78.480 and* [~~78.460 and~~] 78.990, and in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected by KRS 78.400 to *78.480* [~~78.460~~] and 78.990.

(2) *No county police force merit board created pursuant to the authority granted hereunder may promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension, or other disciplinary action within a county police force which shall be inconsistent with the express provisions of KRS 78.400 to 78.480 and 78.990, nor shall hearings, either public or executive, be held or withheld contrary to the express provisions of KRS 78.400 to 78.480, nor penalties be imposed upon the personnel affected by KRS 78.400 to 78.480 and 78.990 inconsistent with the express provisions of KRS 78.400 to 78.480 and 78.990* [~~Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board~~].

(3) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the board.

Section 3. KRS 78.420 is amended to read as follows:

(1) Upon appointment and qualification of the members of the board, they shall meet within the thirty (30) days following the creation of the board and elect their chairman and vice-chairman and adopt such rules and regulations and bylaws *not inconsistent with KRS 78.400 to 78.480 and 78.990* [~~as they see fit~~] for the proper conduct of their offices. In all matters requiring a vote, a majority of the board members present and voting shall determine any question, provided that at least three (3) board members be present to constitute a quorum.

(2) In cases of discipline, four (4) members of the board must be present to constitute a quorum, one (1) of which must be a police officer as defined in subsection (3) of KRS 78.410.

Section 4. KRS 78.425 is amended to read as follows:

(1) *All officers, either permanent or probationary of whatever rank and title as defined in KRS 78.400(5), and all employes, either permanent or probationary as defined in KRS 78.400(6), are covered by the provisions of KRS 78.400 to 78.480 and 78.990* [~~All police officers of whatever rank and title, and all employes of every county police force affected by KRS 78.400 to 78.460 and 78.990 are covered by the provisions hereof~~]. All such covered officers and employes of every county police force on active duty or service as of the effective date of a duly made and entered order of the fiscal court of the said county creating a county police merit system

and board, shall be deemed fit and qualified to continue their respective duties of employment on or for their respective county police force without examination or further qualification, except and unless the chief of police of any county police force shall within sixty (60) days after the establishment of the board certify to the said board that any officer or employe is physically unfit to continue his or her duties.

(2) Where a merit system is established which covers a county fire department, the provisions of subsection (1) shall apply to the county fire department as they apply to the county police force.

(3) *All personnel covered by the provisions of:*

(a) KRS 78.400 to 78.480; or

(b) KRS 67.323, 67.325 and this section, or both, who may be employed or retained in employment on a probationary basis for an initial or continued employment period with retention in employment conditioned upon satisfactory performance of their respective duties and good behavior, shall be afforded the same procedural rights and privileges afforded permanent nonprobationary personnel under KRS 78.400 to 78.480, 67.323 and 67.325, as the case may be, during any such period of probationary employment [~~All personnel covered by the provisions (a) of KRS 78.400 to 78.460, or (b) KRS 67.323, 67.325 and this section, or both, shall be deemed to be permanent employes subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior~~].

Section 5. KRS 78.428 is amended to read as follows:

(1) The provisions of KRS 78.400, 78.405, and 78.425 shall not apply to the chief of police, assistant chiefs, and any officers above the rank of captain of county police forces in counties having a population of 600,000 or more. Said officers shall be appointed by the county judge/executive and shall not be considered covered officers, except as provided in subsection (2) of this section.

(2) Any employe covered by the provisions of KRS 78.400 to 78.480 who shall accept an appointment and qualify as chief of police or assistant chief of police *or any other appointment above the rank of captain* shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of said respective positions. Should any such chief or assistant chief of police *or appointee above the rank of captain* cease to serve as such there shall be restored to him the same classification and rank which he held prior to said appointment. Any person not covered by the provisions of KRS 78.400 to 78.480 when appointed to the position of chief of police or assistant chief of police *or other position above the rank of captain* shall not be deemed to be part of the classified service and shall not be returned to any classification or rank in the classified service when he ceases to serve in such capacity.

Section 6. KRS 78.430 is amended to read as follows:

(1) Within ten (10) days after the creation of any board under KRS 78.400 to *78.480* [~~78.460~~], the county judge/executive shall certify to the board the names, rank, rate of pay, the seniority of every officer and employe on the police force as of the effective date of the fiscal court order creating the board.

(2) If there is a board in existence June 14, 1962, the county judge/executive shall within thirty (30) days certify the chief and assistant chief to the board.

Section 7. KRS 78.435 is amended to read as follows:

(1) No officer or employe covered by the provisions of KRS 78.400 to *78.480* [~~78.460~~] shall directly or indirectly solicit or receive or be in any manner whatever concerned in receiving, soliciting or publicizing any assessment, gift, subscription or contribution to or for any political party or candidate for public office.

(2) No person shall use or promise to use his personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of KRS 78.400 to *78.480* [~~78.460~~], as a reward or return for personal or partisan political service. No candidate applying for original appointment or promotion to any position of employment covered by KRS 78.400 to *78.480* [~~78.460~~] shall sign or execute or promise to sign or execute a resignation dated or undated in advance of such appointment or promotion. No officer or employe covered by the provisions of KRS 78.400 to *78.480* [~~78.460~~] shall be suspended, laid off, demoted, promoted, fined, disciplined or threatened, or in any way changed in rank, duty

or compensation for withholding or neglecting to pay or make any contribution of any sort, or character, either in money, goods or services or anything of value for any political purpose whatsoever.

(3) No examination question in any examination held by the board shall relate to any political or religious opinion, belief, affiliation or service and no appointment, promotion, demotion, suspension, fine or removal shall be brought about, effected, affected or influenced by such opinions, beliefs, affiliations or services.

(4) No officer or employe covered by KRS 78.400 to *78.480* [~~78.460~~] shall foster, promote, or be concerned with any actions involving political or religious controversies or prejudices while in uniform.

(5) Nothing contained in KRS 78.400 to *78.480* [~~78.460~~] shall be so construed as to abridge the rights of any officer or employe with respect to his or her personal opinions or beliefs or right to vote.

Section 8. KRS 78.440 is amended to read as follows:

(1) Every county police force merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employes covered by KRS 78.400 to *78.480* [~~78.460~~]. *No rule or regulation made, promulgated, or amended by any county police force merit system board shall be inconsistent with the express provisions of this chapter nor shall any such rule or regulations abridge or mitigate in any manner the express procedural rights afforded officers and employes under the provisions of KRS 78.440 to 78.480 which shall be liberally construed to preserve the administrative and procedural due process rights of county police officers and employes covered thereunder.* The board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the county judge/executive, the fiscal court and the chief, and by posting a copy thereof conspicuously in the office or place where the headquarters of the county police is maintained. Said rules and amendments thereto shall be published in the manner prescribed within three (3) days after the adoption thereof.

(2) The rules in addition to other matters shall specifically provide for and cover the following:

(a) 1. Physical, mental, educational, citizenship and age requirements for new employes and officers.

2. Physical, mental, educational, citizenship and age requirements for new employes and officers and seniority requirements for promotion from lower to higher rank or classification.

3. A grade A patrolman must have three (3) years of service as a grade A patrolman before he may be eligible for the promotion to the rank of sergeant. If there are fewer than fifty (50) police officers on the police force, the merit board may waive this service requirement.

(b) 1. Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

2. Public notices of examinations provided in subparagraph 1 of paragraph (b) and subparagraph 2 of paragraph (a) of this subsection.

(c) Temporary appointments in case of emergency.

(d) Organization and meetings of the board.

(e) Procedure and conduct of public hearings.

(3) No county police force merit system board shall adopt a rule requiring the retirement of officers or employes prior to the first day of the month following the officer or employe's fifty-eighth (58th) birthday. This subsection shall not prohibit retirement prior to age fifty-eight (58) on a voluntary basis.

(4) The board shall employ a chief examiner who shall be professionally qualified and experienced in the field of testing and who shall *not be employed or retained in any other capacity by county government, and said chief examiner shall* formulate, give, grade and administer all written tests as required by the board. Said chief examiner shall report to the board the results of all tests given by him and he shall be solely responsible to the board. The chief examiner shall select a panel of four (4) members to conduct an oral examination of the

applicants for promotion. The panel shall consist of two (2) persons of a supervisory capacity from the same classified service as the applicant and two (2) persons from an outside agency or agencies in the same field. The chief examiner shall compile the grades of all applicants *in strict compliance with the procedures and percentages* [~~based upon the percentages~~] as set out below and shall deliver, in a sealed envelope, the scores of all applicants for promotion to the chairman of the board. The chief examiner shall not reveal to anyone the results of said tests other than in the manner set forth herein. If there are fewer than fifty (50) applicants for testing, the merit board may waive the requirements of this subsection and substitute other appropriate testing methods as determined by the board, *but no such testing method or the grading thereof shall depart from or be inconsistent with the procedures and percentages set out below which shall be strictly followed in determining an applicant's eligibility for promotion.*

(5) Physical fitness for promotion is presumed unless certified to the contrary by the chief of police who shall supply the board with medical records of the disability.

(6) At least ninety (90) days' notice shall be given before the promotional examination is conducted.

(7) Determination of an applicant's eligibility for promotion shall be made giving consideration to his or her length of service in seniority in grade and his or her performance upon written and oral promotional examinations. An applicant shall not be denied eligibility for promotion on account of unsatisfactory written and oral examination scores when consideration of such applicant's points for years of seniority in grade as set forth below increases such applicant's overall score to or above an appropriate minimum score for promotional eligibility. Points attributable to years of seniority in grade shall be treated in the same manner as points scored on written and oral examinations in the overall process of promotional eligibility determination. The process of promotional eligibility determination shall be a weighted composite of seniority points, written test scores, and oral test scores and shall consist of a total of one hundred (100) points which shall consist of the following:

1. Fifty-five (55) points shall be accorded the written examination test score;

2. Thirty (30) points shall be accorded the oral examination test score; and

3. A maximum of fifteen (15) points shall be accorded points for years of seniority in grade which shall be earned and attributed to the applicant at the rate of one (1) point or percent for each year of seniority in grade up to the maximum seniority point score of fifteen (15) points, and which shall be counted in the applicant's favor in the total weighted composite score in determining promotional eligibility regardless of such applicant's score on the written and oral examinations.

Ranking among eligibles shall be determined in accordance with their respective total weighted composite score consisting of seniority points, written test scores, and oral test scores [~~The grading of promotional tests shall be as follows: fifty-five (55) per cent for written examination; thirty (30) per cent for oral examination; one (1) per cent for each year in seniority in grade, not to exceed fifteen (15) per cent~~].

(8) The board shall at all times maintain a promotional eligibility list for each affected rank. The board shall schedule examinations as frequently as shall be necessary to insure the maintenance of a standing promotional eligibility list for each affected rank. No promotional eligibility list shall be effective for a period to exceed two (2) years under any circumstances. In the absence of a standing promotional eligibility list for any affected rank, any candidate for promotion to such affected rank shall have the right to bring an action in the circuit court of the county in which said board may be located to require said board to conduct the requisite promotional examination and to compile the necessary promotional eligibility list required to be maintained at all times under this chapter for all affected ranks. The costs of such action in circuit court shall be assessed against the board in favor of the prevailing party.

Section 9. KRS 78.445 is amended to read as follows:

(1) Any officer or employe, *including probationary officers or employes as set forth in KRS 78.400(5), 78.400(6) and 78.425,* may be removed, suspended, laid off, reduced in grade, or fined by the chief for any cause which will promote the efficiency of the service, but before any such action is taken by the chief against any officer or employe, the chief shall furnish the officer or employe concerned with a written statement of the reasons why the described action is taken. The officer or employe may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employe removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten (10) days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction

or fine, which shall be made a part of the official records of the police department. No trial or examination of witnesses shall be required *before the chief of police* in any such case except in the discretion of the chief. *The affected officer or employe, including probationary officers or employes, may, however, appeal the determination of the chief of police to the county police force merit board which shall conduct a public hearing as required under the provisions of this chapter.* The chief shall likewise furnish a copy of the written charges and reasons for his action to the board.

(2) Any citizen who makes written charges of misconduct, under oath, concerning the actions of any police officer hereunder shall present the charges to the chief of police, who shall investigate said charges. The chief of police shall determine what action, if any, shall be taken against the officer, subject to the limitations set out in this chapter. The citizen may appeal the determination of the chief of police to the board.

(3) After full public hearing by the board upon any charges against the accused preferred or initiated by the chief of police for any cause, the board may retire in executive session to discuss the evidence introduced at the hearing upon charges preferred or initiated by the chief of police and to make its determination and conclusion upon such charges. In no case subsequent to hearing upon charges preferred or initiated by the chief of police shall the board in executive session receive any further evidence or communication from any source whatsoever prior to reaching its determination and conclusion upon such charges.

Section 10. KRS 78.455 is amended to read as follows:

In all cases provided for in KRS 78.445 and 78.450, the action of the chief or of the board shall be final except in the following cases:

(1) Every action in the nature of a dismissal, suspension, reduction or fine made by the chief, shall be subject to review by the board at the request of any officer or employe affected by KRS 78.400 to *78.480* [~~78.460~~], *including probationary officers or employes as set forth in KRS 78.400(5), 78.400(6) and 78.425,* and the board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, *held pursuant to the provisions of this chapter,* a majority of the members of the board are of the opinion that the action of the chief is unjustified or unsupported by proper evidence, then the order of the chief may be set aside and revoked by the board and the board may impose such penalty or punishment as it may deem necessary and appropriate, if any.

(2) (a) Every action in the nature of a dismissal, suspension, reduction or fine made by the board shall be final, except that any person aggrieved thereby, *including probationary officers or employes as set forth in KRS 78.400(5), 78.400(6) and 78.425,* may, within twenty (20) days after the rendition of such action, *bring an action in* [~~appeal to~~] the circuit court of the county in which the board meets *to contest said action.* The board shall be named respondent as the county police force merit board, and service shall be had on the chairman thereof. The *action brought in* [~~appeal taken to~~] the circuit court shall be docketed by the clerk thereof as a civil action and, *in the case of dismissal,* shall be *retried anew in circuit court with full evidentiary hearing including discovery procedures, the calling of witnesses, cross-examination and presentation of evidence the same as in other civil actions not initiated before an administrative hearing authority and governed by the Kentucky rules of civil procedure and the rules of evidence, and the circuit court shall not consider the evidentiary findings or conclusions of the board as if no hearing or action had been taken or rendered before the board, and the burden of proof shall be upon the accusing authority to establish the charges against the accused by a preponderance of the evidence* [~~tried anew, as if no action had been rendered by the board~~].

(b) The judgment of the circuit court shall be subject to appeal to the Court of Appeals. The procedure *for* [~~as to~~] appeal to the Court of Appeals shall be the same as in *other* civil *actions* [~~action~~].

Section 11. KRS 78.460 is amended to read as follows:

(1) Procedural due process shall be afforded to all police officers *and employes* by the board. The board shall *notify* [~~afford~~] any officer *or employe,* promptly and in writing, of any charges brought against said officer *or employe* by the board. *In all cases in which a hearing is required under the provisions of KRS 78.400 to 78.480,* the officer *or employe* shall be given a prompt hearing by the board, *wherein he may be represented by competent legal counsel, shall have an opportunity to discover the evidence against him,* shall have an opportunity to confront *and cross-examine* his accusers and *to present evidence on his behalf* [~~the privilege of presenting the board with evidence~~]. The board shall [~~have the power to~~] issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses *on behalf of the accused,* and so far as practicable, conduct said hearing within the Kentucky Rules of Civil Procedure *and procedural due process.* [~~Any officer who is not given a hearing within sixty (60) days of any charge so placed shall be reinstated in full.~~]

(2) Any police officer or employe who is not given a hearing as provided by KRS 78.400 to 78.480 within sixty (60) days of any charge being filed shall be exonerated of the charge which shall be dismissed with prejudice and not be considered thereafter by any hearing authority for any purpose. The time limitations imposed by this subsection are mandatory and shall be strictly construed but may be waived in writing by the officer or employe so charged, or if said officer or employe is represented by counsel, by said officer or employe's counsel in writing.

(3) In all hearings before a county police merit board, the rules of evidence now or hereafter accepted in the judicial courts of the Commonwealth of Kentucky, shall be applied notwithstanding the fact that a county police merit board may consist entirely of lay persons.

(4) Any demotion, fine, suspension, written or oral reprimand or other disciplinary action taken against an officer or employe affected by KRS 78.400 to 78.480 and 78.990 shall be purged from the officer or employe's merit board file after five (5) years. No past disciplinary action, where an officer or employe has been fined, suspended, or received a written or oral reprimand, shall be used in current disciplinary action.

Section 12. KRS 78.470 is amended to read as follows:

(1) In any county in the Commonwealth of Kentucky, which has a population of 300,000 or more and, which has adopted the merit system, the county employes in the classified service as police may organize, form, join or participate in organizations in order to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection, and to bargain collectively through representatives of their own free choice. Such employes shall also have the right to refrain from any or all such activities. Strikes by said members of any such collective bargaining unit shall be prohibited at any time.

(2) County employes in the classified service organized pursuant to subsection (1) of this section for the purpose of collective bargaining or other mutual aid and protection, including collective bargaining, shall be afforded a substantive and procedural right in the judicial courts to intervene at their election in class action suits or similar litigation in which the chief of police, merit board, the county fiscal court, or other governmental unit or figure is joined as a party defendant and purports to speak on said organization's behalf and represent the interests of its members. There shall be no presumption that any such governmental body or figure adequately represents the interests of such county police in such litigation affecting the rights and interests of all the members of such organization organized pursuant to subsection (1) of this section.

Section 13. KRS 78.990 is amended to read as follows:

(1) Any person, *including a member of a county police force merit board,* who shall knowingly violate any of the provisions of KRS 78.400 to *78.480* [~~78.460~~] shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000) or by imprisonment for a term not to exceed six (6) months or by both such fine and imprisonment, and if such person be an applicant for any employment covered hereby, he shall be excluded from *the applicable* [~~such~~] examination for a period of three (3) years thereafter, and if the name of such person be on any eligible list of the said board, his name shall be removed therefrom, and if he be an officer or employe of the county, he shall be removed forthwith *from said office or employment* [~~therefrom~~] and be ineligible for any such appointment to public office or employment for a period of three (3) years thereafter.

(2) Any county police force merit board member who shall knowingly with intent to hinder the implementation of the rights afforded officers and employes under KRS 78.400 to 78.480, promulgates any rule or regulation inconsistent with the express provisions of KRS 78.400 to 78.480, or enforces any such rule or regulation in a manner inconsistent with the express provisions of KRS 78.400 to 78.480, shall be removed from the merit board.

SECTION 14. A NEW SECTION OF KRS CHAPTER 78 IS CREATED TO READ AS FOLLOWS:

(1) As the provisions of KRS 78.400 to 78.480 and 78.990 relate to minimum standards of administrative and procedural due process rights to be afforded county police force officers and employes in the context of disciplinary or investigative matters, nothing herein shall be construed as limiting or in any way affecting any other such rights afforded to county police force officers and employes of the Commonwealth by statute, ordinance, or working agreement.

(2) The procedural rights afforded county police force officers and employes under KRS 78.400 to 78.480

and 78.990 are intended to establish a minimum system of professional conduct and shall be liberally construed to protect the rights of officers and employes who may be the subject of disciplinary or investigative actions; further, any doubt as to the applicability of any procedural protection under the provisions of KRS 78.400 to 78.480 and 78.990 shall be liberally resolved in favor of the officer or employe. The rights afforded under this section are to be afforded county police force officers and employes in addition to the rights afforded under the provisions of KRS 15.520.

(3) Any violation of the express procedural rights, protections, and privileges afforded county police officers under KRS 78.400 to 78.480 and 78.990 by the local unit of government or its agents, or by a merit board member, shall result in the exoneration of the accused officer, the charges against whom shall be dismissed with prejudice and not be considered thereafter by any hearing authority for any purpose whatsoever.

HB 879, AN ACT relating to fees of county clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.012 is amended to read as follows:

The county clerk shall receive for the following services the following fees:

Recording deed of trust or assignment for the benefit of creditors, provided the entire record thereof does not exceed three pages	$ 5.00
Exceeding three pages, for each page	1.50
Copy and certification of same when ordered	3.50
Each bond required to be taken or prepared by the clerk	2.00
Copy of any bond when ordered	1.50
Recording a bond, each bond	5.00
Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same	1.25
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed three pages	7.00
Exceeding three pages, for each page	1.50
Certified copy of deed	3.50
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed three pages	7.00
Exceeding three pages, for each page	1.50
Certified copy of real estate mortgage	3.50
Recording *the first assignment in a* deed of assignment of real estate mortgage	5.00
Recording each additional assignment within the same instrument	*2.50*
[~~Noting release of any lien, mortgage or redemption other than a deed of release~~	~~2.50~~]
Receiving the acknowledgment, recording and certifying *of the first release in* each deed of release of a mortgage, [~~or~~] lien, *or notice* under KRS 382.360 *or 382.470*	5.00
Recording each additional release within the same instrument	*2.50*

[~~Each additional marginal notation relating to same instrument~~	~~2.50~~]
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident	10.00
Recording survey of a city, or any part thereof, or any addition to or extensions of the boundary of a city	10.00
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not	1.00
Administering an oath and certificate thereof	1.00
Issuing license for which no other fee is fixed by law	1.50
Marriage license, bond, certificate and recording	14.00
For filing and indexing an original or continuation financing statement, and noting the security interest on the required receipt for one motor vehicle	6.00
For filing and indexing an assignment of a financing statement	6.00
For filing and noting a statement of release of collateral under a financing statement	1.00
Recording real estate options, provided the entire record thereof does not exceed three pages	5.00
Exceeding three pages, for each page	1.50
Recording power of attorney or revocation of power of attorney, provided the entire record thereof does not exceed three pages	5.00
Exceeding three pages, for each page	1.50
Recording plats, maps and surveys, not exceeding 24 inches by 36 inches, per page	10.00
Recording all leases which are recordable by law, provided the entire record thereof does not exceed three pages	5.00
Exceeding three pages, for each page	1.50
[~~Marginal notation to same instrument~~	~~2.50~~]
Filing or recording of certification of intention to operate a business under an assumed name	5.00
Filing a lien on a delinquent motor vehicle or trailer bill	6.00
Releasing a lien on a delinquent motor vehicle or trailer bill	1.50
Filing or recording of mechanic's and artisan's liens under KRS Chapter 376	5.00
Filing or recording of notice of lien issued by the Internal Revenue Service	5.00
Filing or recording of notice of lien discharges issued by the Internal Revenue Service	5.00
Filing or recording of lis pendens notice concerning proceedings in bankruptcy and other lis pendens notices, provided the entire record thereof does not exceed three pages	5.00
Exceeding three pages, for each page	1.50
Filing or recording United States liens, provided the entire record per lien does not exceed three pages	5.00
Exceeding three pages, for each page	1.50

Filing or recording release of a United States lien, provided the entire record per lien does not exceed three pages	5.00
Exceeding three pages, for each page	1.50
Filing or recording state tax or other state liens, other than liens on delinquent motor vehicles or trailers	5.00
Filing release of a state tax or other state lien, other than a lien on a delinquent motor vehicle or trailer	5.00
Filing notification and declaration and petition of candidates for office	20.00
Recording wills or other probate documents under KRS 394.300	5.00
Issuance of fish and game licenses or tags costing more than $1.00 each	.75
Registration of licenses for professional persons required to register with the county clerk	5.00
Recording and issuing articles, statements, or reports of corporations pursuant to KRS Chapters 271A, 272 and 273, including articles of incorporation, amendment, restatement of incorporation, merger, consolidation, or dissolution and statements of establishment of a series of shares, cancellation of a series of shares, reduction of capital, intent to dissolve, revocation of voluntary dissolution, or any other statement or report of a foreign or domestic corporation, provided the entire record thereof does not exceed three pages	5.00
Exceeding three pages, for each page	1.50
Miscellaneous recordings for which no specific fee is set, provided the entire record thereof does not exceed three pages (except military discharges)	5.00
Exceeding three pages, each additional page	1.50
Filing miscellaneous documents for which no specific fee is set, provided the entire record thereof does not exceed three pages	5.00
Exceeding three pages, each additional page	1.50
Filing certification required by KRS 65.070(1)(a)	2.00
Certification of franchise tax assessment	2.50

SB 199, AN ACT relating to rescue squads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 39 IS CREATED TO READ AS FOLLOWS:

(1) Rescue squads may be formed and duly authorized to perform in the public interest. Authorization to operate within a jurisdiction may be granted by the chief elected official of each urban-county government, county, or city which the squad proposes to serve. Rescue squads shall have a formal affiliation with the local disaster and emergency services organization.

(2) A rescue squad shall be composed of at least twelve (12) active members and shall maintain at least one (1) vehicle dedicated to rescue service. Squads may operate in conjunction with a fire department, or may operate as a separate unit.

(3) Each squad shall develop and maintain by-laws and written procedures to specify, as a minimum, election, or appointment, succession, and term of officers; financial accounting; property accountability; and rules of notification and response to emergencies.

(4) Rescue squads shall contribute to public safety and welfare by performing functions which may include but not be limited to: removal of victims trapped in vehicles or structures; search for lost or missing persons, except those sought for criminal acts; first aid; emergency evacuation; recovery of drowning victims; recovery

of any corpse if not accessible by ambulance or hearse and if so authorized by the coroner; traffic control at an accident scene when requested by law enforcement authorities; providing assistance in the containment of spilled hazardous materials, when sufficient equipment and trained personnel are available to the rescue squad. Rescue squads shall not engage in law enforcement activities other than traffic control.

(5) The division shall administer funds appropriated for rescue equipment and training and shall promulgate administrative regulations to be applied to all rescue squads that apply for financial assistance.

(6) The term "rescue squad" shall mean any such organization which receives and accepts funds from the department of military affairs or any rescue squad where workers compensation benefits are paid by the department of military affairs.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Labor and Industry: HB 887.

The Clerk announced the Committee on Cities has withdrawn SB 228 from Committee consideration.

Calendar

HB 119, HB 250, HB 302, HB 569, HB 749, HB 825, HB 807, HB 888, HB 902, HB 966, HJR 58, HJR 139, SB 274, SB 275, SB 277, SCR 59, HB 644, HB 695, HB 660, HB 527, HB 609, HB 614, HB 684, HB 727, HB 732, HB 764, HB 896, HCR 114, SB 82, SB 83, SB 91, SB 271, SB 211, SB 249, HB 775, HB 776, HB 854, SB 127, SB 243, SB 250, HB 543, HB 711, SB 128, HB 636, HB 733, HB 806, HB 873, and HJR 80 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

Representative Stumbo moved that the rules be suspended to allow a meeting of the Committee on Rules. Agreed.

Recess

Representative Stumbo moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

Representative Layman moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative Layman moved the adoption of the following Legislative Citation No. 51:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates Miss Melanie Glasscock, of Leitchfield, Kentucky, winner of the Kentucky Junior Miss, January, 1986. You are to be commended for your scholastic achievements of excellence, and for the notable representation of high school senior young ladies. We recognize you for the leadership and promise of our youth and for the contributions you have made to Grayson County High School. We are very proud of you for the great honor and pride you have bestowed on your family, school, community and the Commonwealth of Kentucky.

This prestigious body extends our very vest wishes to you as you advance to America's Junior Miss Contest, June 8, 1986, in Mobile, Alabama. (Sponsored by Representative Layman)

Agreed.

HB 245, with Committee Substitute and Committee Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the Committee Substitute to HB 245. Agreed.

Representative Pearman moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to HB 245. Agreed.

Representative Pearman moved that HB 245, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 2. (See March 12, 1986, roll call on HB 245—Appendix A.)

HB 245, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 245, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 665, with Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Worthington moved the adoption of the Floor Amendment No. 2 to HB 665.

On the roll call the vote was yeas 50—Arnold, Barrows, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Burnette, Cline, Crupper, Curd, Dawahare, Ellington, Farrow, Ford, Gedling, Gregory, Hancock, Head, Jensen, T. Jones, Keith, Kerr, Layman, LeMaster, Long, Lyne, Mann, McBee, McElroy, McNutt, Moberly, Napier, Noland, Overstreet, Pearman, Preston, Pritchett, Rapier, P. Richardson, Rose, Scorsone, Siler, Smith, Thomas, Todd, Turner, White, Williams, Worthington. Nays 43—Bendl, Bennett, Burch, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cowan, Cyrus, Deskins, Donnermeyer, Freibert, Gray, Guenthner, Handy, J. Harper, K. Harper, Heleringer, Hines, Holloway, R. Jones, Lear, Lile, Little, Mack, Maggard, Meyer, Nett, Noe, O'Brien, Priddy, Rattliff, Reinhardt, Richards, B. Richardson, Riner, Seum, Stewart, Stone, Strong, Stumbo, Yates.

Floor Amendment No. 2 to HB 665 was adopted.

Representative Burnette moved that HB 665, as amended, be passed.

On the roll call the vote was: Yeas 57, Nays 28. (See March 12, 1986, roll call on HB 665—Appendix A.)

HB 665, as amended, was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 665, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 226, with Committee Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to HB 226. Agreed.

Representative Clarke moved that HB 226, as amended, be passed.

On the roll call the vote was: Yeas 50, Nays 45. (See March 12, 1986, roll call on HB 226—Appendix A.)

HB 226, as amended, was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 226, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 182, with Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that SB 182 be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 12, 1986, roll call on SB 182—Appendix A.)

SB 182 was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 182 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 667, with Floor Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved the adoption of the Floor Amendment No. 1 to HB 667. Agreed.

Representative Johnson moved that HB 667, as amended, be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 12, 1986, roll call on HB 667—Appendix A.)

HB 667, as amended, was passed and the title agreed to.

Representative Johnson moved that the vote by which HB 667, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 687 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that HB 687 be passed.

On the roll call the vote was: Yeas 82, Nays 3. (See March 12, 1986, roll call on HB 687—Appendix A.)

HB 687 was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 687 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 691 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved that HB 691 be passed.

On the roll call the vote was: Yeas 68, Nays 20. (See March 12, 1986, roll call on HB 691—Appendix A.)

HB 691 was passed and the title agreed to.

Representative Cyrus moved that the vote by which HB 691 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 753 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that HB 753 be passed.

On the roll call the vote was: Yeas 81, Nays 4. (See March 12, 1986, roll call on HB 753—Appendix A.)

HB 753 was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 753 was passed be reconsidered and said motion be placed on the table. Agreed.

HR 86 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lyne moved that HR 86 be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 12, 1986, roll call on HR 86—Appendix A.)

HR 86 was passed and the title agreed to.

SB 61 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that SB 61 be passed.

On the roll call the vote was: Yeas 94, Nays 1. (See March 12, 1986, roll call on SB 61—Appendix A.)

SB 61 was passed and the title agreed to.

SB 245 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that SB 245 be passed.

On the roll call the vote was: Yeas 82, Nays 8. (See March 12, 1986, roll call on SB 245—Appendix A.)

SB 245 was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 245 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 421 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burnette moved that HB 421 be passed.

On the roll call the vote was: Yeas 64, Nays 25. (See March 12, 1986, roll call on HB 421—Appendix A.)

HB 421 was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 421 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 547 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burnette moved that HB 547 be passed.

On the roll call the vote was: Yeas 91, Nays 2. (See March 12, 1986, roll call on HB 547—Appendix A.)

HB 547 was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 547 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 343, with Committee Substitute attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved the adoption of the Committee Substitute to HB 343. Agreed.

Representative Holbrook moved that HB 343, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 79, Nays 11. (See March 12, 1986, roll call on HB 343—Appendix A.)

HB 343, by way of Committee Substitute, was passed and the title agreed to.

Representative Holbrook moved that the vote by which HB 343, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 583, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative P. Clark moved the adoption of the Committee Substitute to HB 583. Agreed.

Representative P. Clark moved that HB 583, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 12, 1986, roll call on HB 583—Appendix A.)

HB 583, by way of Committee Substitute, was passed and the title agreed to.

Representative P. Clark moved that the vote by which HB 583, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 670, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kerr moved the adoption of the Committee Amendment No. 1 to HB 670. Agreed.

Representative Kerr moved that HB 670, as amended, be passed.

On the roll call the vote was: Yeas 99, Nays 0. (See March 12, 1986, roll call on HB 670—Appendix A.)

HB 670, as amended, was passed and the title agreed to.

Representative Kerr moved that the vote by which HB 670, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 693, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the Floor Amendment No. 1 to HB 693. Agreed.

Representative Yates moved that HB 693, as amended, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 12, 1986, roll call on HB 693—Appendix A.)

HB 693, as amended, was passed and the title agreed to.

Representative Yates moved that the vote by which HB 693, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 716, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Meyer moved the adoption of the Committee Amendment No. 1 to HB 716. Agreed.

Representative Meyer moved the adoption of the Floor Amendment No. 1 to HB 716. Agreed.

Representative Meyer moved that HB 716, as amended, be passed.

On the roll call the vote was: Yeas 88, Nays 2. (See March 12, 1986, roll call on HB 716—Appendix A.)

HB 716, as amended, was passed and the title agreed to.

Representative Meyer moved that the vote by which HB 716, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 718 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved that HB 718 be passed.

On the roll call the vote was: Yeas 92, Nays 2. (See March 12, 1986, roll call on HB 718—Appendix A.)

HB 718 was passed and the title agreed to.

Representative Johnson moved that the vote by which HB 718 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 748, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burnette moved that HB 748 be passed.

On the roll call the vote was: Yeas 91, Nays 1. (See March 12, 1986, roll call on HB 748—Appendix A.)

HB 748 was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 748 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 765 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Harper moved that HB 765 be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 12, 1986, roll call on HB 765—Appendix A.)

HB 765 was passed and the title agreed to.

Representative J. Harper moved that the vote by which HB 765 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 8, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 8 is as follows:

HB 8, AN ACT relating to parole.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 439.340 is amended to read as follows:

(1) The board may release on parole such persons confined in any adult state penal or correctional institution of Kentucky as are eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as

practicable after his admission and at such intervals thereafter as it may determine, the corrections cabinet shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. Such information shall include his criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. The corrections cabinet shall furnish the circumstances of his offense and his previous social history to the institution and the board. The corrections cabinet shall prepare a report on such information as it obtains. It shall be the duty of the corrections cabinet to supplement this report with such material as the board may request and submit such report to the board.

(2) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner and shall have him appear before it, or one (1) or more members for interview and hearing, except that the board in its discretion may request the parole board of another state confining prisoners pursuant to KRS 196.610 to interview eligible prisoners and make a parole recommendation to the board. A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes he is able and willing to fulfill the obligations of a law abiding citizen.

(3) The board shall adopt rules or regulations with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings, or conditions to be imposed upon parolees. Regulations governing the eligibility of prisoners for parole shall be in accordance with professionally accepted ideas of correction and reform and may utilize in part objective, performance-based criteria; however, nothing herein contained shall preclude the board from utilizing its present regulations in conjunction with such other factors involved that would relate to the inmate's needs and the safety of the public.

(4) Whenever an order for parole is issued it shall recite the conditions thereof.

(5) In addition to or in conjunction with the initial hearing conducted under subsection (2) of this section for any prisoner convicted of a class A, B or C felony and prior to the granting of a parole to any such prisoner, the parole board shall conduct a hearing of which the following persons shall receive not less than thirty (30) nor more than ninety (90) days notice: the commonwealth attorney of every county in which the prisoner committed any class A, B or C felony for which he is imprisoned and all identified victims of such crimes or the next of kin of any victim who is deceased. Notice to the commonwealth attorney shall be by mail to his business office. Notice to victims or their next of kin shall be made, for prisoners incarcerated prior to July 15, 1986, by mail to the commonwealth attorney who shall forward the notice promptly to the victims or their next of kin at their last known address. For prisoners incarcerated on or after July 15, 1986 notice to the victims or their next of kin shall be by mail from the parole board to their last known address as provided by the commonwealth attorney to the parole board at the time of incarceration of the prisoner. The notice shall include the time, date and place of the hearing provided for in this subsection, and the name and address of a person to write in the event the recipient of the notice desires to attend the hearing or to submit written comments.

(6) Persons receiving notice as provided for in subsection (5) of this section may submit written comments to the board upon all issues relating to the parole of the prisoner. The board shall read and consider all such comments prior to making its parole decision, provided they are received by the board not less than seven (7) days before the date for the hearing. The board shall retain all such comments in the prisoner's permanent parole board file and shall consider them in conjunction with any subsequent parole decisions affecting the prisoner. In addition, the crime victims or the next of kin of any victim who is deceased or who is disabled and cannot attend the hearing or the parent or legal guardian of any victim who is a minor shall have the right to attend the hearing provided for in subsection (5) of this section and present oral and written comments upon all issues relating to the parole of the prisoner, provided only that such persons shall have advised the board, in writing received by the board not less than seven (7) days prior to the date set for the hearing, of his intention to attend the hearing. The board shall receive and consider all such comments, shall make a record of them which it shall retain in the prisoner's permanent parole board file and shall consider them in conjunction with any subsequent parole decision affecting the prisoner. Persons appearing before the parole board pursuant to this subsection may elect to make their presentations outside of the presence of the prisoner.

(7) Any hearing provided for in subsections (5) and (6) of this section shall be open to the public unless the persons having a right to appear before the board as specified in those subsections request closure of such hearing for reasons of personal safety, in which event the hearing shall be closed.

(8) Except as specifically set forth in this section, nothing in this section shall be deemed to expand or abridge

any existing rights of persons to contact and communicate with the parole board or any of its members, agents or employes.

(9) The unintentional failure by the parole board or any of its members, agents or employes or by a commonwealth attorney or any of his agents or employes to comply with any of the provisions of subsections (5), (6) and (7) of this section shall not affect the validity of any parole decision or give rise to any right or cause of action by the crime victim, the prisoner or any other person.

Representative Donnermeyer moved that the House concur in the Senate Committee Substitute to HB 8. Agreed.

Representative Donnermeyer moved that HB 8, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: Yeas 88, Nays 5. (See March 12, 1986, roll call on HB 8—Appendix A.)

HB 8, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 8, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 140, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment to HB 140 is as follows:

Amend printed copy of HB 140:

On page 5, after line 3 by inserting the following new section:

Section 2. KRS 100.211 is amended to read as follows:

(1) A proposal for amendment to any zoning regulation may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one (1) public hearing after notice as required by KRS chapter 424 and make recommendations to the various legislative bodies or fiscal courts involved, and it shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission.

(2) All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation, except that, in counties containing a city of the first class, any notice by newspaper shall be published thirty (30) days prior to the public hearing, and *the notice of publication* shall include the street address of the property in question, or if one is not available, *or if it is not practicable due to the number of addresses involved,* a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

Representative Lear moved that the House concur in the Senate Amendment to HB 140. Agreed.

Representative Lear moved that HB 140, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 86, Nays 8. (See March 12, 1986, roll call on HB 140—Appendix A.)

HB 140, as amended by the Senate, was passed and the title agreed to.

Representative Lear moved that the vote by which HB 140, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 181, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 181 is as follows:

Amend printed copy of HB 181:

On page 1, line 6, by inserting after the word "county" the following:

", *airport board created pursuant to KRS Chapter 183*"; and on page 1, line 9, by inserting after the word "state," the following "*airport board created pursuant to KRS Chapter 183,*".

The Senate Amendment No. 2 to HB 181 is as follows:

Amend printed copy of HB 181:

On page 1, line 3, by placing brackets around and striking through the words "full-time" and by substituting therefor the word "*paid*"; and on page 1, line 4, by placing an opening bracket before the word "who" and by striking through everything after the bracket; and on page 1, line 5, by placing a closing bracket after the comma and by striking through "week, "; and on page 2, line 15, by placing brackets around and striking through the word "dependent"; and on page 3, lines 14-17, by deleting all of lines 14—17 and on page 3, by adding after line 13 the following:

"Section 2. The provisions of this Act shall be retroactive to June 16, 1984.".

Representative Pearman moved that the House concur in the Senate Amendment No. 1 to HB 181. Agreed.

Representative Pearman moved that the House concur in the Senate Amendment No. 2 to HB 181. Agreed.

Representative Pearman moved that HB 181, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 57, Nays 25. (See March 12, 1986, roll call on HB 181—Appendix A.)

HB 181, as amended by the Senate, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 181, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 470, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 470 is as follows:

Amend printed copy of HB 470:

Page 1, line 6 after the word "*and*" by inserting the following: "*a sheriff or full-time deputy sheriff*"

Page 1, line 16 by deleting the word "*or*"

Page 1, line 19 by deleting the . and inserting in lieu thereof the following "*; or*"

Page 1, after line 19 by adding a new subsection (d) to read as follows:

"*(d) Authorize assistance by a special deputy sheriff*".

Representative Priddy moved that the House concur in the Senate Amendment No. 1 to HB 470. Agreed.

Representative Priddy moved that HB 470, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 74, Nays 15. (See March 12, 1986, roll call on HB 470—Appendix A.)

HB 470, as amended by the Senate, was passed and the title agreed to.

Representative Priddy moved that the vote by which HB 470, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Motions, Petitions and Communications

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Report of Committees and Posting of Bills and Resolutions. Agreed.

Introduction of Resolutions

HCR 147, by Representatives Long, Bendl, P. Clark, Gedling, Blevins, L. Clark, Freibert and Burch: A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study of the homeless in Kentucky and develop recommendations related thereto.

HR 148, by Representative Bennett: A RESOLUTION honoring the Pleasure Ridge Park High School Boys' Varsity basketball team.

HR 149, by Representative Siler: A RESOLUTION adjourning the House in memory and honor of Hugh Steely.

Report of Committees

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: HB 731, HB 947, HB 681.

Education: HB 324, HB 866, HB 952, HB 746, HB 979, HB 811, HB 981, HJR 115, HCR 132.

Appropriations and Revenue: HB 197, HB 416, HB 892, HB 503, HB 53, SB 70, SB 84.

The Committee on Rules reported HB 59, HB 348, HB 527, HB 569, HB 825, HB 902, HJR 139, SB 91, SB 127, SB 274, SB 275, SB 277, HB 192, HB 556, HB 745, HB 794, SB 35, SB 233, HB 302 have been posted for passage March 13, 1986.

The Committee on Rules reported the following Bills have been recommitted:

Appropriations and Revenue: HB 456, HB 617.

Motions, Petitions and Communications (continued)

Representative Morris moved that the three-day posting requirement be waived on HB 681 and HB 947. Agreed.

Representative Mann moved that the three-day posting requirement be waived on SB 204. Agreed.

Representative Turner moved the adoption of the following Legislative Citation No. 52:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and congratulates Sally Everman, on her forty-second birthday, March 12, 1986. You are an inspiration and a joy to all that know you because of your serene, enchanting and lovely disposition. You have been a vital and important employee in the "House Bill Room" since 1978 for which we are most grateful. Your commitment and involvement in community affairs, as well as your devotion to your family, church and friends is exemplified by the accolades shared by the beneficiaries of your kindnesses. It has been said by your peers that you are "a flower of the Commonwealth" and you are worthy of this distinction and recognition.

This prestigious body extend best wishes on this your birthday, and we do hereby adjourn in your honor. (Sponsored by Representative Turner)

Agreed.

Representative Siler moved the adoption of the following HR 149:

HR 149, A RESOLUTION adjourning the House in memory and honor of Hugh Steely.

With heartfelt sorrow we pay honor and tribute to the memory of our former colleague and friend, Hugh Steely.

WHEREAS, on Tuesday, March 11, 1986, Hugh Steely crossed that final bourne from which no traveller returns; and

WHEREAS, in 1936, Hugh Steely was elected to serve the citizens of the Williamsburg community as their state representative; and

WHEREAS, Hugh Steely was a leading member of the Williamsburg community and was cherished for his altruistic devotion to his neighbors; and

WHEREAS, Hugh Steely ably served the banking community of Williamsburg and was selected by his peers to serve as President of the Independent Bankers of Kentucky; and

WHEREAS, Hugh Steely was an early investor in Harlan Sanders original Kentucky Fried Chicken endeavor which was extremely successful; and

WHEREAS, Hugh Steely was a loving husband to his wife Frances and a devoted father to his sons Hugh Bart and Dallas "Butch" and to his stepsons Steve and Carmack Kersey;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the members of the House hereby express their profound sense of bereavement and loss upon the untimely passing of our friend and former colleague Hugh Steely.

Section 2. That the House commends Mrs. Frances Steely and the other family members of Hugh Steely to the solace of the Almighty for comfort and understanding in this time of grief.

Section 3. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Wednesday, March 12, 1986, it does so in memory and honor of Hugh Steely.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to Mrs. Frances Steely, 312 Pine Street, Williamsburg, Kentucky 40769, and to Hugh Bart and Butch Steely of Williamsburg, Steve Kersey of Corbin, Carmack Kersey of Williamsburg, Brother Garnett C. Steely of Pikeville, Kentucky and Sister Mrs. Joe Steely Ferguson of Pompano Beach, Florida.

HR 149 was adopted by voice vote.

Representative Bennett moved the adoption of the following HR 148:

HR 148, A RESOLUTION honoring the Pleasure Ridge Park High School Boys' Varsity basketball team.

WHEREAS, Pleasure Ridge Park High School has been in existence since 1958; and

WHEREAS, the 1985-86 boys' varsity basketball team for Pleasure Ridge Park High School has amassed an impressive season record of 31 wins and 2 losses; and

WHEREAS, the Pleasure Ridge Park High School boys' varsity team won the Louisville Invitational Tournament championship title; and

WHEREAS, Pleasure Ridge Park High School was the runner-up team in the King of the Bluegrass tournament; and

WHEREAS, participating in the Kingdom of the Sun Tournament in Ocala, Florida, Pleasure Ridge Park captured third place; and

WHEREAS, Pleasure Ridge Park has had a 13-0 home streak which was upheld with a 63-39 victory over Iroquois to win the first round of the Sixth Region tournament; and

WHEREAS, Pleasure Ridge Park High School Boys' Varsity basketball team is ranked No. 4 in the state by the Courier-Journal's Litkenhous Ratings;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly honors the members of the Pleasure Ridge Park High School Boys' Varsity basketball team, Head Coach Dale Mabrey and Assistant Coaches Larry Khinley and Mike Baxter upon the conclusion of their impressive winning season.

Section 2. That the members of this honorable body recognize and commend the dedication and devotion of the members of the Pleasure Ridge Park High School basketball team and coaching staff in their pursuit of excellence in athletic competitions.

Section 3. That the House of Representatives hails the team members of the Pleasure Ridge Park High School basketball team, Head Coach Dale Mabrey and Assistant Coaches Larry Khinley and Mike Baxter to be outstanding citizens and exemplary representatives of the Commonwealth.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to Pleasure Ridge Park High School Principal Charles Miller, Coaches Mabrey, Khinley and Baxter and to each member of the boys' varsity basketball team.

HR 148 was adopted by voice vote.

Representative Heleringer moved that Floor Amendment No. 1 to **HB 825** be withdrawn. Agreed.

Representative Yates moved that **HB 33** be withdrawn. Agreed.

Representative Cline moved that **HB 721** be withdrawn. Agreed.

The following members requested that their votes be recorded as follows. All requests were agreed to.

Representative Barrows, "yea" on **HB 665**; Representative Bruce, "yea" on **HB 226**, "nay" on **HB 360**; Representative Burch, "yea" on **HB 140**; Representative Burnette, "yea" on **HB 245**; Representative Clarke, "nay" on **HB 105**, "yea" on **HB 205**, "yea" on **HB 360**, "yea" on **HB 510**, "yea" on **HB 600**, "yea" on **HB 628**, "yea" on **HB 642**, "yea" on **HB 666**, "yea" on **HB 698**; Representative Deskins, "yea" on **HB 226**; Representative Ellington, "yea" on **HB 298**; Representative Ford, change from "abstain" to "yea" on **HR 86**; Representative Gray, "yea" on **SB 182**; Representative Jensen, "yea" on **HB 665**; Representative Keith, change from "yea" to "abstain" on **HB 226**; Representative Kerr, "yea" on **HB 748**; Representative Meyer, "yea" on **HB 298**, "yea" on **HB 473**; Representative Morris, "nay" on **HB 360**; Representative Napier, "yea" on **HB 245**; Representative Seum, "yea" on **HB 245**; Representative Turner, change from "nay" to "yea" on **HB 8**.

Representative Cline moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Cline moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Blevins, HB 984; Representative Bruce, HB 245, HB 835; Representative Caldwell, HB 568; Representative Dawahare, HB 985; Representative Donnermeyer, HB 59, HB 790, HB 915, HB 977; Representative Farrow, HB 897, HB 985; Representative Freibert, HB 949; Representative Head, HB 53, HB 985; Representative Johnson, HB 790; Representative Lear, HB 203, HB 741; Representative Maggard, HB 985; Representative Pearman, HB 716; Representative Reinhardt, HB 790; Representative Scorsone, HB 57; Representative Seum, HB 677, HB 733, HB 741; Representative White, HB 869; Representative Yates, HB 977, HB 801; Representative Stewart, HB 915; Representative White, HB 985; Representative Hancock, HB 985; Representative Preston, HB 821.

The following members requested that their names be withdrawn as co-sponsors of Bills and Resolutions. All requests were agreed to.

Representative Bronger, HB 791; Representative P. Clark, HB 677; Representative Napier, HB 126.

The following meetings were announced:

Committee on Natural Resources and Environment: March 13, 1986, 8:30 a.m.

Committee on Judiciary-Criminal: March 13, 1986, on adjournment.

Committee on Appropriations and Revenue: March 13, 1986, 10:00 a.m., Room 104.

Committee on Appropriations and Revenue: March 17, 1986, 1:00 p.m., Room 109.

Committee on Judiciary-Civil: Thirty minutes after adjournment, Room 110.

Committee on Counties and Special Districts: March 13, 1986, 11:30 a.m., Room 327.

Committee on Labor and Industry: March 13, 1986, 11:45 a.m., Room 103.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Title Amendment No. 2 to SB 182, by Representative Morris:

Amend printed copy of SB 182:

by amending the title to read as follows:

AN ACT relating to appropriations for the operations of state government.

Floor Amendment No. 2 to SB 182, by Representative Morris:

Amend printed copy of SB 182:

Page 2, after line 7, by adding the following:

"Section 4. There is hereby appropriated out of the General Fund for fiscal year 1986-87 to the University of Kentucky for the construction of an academic auditorium building for the Hopkinsville Community College, the sum of $2,400,000. This appropriation shall be in addition to any amounts previously appropriated."

And by renumbering subsequent sections to conform.

Floor Amendment No. 1 to the Committee Substitute to HB 24, by Representative Arnold:

Amend printed copy of Committee Substitute to HB 24:

On page 1, line 8, after the word "*of*", insert the following:

"*missing fifteen (15) or more days of school due to*".

Floor Amendment No. 1 to HB 732, by Representative Morris:

Amend printed copy of HB 732:

On page 2, after line 14, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

(1) The Executive Director for the Department for the Blind, his designee, or any hearing examiner appointed to conduct hearings on matters within the jurisdiction of the Department may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof, and receive exhibits in evidence, in connection with, or at such investigations or hearings.

(2) In case of disobedience to a subpoena, or in case of disobedience to any order of the hearing examiner, the Executive Director, his designee, or hearing examiner may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance or testimony of witnesses, the production of documentary evidence or obeyance of an order of the hearing examiner may be enforced and shall be valid anywhere in this state."

Floor Amendment No. 1 to the Committee Substitute to HB 749, by Representative Hancock:

Amend printed copy of Committee Substitute for HB 749:

on page 1, line 3, after the word "*legislation*" to insert the following: "*after January 1, 1986, exclusive of the budget act adopted for each branch of government,*".

on page 1, line 11, after the word "*commission*" to delete the word "*shall*" and insert in lieu thereof the word "*may*".

Floor Amendment No. 1 to HB 348, by Representative Ford:

Amend printed copy of HB 348:

On page 12, line 26, by adding after line 26 the following "Section 7. KRS 61.552 is amended to read as follows:

(1) Any employe of a department participating in the Kentucky employes retirement system, or any employe of an agency participating in the county employes retirement system, or any member of the state police retirement system, or any active contributing member of the teachers' retirement system or a contributing member of the judicial retirement plan or legislators' retirement plan or an employe of a parted employer whose employment has previously been terminated and who has been refunded his accumulated contributions, thereby losing service credit, may regain such credit by paying to the system from which he received the refund or refunds the amount or amounts refunded with interest at a rate determined by the board of the respective retirement system provided, however, the provisions of KRS 161.470 must be met in order to regain such credit in the teachers' retirement system and provided further that KRS 21.460 shall govern with respect to regaining credit in the judicial retirement plan or legislators' retirement plan. Such payment including interest as determined by the board shall be deposited to the member's contribution account and considered as accumulated contributions of the individual member. Such payments shall not be picked up, as described in KRS 61.560(4), by the employer.

(2) Any employe of a county participating in the county employes retirement system or any former county employe who is an employe of a participating department in the Kentucky employes retirement system or a contributing member of the state police retirement system, teachers' retirement system, judicial retirement plan or legislators' retirement plan who did not elect membership in the county employes retirement system as provided in subsection (2) of KRS 78.540 may obtain credit in the county employes retirement system for prior service and for current service by paying to the county employes retirement system a delayed contribution payment for the service he would have received had he elected membership. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer.

(3) Any employe of a participating department or any former state employe who is an employe of a county participating in the county employes retirement system or a contributing member of the state police retirement system, teachers' retirement system, judicial retirement plan or legislators' retirement plan who did not elect membership in the Kentucky employes retirement system as provided in subsection (2) of KRS 61.525 may obtain credit in the Kentucky employes retirement system for prior service and for current service by paying to the system a delayed contribution payment for the service he would have received had he elected membership. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer.

(4) An employe of a participating department which did not participate in the system effective July 1, 1956, or any former state employe who is an employe of a county participating in the county employes retirement system or a contributing member of the state police retirement system, teachers' retirement system, judicial retirement plan or legislators' retirement plan may obtain credit in the Kentucky employes retirement system for current service between July 1, 1956, and the effective date of participation of his department by paying to the system a delayed contribution payment for the service he would have received had his department participated on July 1, 1956. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer.

(5) An employe *or former employe, not yet retired who has not withdrawn his contributions pursuant to KRS 61.625,* of a county participating in the county employes retirement system which did not participate in the system effective July 1, 1958, [~~or any former county employe who is an employe of a department participating in the Kentucky employes retirement system or a contributing member of the state police retirement system, teachers' retirement system, judicial retirement plan or legislators' retirement plan~~] may obtain credit in the county employes retirement system for current service between July 1, 1958, and the effective date of participation of his county by paying to the county employes retirement system a delayed contribution payment for the services he would have received had his county participated on July 1, 1958. The delayed contribution payment shall not be picked up, as described in KRS 61.560(4), by the employer.

(6) Effective *July 15, 1986* [~~January 1, 1975~~], service credit obtained under subsections (1) to *(4)* [~~(5)~~] of this section shall be disallowed and the recontribution of refund including interest as determined by the board and the delayed contribution payment, if any, shall be paid to the member, upon request, or in the event of his death to his properly designated beneficiary if the member does not obtain for service performed six (6) months current service credit in either the Kentucky employes retirement system, county employes retirement system, state police retirement system, teachers' retirement system, judicial retirement plan or legislators' retirement plan, or as an employe of a parted employer.

(7) Any employe of a county participating in the county employes retirement system, or any employe of a department participating in the Kentucky employes retirement system, who has obtained for service performed six (6) months current service credit in either retirement system, who formerly worked for a state university in a position which would have qualified as a regular full-time position had the university been a participating department, and who did not have the option to be covered at the university by an advance funded retirement program in which he could vest during his period of employment, or did not participate in a retirement system which can be consolidated with other accounts pursuant to KRS 61.680(2), may obtain credit in the county employes retirement system or the Kentucky employes retirement system for prior and current service by paying either retirement system a delayed contribution payment for the service he would have received had his period of university employment been covered by the county employes or Kentucky employes retirement system. The delayed contribution payment shall not be picked up, as described in KRS 61.540(4), by the employer.

(8) (a) Effective August 1, 1980, any county participating in the county employes retirement system may purchase current service, between July 1, 1958 and participation date of the county, for present employes of the county who have obtained coverage under KRS 78.540(2).

(b) Effective July 1, 1973, any department participating in the Kentucky employes retirement system may purchase current service between July 1, 1956 and participation date of the department, for present employes of the department who were employes on the participation date of the department and elected coverage under KRS 61.525(2).

(c) Cost of the service credit purchased under this subsection shall be determined by computing the discounted value of the additional service credit based on an actuarial formula recommended by the board's consulting actuary and approved by the board. A department shall make payment for such service credit within the same fiscal year in which the option is elected. The county shall establish a payment schedule subject to approval by the board for payment of such service credit. The maximum period allowed in a payment schedule shall be ten (10) years with interest at the rate actuarially assumed by the board; however, a shorter period is desirable and the board may approve any schedule provided it is not longer than a ten (10) year period.

(d) If a county or department elects the provisions of this subsection any present employe who would be eligible to receive service credit under the provisions of this subsection and has purchased service credit under subsections (4) or (5) of this section shall have his payment for such service credit refunded with interest at the rate paid under KRS 61.575 or KRS 78.640.

(e) Any payments made by a county or department under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members.

(9) Interest paid by a member of the Kentucky employes retirement system, county employes retirement system, or state police retirement system under this section or other similar statutes under KRS 16.505 to 16.652 or 61.510 to 61.705 or 78.510 to 78.852 prior to June 19, 1976 shall be credited to the individual member's contribution account in the appropriate retirement system and considered as accumulated contributions of the member.

(10) Members who served as assistants to officers and employes of the general assembly who were unable to acquire service under KRS 61.510(20) may purchase credit for such service performed after January 1, 1960, provided the service purchased when added to other accumulated service will total at least forty-eight (48) months. Service credit under this section shall be obtained by the payment of a delayed contribution which shall not be picked up by the employer as described in KRS 61.560(4).".

Floor Amendment No. 1 to HB 621, by Representative Heleringer:

Amend printed copy of HB 621:

On page 3, line 8, after "*board.*" insert the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

Jury instructions in any criminal trial in which the defendant is accused of a felony shall include information pertaining to the portion of a sentence that must be served by a convicted felon prior to parole eligibility as is then set out in regulations promulgated by the parole board. Such instructions shall also indicate that a convicted felon receives credit for time served in the county jail prior to conviction towards any sentence imposed by the court."

Floor Amendment No. 1 to HB 563, by Representative Blevins:

Amend printed copy of HB 563:

on page 10, by inserting after line 15,

Section 2. KRS 189.222 is amended to read as follows:

(1) The secretary of the transportation cabinet in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in KRS 189.221, if in the opinion of said secretary, the increased height, length and weight designated by him are justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases and said secretary is authorized to establish reasonable classification of such roads and to fix a different maximum for each classification. Provided, however, that any increase in the height, length or width of any motor truck or tractor semitrailer combinations or any other vehicle combinations including any part of the body or load or designation of highways to be used by such vehicles, shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the allotment or qualification for federal aid funds of the Commonwealth of Kentucky or exceed the following dimensions and weights:

(a) Height, thirteen and one-half (13 1/2) feet;

(b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet; motor trucks, forty-five (45) feet not to exceed two (2) trailers per truck tractor;

(c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than forty-two (42) inches apart to be considered as a single axle; thirty-four thousand (34,000) pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; fifty thousand (50,000) pounds on three (3) axles which are spaced forty-two (42) inches or more apart and less than one hundred twenty (120) inches apart. In no event shall any single axle in any arrangement exceed twenty thousand (20,000) pounds or six hundred (600) pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. In no event shall the total gross weight of the vehicle and load exceed eighty thousand (80,000) pounds;

(d) Except on the interstate highway system, a tolerance of not more than five percent (5%) per axle load shall be permitted before a carrier is deemed to have violated paragraph (c) of this subsection. In no event shall the gross weight exceed eighty thousand (80,000) pounds;

(e) Truck tractor, semitrailer and trailer combinations and other vehicle combinations may be operated only on the interstate system and on those parts of the federal aid highway system and the state-maintained system which have been designated by the secretary of the transportation cabinet by official order as safely allowing same.

(2) Vehicles exclusively engaged in the transportation of motor vehicles, unmanufactured tobacco or unmanufactured tobacco products may, on those highways which are a part of the state-maintained system and which have been designated by the secretary of the transportation cabinet by official order as safely allowing same, attain the maximum lengths as provided by subsection (1)(b) of this section, excluding the usual and ordinary bumper overhang of the transported vehicles;

(3) Vehicles engaged exclusively in the transportation of farm or primary forestry products, *except for vehicles transporting non-consumer type forest products,* and registered under KRS 186.050(4) or 186.050(9) shall be excluded from the axle weight provisions, except on interstate highways, and subject only to total gross weight provisions.

(4) Vehicles designed for and engaged exclusively in the collection and hauling of refuse and registered under KRS 186.050(3)(b) shall be excluded from the axle weight provisions, except when in operation on the federal interstate system, and subject only to total gross weight provisions.

(5) The secretary of the transportation cabinet may by order increase the weight and height limits prescribed by this chapter for motor vehicles while being operated exclusively on roads or highways being constructed, reconstructed or repaired under contract with the transportation cabinet by the contractor or subcontractor, agent or employe thereof.

(6) Notwithstanding any other provisions of this chapter, in no event may the secretary of the transportation cabinet authorize the operation of any motor vehicle or combination of motor vehicles, upon any part of the federal aid highway system or state parkway system, which exceeds the following dimension and weights:

(a) Width, one hundred two (102) inches, including any part of the body or load;

(b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than forty-two (42) inches apart to be considered as a single axle; thirty-four thousand (34,000) pounds on two (2) axles in tandem arrangement which are spaced forty-two (42) inches or more apart and less than ninety-six (96) inches apart; forty-eight thousand (48,000) pounds on three (3) axles which are spaced forty-two (42) inches or more apart and less than one hundred twenty (120) inches apart. In no event shall the total gross weight of the vehicle and load exceed eighty thousand (80,000) pounds; provided, however, in the event any federal law or laws or regulations thereunder are hereafter enacted authorizing weights and dimensions in excess of those set out in paragraphs (a) and (b) of this subsection, then the secretary of the transportation cabinet may by official order increase the maximum weights and dimensions but in no event shall said increased weights and dimensions exceed those set out in this section.

Floor Title Amendment to HB 563, by Representative Blevins:

Amend printed copy of HB 563:

on page 1, to delete the title and insert in lieu thereof: "*AN ACT relating to motor vehicles.*".

Floor Amendment No. 1 to HB 677, by Representative Barrows:

Amend printed copy of HB 677:

On page 9, lines 25 and 26, by deleting all underlined material;

On page 10, lines 1 through 4, by deleting all underlined material;

On page 10, lines 11 through 14, by deleting the following:

"*It is hereby declared that the restrictions and rights provided herein shall not be subject to reduction or impairment by alteration, amendment or appeal.*"

On page 30, line 11, by deleting "*one hundred eighty dollars ($180)*" and inserting "*two hundred dollars ($200)*" in lieu thereof.

Floor Amendment No. 1 to SB 275, by Representative Bruce:

Amend printed copy of SB 275:

On page 2, after line 22 by adding:

"SECTION 2. A NEW SECTION OF SUBTITLE 16 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in KRS 304.16-030, the term "employe" may include lawful agents of the employer."

Floor Amendment No. 4 to the Committee Substitute to HB 126, by Representative Crupper:

Amend printed copy of Committee Substitute to HB 126:

on page 2, line 11, after the "," to delete the remainder of line 11 and on page 2, line 12, to delete the word "*each*" and inserting in lieu thereof the following: "*there shall be paid for every*".

on page 8, line 17, after the number "138.660" to place brackets around the "," and strikethrough the same.

on page 8, line 17, after the (1) and before the (2) to insert the word "*and*".

on page 8, line 17, after the (2) to delete the "," and on page 8, line 17, after the word "and" to delete the "*(4)*".

on page 8, line 17, after the "*(4)*" to remove the brackets in front of the "(3)" and place the brackets in front of the word "and" and strikethrough the material therein.

Floor Amendment No. 1 to HB 59, by Representative Barrows:

Amend printed copy of HB 59:

On page 8, line 21, after the "." add the following:

"*During extended employment, no vocational agriculture teacher shall receive salary on a day that the teacher is scheduled to attend an institution of higher education class which could be credited toward meeting any certification requirement.*"

Floor Amendment No. 2 to HB 697, by Representative Mann:

Amend printed copy of HB 697:

On page 1, after line 14, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources may not prohibit reimbursement for any non-steroidal anti-inflammatory drug which is approved by the federal food and drug administration, and all such drugs shall be included in any formulary which the cabinet may adopt, except that the cabinet may restrict reimbursement for any such non-steroidal anti-inflammatory drug under the federal maximum allowable cost program."

Floor Title Amendment to HB 697, by Representative Mann:

Amend printed copy of HB 697:

by amending the title to read as follows:

"AN ACT relating to pharmaceuticals."

Floor Amendment No. 1 to HB 697, by Representative Mann:

Amend printed copy of HB 697:

On page 1, after line 14, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources shall set forth a procedure for the addition and deletion of drug products to the Kentucky medical assistance program (KMAP) outpatient drug list, as follows:

(1) Whenever the cabinet for human resources receives an application to add a product to the KMAP outpatient drug list, the product shall be reviewed by the Kentucky medical assistance program advisory council and the formulary subcommittee.

(2) The advisory council and the formulary subcommittee shall meet in open sessions at least every three (3) months. The formulary subcommittee shall meet not more than fifteen (15) days prior to the advisory council meetings.

(3) Whenever the cabinet accepts a completed application to add a drug product to the KMAP outpatient drug list, it shall be scheduled for review at the next regularly scheduled formulary subcommittee meeting, unless the meeting is scheduled to occur within thirty (30) days, in which case the drug product may be scheduled for the following meeting. The formulary subcommittee must consider and make a recommendation on the drug product application at that meeting. Recommendations by the formulary subcommittee on the drug product application shall be reviewed by the advisory council at its next meeting and the advisory council recommendations on the application shall be transmitted to the secretary of the cabinet within ten (10) days of the advisory council meeting.

(4) Upon receipt of the recommendations from the KMAP advisory council, the secretary of the cabinet shall notify within fifteen (15) working days, all interested parties, including the pharmaceutical manufacturers, of all decisions by the secretary concerning the secretary's acceptance or rejection of the advisory council's recommendations. Within thirty (30) days from receipt of these recommendations, the cabinet shall make effective for reimbursement those products accepted by the secretary for additions to the outpatient drug list.

(5) Whenever the secretary rejects an application to add a drug product to the formulary, the secretary shall notify the applicant in writing indicating the reason and specifying the criteria and data utilized in reaching the decision. This notification shall be made within thirty (30) days.

(6) Following an adverse decision by the secretary of the KMAP advisory council or the formulary subcommittee, a manufacturer shall be afforded an opportunity to re-submit the denied product for reconsideration.

(7) Proposals to delete a drug product from the formulary shall be subject to review by the KMAP advisory council and the formulary subcommittee. The cabinet shall notify manufacturers of proposals to delete a drug product at least sixty (60) days prior to the next meeting of the formulary subcommittee and the advisory council. Interested parties shall have an opportunity to present oral and written comments to the advisory council and formulary subcommittee prior to any final action taken.

(8) Whenever the secretary deletes a drug product from the formulary, the secretary shall notify the applicant in writing indicating the reason and specifying the criteria and data utilized in reaching the decision.

(9) Following an adverse decision by the secretary or the KMAP advisory council or the formulary subcommittee, a manufacturer shall be afforded an opportunity to re-submit the deleted product for reconsideration.

(10) The dosage strengths and new forms of products currently included in the KMAP outpatient drug list shall be included in the outpatient drug list following U.S. FDA approval and request of the manufacturer unless otherwise designated by the secretary. Whenever the secretary does not add a new dosage strength or form to the outpatient drug list, the product shall be subject to the standard review process set out above."

Floor Amendment No. 3 to HB 697, by Representative Mann:

Amend printed copy of HB 697:

On page 1, after line 14, by adding the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

All non-steroidal, anti-inflammatory drugs which have been approved by the United States food and drug administration shall be included on the Kentucky medical assistance drug formulary of the cabinet for human resources."

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Thursday, March 13, 1986.

On the roll call the vote was yeas 79—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Brinkley, M. Brown, Bruce, Burch, Burnette, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Hancock, J. Harper, K. Harper, Head, Hines, Holloway, Johnson, R. Jones, T. Jones, Kerr, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noland, O'Brien, Pearman, Preston, Pritchett, Rapier, Reinhardt, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Strong, Stumbo, Thomas, Turner, White, Williams, Worthington, Yates. Nays 5—Blevins, Bronger, Guenthner, Holbrook, LeMaster.

The motion to adjourn was adopted.

THURSDAY, MARCH 13, 1986

FORTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Pro Tempore Worthington.

Prayer by Father Joe Vincini, St. Patricks Church, Maysville.

The Speaker Pro Tempore led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 12, 1986, be dispensed with and the same approved. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 8 had been examined and found correctly enrolled. Said bill read at length, compared and signed in open session by the Speaker Pro Tempore. Ordered delivered to the Senate. (Time—2:06 p.m.)

HB 8 delivered to the Senate, signed by the President. Ordered delivered to the Governor.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Resolutions:

Appropriations and Revenue: HCR 146.

Health and Welfare: HCR 147.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Banking and Insurance: HB 564, HB 723, HB 917, HB 951, HB 962, HB 972, HB 974, SB 280, SB 309, SB 330.

Report of Committees

The Committee on Education reported HB 669 with Committee Substitute attached thereto, HB 840, HB 924 with Committee Amendment attached thereto, HCR 74, HCR 85, SB 139, and SB 152 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 669, AN ACT relating to educational improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.650 is amended to read as follows:

As used in KRS 158.660 to *158.750* [~~158.730~~], unless the context otherwise requires:

(1) ''Department'' means the state department of education;

(2) ''Competencies'' means the *observable* [~~possession of~~] skills *and* [~~,~~] knowledge *identified by the state board of education as necessary for a student to master at each grade level* [~~and understandings to the degree they can be demonstrated or measured~~];

(3) ''Basic skills *areas*'' means reading, writing, spelling, mathematics, and library research reference skills;

(4) "Product goals" means expected student and school district outcomes as approved by the state board of education;

(5) "Process goals" means systematic and orderly procedures including specific actions and time frames to be followed in achieving product goals;

(6) "Library research reference skills" means the ability to locate and utilize various sources of information;

(7) [~~"Essential skills" means those skills identified in academic subject areas by the state board of education as being necessary for a student to master.~~

~~(8)~~] "Standards" means acceptable levels of attainment school districts shall meet in program and service offerings and students shall meet in attaining *the* competencies in the *basic* [~~essential~~] skills *areas* as established by the state board of education;

(8)[~~(9)~~] "Educationally deficient school districts" means school districts which do not meet minimum standards in program and service offerings or in which insufficient numbers of students meet minimum standards of attainment of *the* competencies in the *basic* [~~essential~~] skills *areas*;

(9)[~~(10)~~] "Annual performance report" means the report published annually by each local board of education that presents the district's performance with regard to product goals as established by state board of education regulations;

(10)[~~(11)~~] "Accreditation report" means the report prepared by a department evaluation team and approved by the state board of education that assesses the availability and adequacy of the resources that are needed in a local school district to provide an adequate education program as defined by state board of education regulation; and

(11)[~~(12)~~] "Educational improvement plan" means the plan developed by a local school district in consultation with, and approved by, the state board of education that establishes the process goals to correct identified deficiencies in product goals and is approved by the local board of education and the state board of education.

Section 2. KRS 158.660 is amended to read as follows:

It is the intention of the general assembly in enacting KRS 158.650 to *158.750* [~~158.740~~]:

(1) To assure the right of each student in the public schools of this state to acquire the competencies in the *basic* [~~essential~~] skills *areas* necessary for completing high school, pursuing a course of study in post secondary education, or entering the work force in our society;

(2) To assure each student in the public schools access to those programs and services appropriate to his educational needs in the *basic skills* areas [~~of competencies in the essential skills~~];

(3) To assure that each school district will be held accountable for students in meeting standards of attainment of *the* competencies in the *basic* [~~essential~~] skills *areas* and for meeting standards in providing programs and services for students;

(4) To require the state board of education to establish standards by which acceptable levels of attainment shall be determined; and

(5) To require the state board of education to identify school districts which are educationally deficient and to provide such districts with program, financial, and other consultation and assistance as necessary to develop and implement strategies and programs to eliminate deficiencies.

Section 3. KRS 158.665 is amended to read as follows:

(1) The state board of education shall promulgate regulations stipulating that at least seventy percent (70%) of the time in each elementary school week shall be spent on *attaining the competencies in the* basic skills *areas*,[~~. These skills include reading, spelling, writing, library skills, and mathematics which shall be required~~] until such time as each student demonstrates the expected *competencies* [~~competency~~]. This applies to the first

eight (8) grades of school regardless of the organizational pattern of the school. In addition, subject matter content in the elementary schools for this seventy percent (70%) time block shall consist of social studies, mathematics, science, language arts and library skills. The remainder of the week may be scheduled by the local school in accordance with regulations of the state board of education and may include music, art, physical education, health, career education, environmental education and consumer education as a part of the elective program.

(2) The state board of education shall promulgate regulations stipulating that all secondary school students in grades nine (9) through twelve (12) shall continue to *attain the competencies in the basic skills areas* [~~develop competency in reading and writing, including grammar and spelling,~~] with sixty percent (60%) of their time, as defined by state board regulations, being devoted to [~~basic skills development in~~] the curriculum areas of English, language arts, science, mathematics and social studies. The school system shall provide appropriate elective courses, including vocational subjects, for the remainder of the student's program.

(3) In enacting this legislation, the general assembly is supplementing the provisions of the Educational Improvement Act of 1978 and, by so doing, reaffirms the requirements of that legislation as placed on the state department of education and local school districts. Furthermore, the superintendent of public instruction is hereby directed to fully carry out the purpose and intent of that legislation and all that it entails in providing for a program of quality education in the Commonwealth.

Section 4. KRS 158.670 is amended to read as follows:

The department of education shall administer the provisions of KRS 158.660 to *158.750* [~~158.730~~] pursuant to regulations adopted by the state board of education upon recommendation of the superintendent of public instruction.

Section 5. KRS 158.680 is amended to read as follows:

There shall be appointed by the governor a state advisory committee for educational improvement in accordance with the following:

(1) The state advisory committee for educational improvement shall be eighteen (18) members broadly representative of citizens, parents, teachers and administrators. Their principal duties shall be to advise the governor, *the state board of education* and *the* department in the implementation of the provisions of KRS 158.660 to *158.750*[~~158.730~~].

(2) All members shall be voting members appointed by the governor and shall serve terms of four (4) years, except that the original appointments will be made as follows:

(a) Five (5) members for four (4) year terms;

(b) Five (5) members for three (3) year terms;

(c) Four (4) members for two (2) year terms; and

(d) Four (4) members for a one (1) year term.

(3) The state advisory committee for educational improvement shall elect a chairman annually from its membership;

(4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the state advisory committee for educational improvement or while serving in the capacity as representative of the state advisory committee for educational improvement.

(5) The state advisory committee for educational improvement shall meet at least three (3) times each year at such times and places as it determines by resolution.

Section 6. KRS 158.685 is amended to read as follows:

(1) The state board of education shall establish standards which school districts shall meet in program and service offerings and set forth the minimum *level of* performance for students in attaining *the* competencies in *each basic* [~~the essential~~] skills *area* pursuant to KRS 158.660.

(2) The state board of education shall declare a school district to be educationally deficient when, in any school year, the district fails to meet or make satisfactory progress toward meeting minimum program and service standards or an insufficient number of students, as defined by state board of education regulations, fail to attain or fail to make satisfactory progress toward attaining *the student performance* [~~minimum competency in the essential skills~~] standards established pursuant to subsection (1) of this section.

(3) The superintendent of public instruction, upon approval of the state board of education, shall provide consultation and assistance to any school district which has been declared educationally deficient by the state board of education in eliminating the deficiency. The school districts shall be provided consultation and guidance relative to programs, services, finances, personnel, and any other areas wherein appropriate changes would be reasonably calculated to eliminate or alleviate the deficiency and in developing and implementing an educational improvement plan pursuant to KRS 158.710. Such changes, whenever allowable under Kentucky Revised Statutes, may include more expeditious correction of accreditation report deficiencies, improved personnel administration, more efficient management practices and other administrative and academic actions to improve the local districts' performance.

(4) Failure by an educationally deficient school district to implement the approved educational improvement plan shall be grounds for the superintendent of public instruction, with the concurrence of the state board of education, to intervene in the operation of a local school district and limit the authority of the local superintendent and local board of education to act in the following areas:

(a) Expenditure of funds;

(b) Employment and dismissal of personnel;

(c) Establishment and modification of the school calendar;

(d) Instructional program and policies;

(e) Student code of conduct; and

(f) Other areas as may be designated by state board of education regulation.

(5) Action initiated pursuant to subsection (4)(b) of this section, relative to employment and dismissal of personnel, shall be in accordance with the provisions of KRS 161.720 to 161.810 and 161.990. To facilitate the implementation of the educational improvement plan in an educationally deficient school district, the superintendent of public instruction, with the approval of the state board of education, may require an annual reallocation of an amount not to exceed twenty-five percent (25%) of the power equalization program funds received by the district to address program and service needs outlined in the educational improvement plan.

(6) Failure to implement the educational improvement plan shall constitute grounds for removal from office pursuant to KRS 156.132 to 156.136. This section shall not be deemed to create a statutory cause of action for educational malpractice by students, their parents or guardians.

Section 7. KRS 158.690 is amended to read as follows:

(1) By January 1, 1987, the state board of education shall assure that each pupil in the public schools of the Commonwealth is taught and is mastering the competencies necessary to function in each basic skills area:

(a) The competencies in each basic skill area shall be established for kindergarten and grades one (1) through twelve (12), though the competencies established for kindergarten shall not be required for all the basic skills areas. The department shall make available to all school districts the competencies established in each basic skill area for each grade; and

(b) The state advisory committee for educational improvement shall review the competencies in each basic skills area for each grade at least every four (4) years and shall make recommendations to the state board of education concerning any necessary revisions. The committee shall include parents, teachers, administrators and representatives of groups in education in the review and revision process.

(2) The department shall develop and implement a statewide assessment program in accordance with the following:

(a)[~~(1)~~] This program shall be for the purpose of measuring and reporting student progress and achievement *of the competencies* in the basic skills *areas* in *kindergarten and* grades *one (1) through twelve (12)* [~~3, 5, 7 and 10~~] and other product goal and competency areas as determined by the state board of education upon recommendation of the superintendent of public instruction;

(b)[~~(2)~~] Appropriate tests shall be administered annually;

(c)[~~(3)~~] Results of these tests shall be compiled on a statewide, district and school basis by the department and shall be reported to the governor, the state advisory committee for educational improvement, the legislative research commission, the state board of education~~,~~ and local boards of education. The report of scores by schools shall be a summary of results in each basic skills area by grade level as defined in KRS 158.650. Local boards of education shall publish in the newspaper with the largest circulation in the county by October 1 of each year an annual performance report on district accomplishments and activities pertaining to product goals including, but not limited to, retention rates and student performance on *the* basic [~~and essential~~] skills tests by school and grade level, the districts' goals for the succeeding year and other items as may be set forth in state board of education regulations;

(d)[~~(4)~~] The results of these tests shall be used by local boards of education for the development of educational improvement plans and shall not be used for the evaluation of teachers or administrators for the purpose of promotion, demotion, transfer, or dismissal.

Section 8. KRS 158.700 is amended to read as follows:

The department shall assume the following functions in implementing the educational improvement act:

(1) The department shall purchase *published tests which are available for national distribution and which have established norms using a national sample* [~~or cause to be developed tests~~] appropriate to the Commonwealth of Kentucky for measuring student progress and achievement in the basic skills *areas* in *kindergarten and* grades *one (1) through twelve (12)* [~~3, 5, 7 and 10~~]. These tests shall be reviewed for appropriateness [~~and shall be modified or revised~~] as is necessary;

(2) [~~The department shall purchase or cause to be developed tests appropriate to 3rd, 5th, 7th, and 10th grade students in Kentucky for measuring proficiency in other product goal areas as determined by the state board of education upon recommendation of the superintendent of public instruction. These tests shall be reviewed for appropriateness and shall be modified or revised as is necessary;~~

~~(3)~~] The department shall cause to be administered annually, all tests specified in *subsection* [~~subsections~~] (1) [~~and (2)~~] of this section to all students in *kindergarten and* grades *one (1) through twelve (12)* [~~3, 5, 7 and 10~~] in all of the public schools of the state. The department shall allow local school districts to exempt exceptional children, as defined in KRS 157.200 *if such exemptions are in compliance with the state board of education regulations and are* [~~, for whom the tests specified in subsections (1) and (2) of this section are determined inappropriate because of the nature and severity of the handicapping condition if~~] recommended by the admissions and release committee. *Exemptions shall be included in the pupil's individual educational plan*;

(3)[~~(4)~~] The department shall score or cause to be scored all tests specified in *subsection* [~~subsections~~] (1) [~~and (2)~~] of this section, compile results for each local school district, and return these results to the appropriate district by August 1 of each year;

(4)[~~(5)~~] The department shall, upon the request of a local school district, provide assistance in interpreting test results;

(5)[~~(6)~~] The department shall, upon request of a local school district, provide technical assistance in the area of program development and in districts declared educationally deficient by the state board of education, the department shall provide assistance as provided in KRS 158.685(3);

(6)[~~(7)~~] The department shall review and approve local plans for educational improvement consistent with guidelines approved by the state board of education; and

(7)[~~(8)~~] The department of education shall annually review both state process and product goals and modify when appropriate.

Section 9. KRS 158.710 is amended to read as follows:

Each local school district in the state shall assume the following responsibilities and functions in implementing the provisions of KRS 158.660 to *158.750* [~~158.730~~]:

(1) Each local school district shall develop a plan to improve the education of all students in grades 1 through 12. In developing these plans and prior to their approval by the local board of education, local districts shall involve local citizens, parents, students, teachers, and administrators. School districts declared to be educationally deficient by the state board of education under KRS 158.685 shall involve department of education consultants in the development of their plan;

(2) Each local district board of education shall by May 1, 1983, and every three (3) years thereafter, submit to the state department of education for approval a local plan for educational improvement which will be in effect for three (3) years or until such time as it is revised, whichever occurs first. If a plan is revised, succeeding plans will be submitted to the state department of education every three (3) years from the date of revision. School districts declared to be educationally deficient by the state board of education under KRS 158.685 shall submit a plan each year until the deficiency has been eliminated;

(3) Local school personnel shall ascertain areas of strength and areas of needed improvement in the school program as revealed by the test results and other student assessments and with the advice and counsel of the representatives mentioned in subsection (1) of this section, shall develop appropriate programs to address educational areas of needed improvement for grades 1 through 12;

(4) The educational improvement plan developed and submitted by each local school district to the department shall include the following:

(a) Process goals;

(b) Product goals;

(c) A list of individuals, by occupation, or groups involved in developing the plan;

(d) The areas of needed improvement as revealed by the district assessment results;

(e) A list of priorities for program implementation;

(f) The objectives and activities deemed appropriate and necessary for alleviating the observed educational areas of needed improvement;

(g) A calendar of events, or timeline, for implementation;

(h) A brief report, each succeeding year after submission of the initial plan, of the program status and of progress made in areas of needed improvement.

Section 10. KRS 158.730 is amended to read as follows:

To assure effective implementation of KRS 158.650 to *158.750* [~~158.740~~], the department shall, upon passage, develop and submit to the governor, the state advisory committee for educational improvement, the legislative research commission, and the state board of education a comprehensive plan for achieving the priorities and programs set forth in KRS *158.685*, 158.690, 158.700, 158.710 [~~and 158.585~~]. Such plan shall include, but not be limited to, the specific responsibilities assigned to the department and local school districts; procedures for involving the state advisory committee for educational improvement; means of utilizing guidance and counseling personnel; implementation procedures for the *basic* [~~essential~~] skills testing program; and implementation processes and schedules.

Section 11. KRS 158.750 is amended to read as follows:

[~~(1) By January 1, 1987, the state board of education shall assure that each pupil in the public schools of the Commonwealth is taught and is mastering the essential skills necessary to function in each basic skills area defined by KRS 158.650 through 158.730. The state board of education shall:~~

~~(a) By July 15, 1984, determine the essential skills necessary for pupils to successfully complete each grade level. The essential skills shall be established for each of the basic skills areas established by KRS 158.650 through 158.730 for kindergarten and grades one (1) through twelve (12), though such essential skills established for kindergarten shall not be required for all the basic skills areas. Parents, teachers, administrators and representatives of groups interested in education shall be consulted in determining the essential skills. At least every four (4) years, the essential skills shall be reviewed and revised if necessary;~~

~~(b) Prior to the 1984-85 school year, disseminate the essential skills to local school districts and require the essential skills be taught to each pupil, at each grade level, in each public school;~~

~~(c) By April 1, 1985, develop and disseminate tests to determine mastery of essential skills for mathematics and reading for each grade level to local school districts for administration prior to the end of the 1984-85 school year. Tests to determine mastery of essential skills for all basic skills areas set forth in KRS 158.650 through 158.730 shall be developed for each grade level and disseminated to all local school districts for administration prior to the end of the 1985-86 school year and all school years thereafter; and~~

~~(d) Score or cause to be scored all tests specified in paragraph (c) of this subsection, compile and analyze results, and assist local school districts interpreting tests results and in developing programs to improve academic performance.~~

~~(2) The superintendent shall report to the 1986 general assembly on the progress of the implementation of this section and make recommendations regarding the feasibility of requiring successful mastery of essential skills a prerequisite for promotion at selected grade levels and graduation from high school.~~

~~(3) Pupils identified as exceptional children pursuant to KRS 157.200 may be exempt from the requirements of this section if such exemption is in compliance with state board of education regulations and is recommended by the admissions and release committee. Exemptions shall be included in the pupil's individual educational plan.~~

~~(4) (a)~~] Based on the results of the *basic* [~~essential~~] skills test, the department of education shall determine the number and type of units needed for each district to provide a remedial instruction program for the pupils who achieve ten percent (10%) or more below the acceptable level of mastery and notify the districts of their tentative allotment based on pupil need. In the event a greater number of units are needed than are appropriated in the biennial budget, the department of education shall adjust the allotment to districts in a manner which is proportionate to the need as indicated by the *basic* [~~essential~~] skills test results.

(1)[~~(b)~~] Supplemental classroom units, to include only a salary allotment and current operating expense allotment, as defined in KRS 157.360, shall be allotted to local school districts to provide a remedial instruction program for each thirteen (13) pupils who at the end of their kindergarten, first, or second grade years achieve twenty-six percent (26%) or more below the acceptable level of mastery of the *basic* [~~essential~~] skills as determined by state board of education regulations.

(2)[~~(c)~~] A salary allotment for a teacher aide as defined in KRS 161.010(5), shall be allotted for each twenty (20) pupils who at the end of their kindergarten, first, or second grade years achieve ten percent (10%) to twenty-five percent (25%) below the acceptable level of mastery of the *basic* [~~essential~~] skills. The supplemental classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

The Committee Substitute to HB 669 is as follows:

HB 669, AN ACT relating to educational improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.690 is amended to read as follows:

The department shall develop and implement a statewide assessment program in accordance with the following:

(1) This program shall be for the purpose of measuring and reporting student progress and achievement in the basic skills in grades 3, 5, 7 and 10 and other product goal and competency areas as determined by the state board of education upon recommendation of the superintendent of public instruction;

(2) Appropriate tests shall be administered annually;

(3) Results of these tests shall be compiled on a statewide, district and school basis by the department and shall be reported to the governor, the state advisory committee for educational improvement, the legislative research commission, the state board of education, and local boards of education. The report of scores [~~by schools~~] shall be *the percent of students mastering each essential skill* [~~a summary of results~~] in each [~~basic skills~~] area by grade level [~~as defined in KRS 158.650~~]. Local boards of education shall publish in the newspaper with the largest circulation in the county by October 1 of each year an annual performance report on district accomplishments and activities pertaining to product goals including, but not limited to, retention rates and student performance on basic and essential skills tests by [~~school and~~] grade level, the districts' goals for the succeeding year and other items as may be set forth in state board of education regulations;

(4) The results of these tests shall be used by local boards of education for the development of educational improvement plans and shall not be used for the evaluation of teachers or administrators for the purpose of promotion, demotion, transfer, or dismissal.

Section 2. KRS 158.750 is amended to read as follows:

(1) By January 1, 1987, the state board of education shall assure that each pupil in the public schools of the Commonwealth is taught and is mastering the essential skills necessary to function in each basic skills area defined by KRS 158.650 through 158.730. The state board of education shall:

(a) By July 15, 1984, determine the essential skills necessary for pupils to successfully complete each grade level. The essential skills shall be established for each of the basic skills areas established by KRS 158.650 through 158.730 for kindergarten and grades one (1) through twelve (12), though such essential skills established for kindergarten shall not be required for all the basic skills areas. Parents, teachers, administrators and representatives of groups interested in education shall be consulted in determining the essential skills. At least every four (4) years, the essential skills shall be reviewed and revised if necessary;

(b) Prior to the 1984-85 school year, disseminate the essential skills to local school districts and require the essential skills be taught to each pupil, at each grade level, in each public school;

(c) By April 1, 1985, develop and disseminate tests to determine mastery of essential skills for mathematics and reading for each grade level to local school districts for administration prior to the end of the 1984-85 school year. Tests to determine mastery of essential skills for all basic skills areas set forth in KRS 158.650 through 158.730 shall be developed for each grade level and disseminated to all local school districts for administration prior to the end of the 1985-86 school year and *after the one hundred and sixtieth (160th) day of instruction in* all school years thereafter *through the 1987-88 school year. Following the complete testing and reporting cycle for 1987-88, requirements for administration, scoring and reporting of this test shall no longer be authorized without approval of the general assembly*; and

(d) Score or cause to be scored all tests specified in paragraph (c) of this subsection, compile and analyze results, and assist local school districts interpreting tests results and in developing programs to improve academic performance. *Students shall be classified as masters, partial masters and nonmasters of the essential skills.*

(2) The superintendent shall report to the *1988* [~~1986~~] general assembly on the [~~progress of the implementation of this section and make recommendations regarding the~~] feasibility *and advisability* of *administering the* [~~requiring successful mastery of~~] essential skills *test at the beginning of the school year* [~~a prerequisite for promotion at selected grade levels and graduation from high school~~].

(3) Pupils identified as exceptional children pursuant to KRS 157.200 may be exempt from the requirements of this section if such exemption is in compliance with state board of education regulations and is recommended by the admissions and release committee. Exemptions shall be included in the pupil's individual educational plan.

(4) (a) Based on the results of the essential skills test, the department of education shall determine the number and type of units needed for each district to provide a remedial instruction program for the pupils who *fail to meet* [~~achieve ten percent (10%) or more below the acceptable level of~~] mastery and notify the districts of their tentative allotment based on pupil need. In the event a greater number of units are needed than are appropriated in the biennial budget, the department of education shall adjust the allotment to districts in a manner which is proportionate to the need as indicated by the essential skills test results.

(b) Supplemental classroom units, to include only a salary allotment and current operating expense allotment, as defined in KRS 157.360, shall be allotted to local school districts to provide a remedial instruction program for each thirteen (13) pupils who at the end of their kindergarten, first, or second grade years *are nonmasters* [~~achieve twenty-six percent (26%) or more below the acceptable level of mastery~~] of the essential skills as determined by state board of education regulations.

(c) A salary allotment for a teacher aide as defined in KRS 161.010(5), shall be allotted for each twenty (20) pupils who at the end of their kindergarten, first, or second grade years *are partial masters* [~~achieve ten percent (10%) to twenty-five percent (25%) below the acceptable level of mastery~~] of the essential skills *as determined by state board of education regulations.* The supplemental classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

HB 840, AN ACT relating to sick leave for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.155 is amended to read as follows:

(1) As used in this section:

(a) "Teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(b) "Employe" shall mean any person, other than a teacher, employed in the public schools, whether on a full or part time basis.

(c) "Immediate family" shall mean the teacher's spouse, children including stepchildren, parents and spouse's parents without reference to the location or residence of said relative.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten (10) days of sick leave during each school year, without deduction of salary. Sick leave shall be granted to a teacher if he presents a personal affidavit or a certificate of a physician stating that the teacher was ill or that the teacher was absent for the purpose of attending to a member of his immediate family who was ill. The ten (10) days of sick leave herein granted may be taken by a teacher on any ten (10) days of the school year and shall be granted in addition to accumulated sick leave days that have been credited to the teacher under the provisions of subsection (3) of this section.

(3) Days of sick leave not taken by a teacher during any school year shall accumulate without limitation and be credited to that teacher. Accumulated sick leave may be taken in any school year. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section. Any accumulated sick leave days, not to exceed thirty (30) days, credited to a teacher shall remain so credited in the event he transfers his place of employment from one school district to another within the state or to the Kentucky department of education.

(4) Accumulated days of sick leave shall be granted to a teacher, if prior to the opening day of the school year, an affidavit or a certificate of a physician is presented to the district board of education, stating that the teacher is unable to commence his duties on the opening day of the school year, but will be able to assume his duties within a period of time that the board determines to be reasonable.

(5) *A teacher may use up to thirty (30) days of sick leave following the adoption of a child or children.*

(6) After July 1, 1982, a district board of education may compensate, at the time of retirement, an employe or a teacher for each unused sick leave day. The rate of compensation for each unused sick leave day shall be based on a percentage of the daily salary rate calculated from the employe's or teacher's last annual salary, not to exceed thirty percent (30%). Payment for unused sick leave days shall be incorporated into the annual salary of the final year of service; provided that the member makes the regular retirement contribution for members on the sick leave payment. The accumulation of such days includes unused sick leave days held by the employe or teacher at the time of implementation of such a program.

Section 2. KRS 161.770 is amended to read as follows:

(1) Upon written request of a teacher or superintendent, a board of education may grant a leave of absence for a period of not more than two (2) consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity, *adoption of a child or children,* or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. A board of education may pay a sum of money equivalent to all or any portion of salary to a teacher or superintendent who has been granted leave for educational or professional purposes if the person taking said leave agrees in writing to return to employment with the board for no less than two years.

(2) Without request, a board of education may grant leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing and appeal on such unrequested leave of absence or its renewal in accordance with the provisions for hearing and appeal in KRS 161.790.

(3) Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status which he held prior to such leave.

(4) Payments to any teacher or superintendent under this section by a board of education are intended and presumed to be for and in consideration of services rendered and for the benefit of the common schools and such payments do not affect the eligibility of any school district to share in the distribution of funds from the public school foundation program funds as established in KRS Chapter 157.

HB 924, AN ACT relating to textbooks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.110 is amended to read as follows:

(1) In the purchase and distribution of textbooks for grades *nine (9)* [~~kindergarten~~] through twelve (12), if sufficient funds are not available to furnish textbooks for all *four (4)* grades, the superintendent of public instruction, subject to the approval of the state board of education, shall determine for what grades and subjects textbooks shall be provided.

(2) Local school districts shall establish, pursuant to state board of education administrative regulations, a process whereby pupils in grades nine (9) through twelve (12) may rent textbooks for a reasonable fee. Rental fees collected by the district shall be used for the maintenance of textbooks, the purchase of new textbooks, and the provision of free textbooks to pupils in grades nine (9) through twelve (12) who are unable to rent or purchase textbooks.

(3) No pupil shall be denied the use of textbooks due to an inability to rent or purchase them. Local school districts shall establish, pursuant to state board of education administrative regulations, a process by which to provide free textbooks to pupils unable to rent or purchase them, including a process by which such students shall be informed of the availability of, and guidelines and procedures for, obtaining free textbooks.

(4) The state board of education shall adopt administrative regulations to insure the availability of free textbooks to those pupils in grades nine (9) through twelve (12) who are unable to rent or purchase textbooks and shall use the guidelines of the free and reduced price lunch programs to determine inability to rent or purchase textbooks. The regulations shall also provide for exceptional circumstances, under which pupils who do not meet free and reduced price lunch guidelines may be provided free textbooks.

Section 2. KRS 158.108 is amended to read as follows:

No child shall be denied full participation in any educational program due to an inability to pay for, *or rent,* necessary school supplies *including textbooks.*

Section 3. KRS 160.330 is amended to read as follows:

Each board of education may furnish necessary school supplies free of charge to indigent children in its school district or to such other children as it deems advisable, under such rules and regulations as it may adopt, *except that free textbooks must be provided to indigent children as provided in KRS 157.110.*

The Committee Amendment No. 1 to HB 924 is as follows:

Amend printed copy of HB 924:

On page 1, line 9 after "*districts*" add the following:

"*, which do not provide a free textbook program for all students in grades nine (9) through twelve (12),*".

HCR 74, A CONCURRENT RESOLUTION directing a study of the state textbook program in public elementary and secondary schools.

WHEREAS, an effective program of textbook distribution is essential to the development of a quality educational system; and

WHEREAS, the textbook program has been frequently altered by the Governor and the General Assembly, thereby diluting its effectiveness; and

WHEREAS, the textbook program has never been funded to an adequate extent; and

WHEREAS, Kentucky ranks 41st in the per capita income among the states and many students may not be able to afford textbooks; and

WHEREAS, the lack of free textbooks for all students may be a contributing factor in low educational attainment;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Program Review and Investigations Committee of the General Assembly conduct a study of the state textbook program. The purpose of the study shall be to determine the effectiveness and efficiency of the program and to make recommendations on ways to strenghten the program.

Section 2. The study shall include, but not be limited to, a determination of the following:

(1) Whether the process of selecting books to be placed on the adoption list is effective in making books with up-to-date content available;

(2) Whether the adoption cycle causes out-dated books to be distributed;

(3) Whether the textbook distribution system is effective and efficient;

(4) Whether the process administered by the Department of Education in the adoption of textbooks by local school districts is effective and efficient; and

(5) To the best of its ability to do so, whether the lack of free textbooks has had any effect on educational attainment.

Section 3. A report of the findings and recommendations shall be submitted to the Legislative Research Commission no later than August 31, 1987.

Section 4. Staff services to be utilized in the study are estimated to cost $20,000. Services and staff support are to be provided by the Legislative Research Commission from the regular Commission budget and are subject to the limitation and other research responsibilities of the Commission.

HCR 85, A CONCURRENT RESOLUTION directing the Council on Higher Education to study the compensation of university faculty.

WHEREAS, the Commonwealth of Kentucky has demonstrated a commitment to improve education; and

WHEREAS, the ability to attract and retain highly qualified and dedicated professors is crucial to a superior system of higher education; and

WHEREAS, low salaries discourage gifted young people from choosing careers in higher education; and

WHEREAS, low salaries depress faculty morale; and

WHEREAS, low salaries result in the loss of the most able faculty to better paying institutions in other states;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Council on Higher Education be directed to conduct a study of the compensation of university faculty to assure that faculty members with equal responsibility, training, and experience in similar fields receive equal compensation. The study shall include but not be limited to:

(1) A review of the amount of compensation for faculty members at the state's public universities;

(2) A comparison of faculty compensation among the state's universities; and

(3) A review of faculty compensation at the state's public universities with their benchmark institutions.

Section 2. The study shall be completed and a report with recommendations made to the Interim Joint Committee on Education no later than August 1, 1987.

SB 139, AN ACT relating to an adult education GED foundation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established a non-profit foundation to be known as the "GED Foundation for Adult Education." The purpose of the foundation shall be to supplement public funding for adult training in order to expand existing basic skills training programs.

(2) Funding for the foundation shall be obtained through contributions by the private sector. The foundation shall be empowered to solicit and accept funds from the private sector to be used for grants to local education agencies to fund adult basic education programs especially designed for business and industry. Contributors may specify that contributed funds be used to improve the educational level of their employes or the adult population in general.

(3) The foundation shall be governed by a board of trustees to be appointed by the appropriate board with responsibility for adult education programs based on recommendations from business, industry, labor, education and interested citizens. Staff assistance for the board of trustees shall be provided by the agency with the responsibility for administering the adult education program.

SB 152, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.540 is amended to read as follows:

Any board of education may borrow money on the credit of the board and issue negotiable notes in anticipation of revenues from school taxes and state revenue for the fiscal year in which the money is borrowed, and may pledge the anticipated revenues from state and local sources for the payment of principal and interest on the loan. The rate of interest charged shall not exceed the greater of six percent (6%) per annum or seventy percent (70%) of the federal reserve discount rate on ninety (90) day commercial paper in effect in the federal reserve district in which the loan is made, and the principal shall not exceed seventy-five percent (75%) of the anticipated revenue for the fiscal year in which it is borrowed. In all cases such loans shall be repaid within the fiscal year in which they are borrowed, *except loans made to public school districts under the federal "school asbestos act of 1984" which may extend beyond a fiscal year and may be repaid under the terms and the period set forth in the contractual agreement with the sponsoring federal agency.*

The Committee on Judiciary-Civil reported **HB 467** with Committee Substitute attached thereto and **HB 649** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 467, AN ACT relating to probate and related matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

A durable power of attorney is a power of attorney by which a principal designates another his attorney-in-fact in writing and the writing contains the words "This power of attorney shall not be affected by subsequent disability or incapacity of the principal," or "This power of attorney shall become effective upon the disability or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incapacity or later uncertainty as to whether the principal is dead or alive.

SECTION 2. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

In cases where the power of attorney is to become effective upon the disability or incapacity of the principal, the principal may specify the conditions under which the power is to become effective and may designate the person(s) or institution responsible for making the determination. If the principal fails to so specify, the power will become effective upon a court determination of legal disability.

SECTION 3. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

All acts done by an attorney-in-fact pursuant to a durable power of attorney during any period of disability or incapacity of the principal or uncertainty as to whether the principal is dead or alive have the same effect and inure to benefit of and bind the principal and his heirs, devisees, legatees, personal representatives and successors in interest as if the principal were alive, competent and not disabled.

SECTION 4. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

(1) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a conservator, guardian of the estate, or other fiduciary charged with the management of all the principal's property or all of his property except specified exclusions, the attorney-in-fact shall be accountable to the fiduciary as well as to the principal. The attorney-in-fact may continue to act concurrently with the court appointed fiduciary. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if he were not disabled or incapacitated.

(2) A principal may nominate, by a durable power of attorney, the conservator, guardian of his estate, or guardian of his person for consideration by the court pursuant to KRS 387.600(2) if protective proceedings for the principal's person or estate are thereafter commenced pursuant to KRS 387.500 to 387.990. The court shall make its appointment in accordance with the principal's most recent nomination in durable power of attorney except for good cause or disqualification.

SECTION 5. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

(1) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney-in-fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds successors in interest, heirs, devisees, legatees and personal representatives of the principal.

(2) The disability or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke or terminate the agency as to the attorney-in-fact or other person, who, without actual knowledge of the disability or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his successors in interest.

SECTION 6. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney-in-fact under a power of attorney, durable or otherwise, stating that he did not have at the time of exercise of the power actual knowledge of the termination of the power by revocation or of the principal's death, disability, or incapacity is conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section does not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

SECTION 7. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

Sections 1 through 6 of this Act shall be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of Sections 1 through 6 of this Act among states enacting them.

SECTION 8. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

Sections 1 through 6 of this Act may be cited as the Uniform Durable Power of Attorney Act.

Section 9. KRS 389A.010 is amended to read as follows:

(1) Notwithstanding any other statutory limitation of the jurisdiction of the district court:

(a) Any trustee, guardian, conservator, or personal representative (hereinafter "fiduciary"), not otherwise possessing a power of sale, may move the district court of the county in which the fiduciary has qualified for an order granting the fiduciary the power to sell or mortgage any real estate or any interest therein possessed by his ward, decedent, or trust; and

(b) The district court may enter an order granting the fiduciary the power to sell or mortgage any real estate or any interest therein possessed by the ward, decedent or trust.

(2) The motion shall include an adequate description of the property, a summary of the grounds for the motion, and a request that the bond of the fiduciary be increased in an adequate amount in accordance with KRS 395.130.

(3) Unless waived in writing, written notice of the hearing with a copy of the motion shall be served in a manner authorized by the Rules of Civil Procedure for the initiation of a civil action upon all persons who have a vested or contingent interest in the property interest sought to be sold. *Where the property interest sought to be sold belongs to a person under legal disability, service of notice and defense shall be governed by Civil Rules 4.04(3) and 17.03.*

(a) In the case where the subject of the action is the property interest of a person under legal disability, unless waived in writing, written notice by certified mail, return receipt requested shall be given to all known adult next of kin of:

1. The nature and pendency of the action; and

2. Not less than thirty (30) days notice of the time, date and location of the hearing on the motion. At or before the hearing, the fiduciary or his attorney shall file an affidavit on personal knowledge showing compliance with this paragraph and attaching a copy of the notice given and the original of all receipts returned.

(b) All such persons shall have standing to present evidence and to be heard at the hearing.

(4) An aggrieved party may no later than thirty (30) days from the date of the order, institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2)in respect to any order affecting the right of the fiduciary to sell or mortgage. Pending the entry of a final order and expiration of the time for an appeal therefrom, neither the fiduciary nor the owner of any vested interest shall make any conveyance or mortgage of the real estate and any attempt to do so shall be null and void.

(5) No proceedings under this section shall be conducted by or before a commissioner of the district court.

SECTION 10. A NEW SECTION OF KRS CHAPTER 391 IS CREATED TO READ AS FOLLOWS:

(1) Whenever real or personal property passes by the laws of intestate succession, or under a will to a beneficiary not named in such will, proceedings may be had in the district court to determine the persons entitled to such property.

(2) (a) If an estate is in process of administration the executor, administrator or any person claiming an interest in the property may file a motion in the district court where administration is in process. If there is no pending administration or administration has been dispensed with, any person claiming an interest in the property may file a motion in the district court of the county in which the decedent last resided or in the event the decedent was not a Kentucky resident, in the district court of the county in which the property, or the greater part thereof, is located.

(b) The motion shall set forth all of the facts known to movant relating to the matter including the names, ages and addresses of all persons who are or may be entitled to share in such property and their relationship to the decedent or to the class of beneficiaries entitled to share. The motion shall also describe the property under consideration and an estimate of its value.

(c) The motion shall be served in a manner authorized by the Rules of Civil Procedure for the initiation of a civil action and shall set forth the place and time (which shall not be less than twenty (20) days from the date of service) when the motion will come on for hearing.

(3) Upon the hearing on the motion any person claiming an interest in the property may introduce proof in support of his claim and the court may entertain the admission of any other relevant evidence to aid the court in determining the persons entitled to share in the property.

(4) After hearing all the evidence the court shall enter judgment in which the names, ages and addresses of the persons entitled to share in the property are set forth and the proportionate interest of each.

(5) In a case where some or all of the property is real estate located in this state a certified copy of the judgment shall be recorded in the office of the appropriate county clerk in lieu of the affidavit required by KRS 382.120.

(6) Any party may at any time prior to judgment institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2).

(7) Any aggrieved party may no later than thirty (30) days from the date of the judgment, institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2).

(8) Any unknown defendants before the court by constructive service alone shall be entitled to the protection afforded by Civil Rule 4.11.

(9) No proceedings under this section shall be conducted by or before a commissioner of the district court.

SECTION 11. A NEW SECTION OF KRS CHAPTER 391 IS CREATED TO READ AS FOLLOWS:

(1) For the purpose of intestate succession, if a relationship of parent and child must be established to determine succession by, through, or from a person, a person born out of wedlock is a child of the natural mother. That person is also a child of the natural father if:

(a) The natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or

(b) In determining the right of the child or its descendants to inherit from or through the father, there has been an adjudication of paternity before the death of the father; or

(c) In determining the right of the child or its descendants to inherit from or through the father, there has been an adjudication of paternity after the death of the father based upon clear and convincing proof.

(2) To determine the right of the father or his kindred to inherit from or through the child, the evidence in the adjudication of paternity shall demonstrate upon clear and convincing proof that:

(a) The father openly treated the child as his, and

(b) The father at no time refused to support the child.

(3) The terms and conditions set out in this section shall also apply in actions brought pursuant to KRS 411.130 and 411.135.

Section 12. KRS 394.090 is amended to read as follows:

Every will shall be revoked by the marriage of the person who made the will, except:

(1) A will made in exercise of a power of appointment when the estate thereby appointed would not, in default of such appointment, pass to the heir, personal representative, or next of kin of the person who made the will;

(2) A will that expressly provides that it is intended that a subsequent marriage shall not revoke the will.

(3) A will that expressly provides for the person who later becomes the spouse of the deceased and is married to the testator on the date of death.

SECTION 13. A NEW SECTION OF KRS CHAPTER 395 IS CREATED TO READ AS FOLLOWS:

(1) A fiduciary may, prior to filing a periodic or final settlement and prior to a distribution of assets, file with the court a proposed settlement. The proposed settlement shall be set for hearing and notice given as for any other settlement except that beneficiaries of the estate shall also receive notice from the fiduciary by mail at least ten (10) days prior to the hearing date. The proposed settlement shall set forth all assets and disbursements previously made and shall indicate assets on hand and anticipated to be received subsequent to the date of the proposed settlement and prior to the filing of the periodic or final settlement, and shall further indicate the manner in which the remaining and anticipated assets are proposed to be distributed. The proposal may set forth which assets are to be distributed in kind and to whom, which assets may be liquidated for distribution of cash or for payment of debts, costs of administration or pecuniary legacies. The proposal may also indicate claims proposed to be allowed or disallowed, in whole or in part and may also indicate fees and commissions proposed to be paid to the fiduciary and his attorney. Evidence and vouchers need not accompany the proposal unless required by the court upon exceptions filed. Following the hearing upon the proposed settlement and entry of an order of approval of the proposal as filed or as amended or modified by the court upon its own initiative or upon exceptions heard or upon application by any interested party, the fiduciary shall disburse the assets in accordance therewith. Following the distribution the fiduciary shall file a settlement accompanied by evidence and vouchers showing that distribution was effected in conformity with the approved proposal. If it appears to the court that the distribution was in conformity the court shall confirm the settlement and, if the settlement is final, discharge the fiduciary and his surety, without further hearing or notice to any person.

(2) An aggrieved party may, no later than thirty (30) days from the entry of the order upon the proposed settlement, institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2).

Section 14. KRS 395.270 is amended to read as follows:

Two (2) [~~Five (5)~~] months must run after the date of the qualification of the first personal representative of a decedent's estate before an action shall be commenced against any executor or administrator thereof except against an executor de son tort. Any action brought in violation of this section shall be dismissed with costs, except that an alleged creditor whose claim has been denied in writing by the fiduciary may commence action immediately after receipt of such denial.

Section 15. KRS 395.620 is amended to read as follows:

(1) The district judge shall make a written report of the settlement, showing each item of debit and credit, and the general result, and return it, with all evidence heard and vouchers filed, to the circuit clerk. The clerk shall note it of record, and indorse on it the time of filing, and set a date for a hearing on the report.

(2) A settlement filed in conformity with an approved proposed settlement made under Section 13 of this Act need not be set for hearing.

SECTION 16. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) All claims against a decedent's estate which arose before the death of the decedent, excluding claims of the United States, the state of Kentucky and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented within one (1) year after the appointment of the personal representative, or where no personal representative has been appointed, within two (2) years after the decedent's death.

(2) Nothing in this section shall affect or prevent:

(a) To the extent of the security only, any proceeding to enforce any mortgage, pledge, lien or other security interest securing an obligation of the decedent or upon property of the estate; or

(b) To the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he is protected by liability insurance.

SECTION 17. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Claims against a decedent's estate shall be presented as follows:

(1) The claimant may deliver or mail to the personal representative a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed, or may file in triplicate a written statement of the claim, in the form prescribed by rule, with the clerk of the court. If presentment shall be made by filing a written statement of the claim with the clerk of the court, the clerk upon receipt of the triplicate copies thereof shall note the date of filing on each copy, and shall mail one (1) such copy of the statement to the personal representative, and a second copy thereof to the personal representative's attorney. The claim shall be deemed presented on the first to occur of receipt of the written statement of claim by the personal representative, or the filing of the claim with the court. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(2) In an action pending against the decedent at the time of his death, which action survives at law, the substitution of the personal representative for the decedent, or motion therefor shall constitute the presentation of a claim. Such claim shall be deemed to have been presented from the time of substitution, or motion therefor.

SECTION 18. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Upon any claim being presented in the manner described in subsection (1) of Section 17 of this Act, the personal representative may require the affidavit of the claimant or other satisfactory evidence that such claim is justly due, that no payments have been made thereon, and that there are no offsets against same, to the knowledge of the claimant; or if any payments have been made, or any offsets exist, that their nature and amount be shown by the evidence or stated in the affidavit.

SECTION 19. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

No action shall be brought against a personal representative on a claim against decedent's estate unless the claimant shall have first presented his claim in the manner described in Section 17 of this Act. The foregoing limitation shall be in addition to that limitation on the commencement of an action against a personal representative set forth in KRS 395.270.

SECTION 20. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) No claim shall be barred by a statute of limitations which was not barred thereby at the time of the decedent's death if the claim is presented within six (6) months after the decedent's death.

(2) For purposes of any statute of limitations, the proper presentment of a claim under Section 17 of this Act is equivalent to commencement of an action on the claim.

SECTION 21. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) As to claims presented in the manner described in Section 17 of this Act within the time limit prescribed in Section 16 of this Act, the personal representative may mail a notice to any claimant stating that the claim has been allowed or disallowed. If, after allowing or disallowing a claim, the personal representative changes his decision concerning the claim, he shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to commence an action on the claim has run and the claim has been barred. Every claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed unless the claimant commences an action against the personal representative not later than sixty (60) days after the mailing of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. Failure of the personal representative to mail notice to a claimant of action on his claim for sixty (60) days after the time for original presentation of the claim has expired has the effect of a notice of allowance, except that upon petition of the personal reprsentative and upon notice to the claimant, the court at any time before payment of such claim may for cause shown permit the personal representative to disallow such claim.

(2) A judgment against a personal representative to enforce a claim against a decedent's estate is an allowance of the claim.

(3) In the case of a disallowance of a claim which is not due or which is contingent or unliquidated, the personal representative may consent to an extension of the sixty (60) day period imposed by subsection (1) of

this section for the commencement of an action on a disallowed claim, or to avoid injustice, the court, on petition, may order an extension of the sixty (60) day period, but in no event shall the extension run beyond the applicable statute of limitations.

SECTION 22. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Unless an estate is insolvent the personal representative, with the consent of all successors of the decedent whose interests would be affected, may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid.

SECTION 23. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) Upon the expiration of six (6) months from the date of his appointment, the personal representative may proceed to pay the claims allowed against the estate in the order of priority prescribed, after making appropriate provision for exemptions and allowances provided by law, for claims already presented which have not yet been allowed and for unbarred claims which may yet be presented, including costs and expenses of administration. By petition to the court in a proceeding for the purpose, a claimant whose claim has been allowed but not paid as provided herein may secure an order directing the personal representative to pay the claim to the extent that funds of the estate are available for the payment.

(2) The personal representative at any time may pay any just claim which has not been barred, with or without formal presentation, but he is personally liable to any other claimant whose claim is allowed and who is injured by such payment if:

(a) The payment was made before the expiration of the time limit stated in subsection (1) of this section and the personal representative failed to require the payee to give adequate security for the refund of any of the payment necessary to pay other claimants; or

(b) The payment was made, due to the negligence or willful fault of the personal representative, in such manner as to deprive the injured claimant of his priority.

SECTION 24. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Unless otherwise provided in any judgment against the personal representative, an allowed claim shall bear interest at the legal rate for the period commencing sixty (60) days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case the claim shall bear interest in accordance with that provision.

SECTION 25. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment of claims in the following order:

(a) Costs and expenses of administration; then

(b) Reasonable funeral expenses; then

(c) Debts and taxes with preference under federal law and other laws of this state; then

(d) All other claims.

(2) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due.

SECTION 26. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Payment of a secured claim shall be upon the basis of the amount allowed if the creditor surrenders his security; otherwise payment shall be upon the basis of one (1) of the following:

(1) If the creditor exhausts his security before receiving payment, unless precluded by other law, upon the amount of the claim allowed less than the fair value of the security; or

(2) If the creditor does not have the right to exhaust his security or has not done so, upon the amount of the claim allowed less the value of the security determined by converting it into money according to the terms of the agreement pursuant to which the security was delivered to the creditor, or by the creditor and personal representative by agreement, arbitration, compromise or litigation.

SECTION 27. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) If a claim which will become due at a future time or a contingent or unliquidated claim becomes due or certain before the distribution of the estate, and if the claim has been allowed it shall be paid in the same manner as presently due and absolute claims of the same class.

(2) In other cases the personal representative or, on petition of the personal representative or the claimant in a special proceeding for the purpose, the court may provide for payment as follows:

(a) If the claimant consents, he may be paid the present or agreed value of the claim, taking any uncertainty into account;

(b) Arrangement for future payment, or possible payment, on the happening of the contingency or on liquidation may be made by creating a trust, giving a mortgage, obtaining a bond or security from a distributee, or otherwise.

SECTION 28. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

In allowing a claim the personal representative may deduct any counterclaim which the estate has against the claimant. In determining a claim against an estate a court shall reduce the amount allowed by the amount of any counterclaims and, if the counterclaims exceed the claim, render a judgment against the claimant in the amount of the excess. A counterclaim, liquidated or unliquidated, may arise from a transaction other than that upon which the claim is based. A counterclaim may give rise to relief exceeding in amount or different in kind from that sought in the claim.

SECTION 29. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

No execution may issue upon nor may any levy be made against any property of the estate under any judgment against a decedent or a personal representative, but this section shall not be construed to prevent the enforcement of mortgages, pledges or liens upon real or personal property in an appropriate proceeding.

SECTION 30. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

When a claim against the estate has been presented in any manner, the personal representative may, if it appears for the best interest of the estate, compromise the claim, whether due or not due, absolute or contingent, liquidated or unliquidated.

SECTION 31. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

If any assets of the estate are encumbered by mortgage, pledge, lien, or secured interest, the personal representative may pay the encumbrance or any part thereof, renew or extend any obligation secured by the encumbrance or convey or transfer the assets to the creditor in satisfaction of his lien, in whole or in part, whether or not the holder of the encumbrance has presented a claim, if it appears to be for the best interest of the estate. Payment of an encumbrance does not increase the share of the distributee entitled to the encumbered assets unless the distributee is entitled to exoneration.

SECTION 32. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

If a personal representative pays to a creditor an undue portion of his demand or to a distributee or devisee a part or all of his share of the estate, under a mistake as to the solvency of the estate or otherwise, he may recover from the creditor, distributee or devisee the amount of the overpayment, with interest.

SECTION 33. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) All assets of estates being administered in this state are subject to all claims, allowances and charges existing or established against the personal representative wherever appointed.

(2) If the estate either in this state or as a whole is insufficient to cover all family exemptions and allowances determined by the law of the decedent's domicile, prior charges and claims, after satisfaction of the exemptions, allowances and charges, each claimant whose claim has been allowed either in this state or elsewhere in administrations of which the personal representative is aware, is entitled to receive payment of an equal proportion of his claim. If a preference or security in regard to a claim is allowed in another jurisdiction but not in this state, the creditor so benefited shall receive payment out of local assets only upon the balance of his claim after deducting the amount of the benefit.

(3) In case the family exemptions and allowances, prior charges and claims of the entire estate exceed the total value of the portions of the estate being administered separately and this state is not the state of the decedent's last domicile, the claims allowed in this state shall be paid their proportion if local assets are adequate for the purpose, and the balance of local assets shall be transferred to the domiciliary personal representative. If local assets are not sufficient to pay all claims allowed in this state the amount to which they are entitled, local assets shall be marshalled so that each claim allowed in this state is paid its proportion as far as possible, after taking into account all payments on claims allowed in this state from assets in other jurisdictions.

SECTION 34. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) Unless otherwise provided in the contract, a personal representative is not individually liable on a contract properly entered into in his fiduciary capacity in the course of administration of the estate unless he fails to reveal his representative capacity and identify the estate in the contract.

(2) A personal representative is individually liable for obligations arising from ownership or control of the estate or for torts committed in the course of administration of the estate only if he is personally at fault.

(3) Claims based on contracts entered into by a personal representative in his fiduciary capacity, on obligations arising from ownership or control of the estate or on torts committed in the course of estate administration may be asserted against the estate by proceeding against the personal representative in his fiduciary capacity, whether or not the personal representative is individually liable therefor.

(4) Issues of liability as between the estate and the persoanl representative individually may be determined in a proceeding for accounting, surcharge or indemnification or other appropriate proceeding.

SECTION 35. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

After assets of an estate have been distributed and subject to Section 36 of this Act, an undischarged claim not barred may be prosecuted in a proceeding against one (1) or more distributees. No distributee shall be liable to claimants for amounts received as exempt property, homestead or family allowances, or for amounts in excess of the value of his distribution as of the time of distribution. As between distributees, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied in the course of administration. Any distributee who shall have failed to notify other distributees of the demand made upon him by the claimant in sufficient time to permit them to join in any proceeding in which the claim was asserted against him loses his right of contribution against other distributees.

SECTION 36. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

No cause of action on any claim not otherwise barred by the provisions of Section 16 of this Act and subsection (1) of Section 21 of this Act, or any other applicable statute of limitations, shall be brought against the personal representative or against any distributee after the expiration of two (2) years from the date of the order of discharge of the personal representative. The foregoing limitation shall not preclude an action by any claimant against the personal representative for fraud, misrepresentation or inadequate disclosure related to the settlement of the decedent's estate.

Section 37. KRS 413.180 is amended to read as follows:

(1) If a person entitled to bring any action mentioned in KRS 413.090 to 413.160 dies before the expiration of the time limited for its commencement and the cause of action survives, the action may be brought by his personal representative after the expiration of that time, if commenced within one year after the qualification of the representative.

(2) If a person dies before the time at which the right to bring any action mentioned in KRS 413.090 to 413.160 would have accrued to him if he had continued alive, and there is an interval of more than one year between his death and the qualification of his personal representative, that representative, for purposes of this chapter, shall be deemed to have qualified on the last day of the one-year period.

[~~(3) If a person against whom an action mentioned in KRS 413.090 to 413.160 may be brought dies before the expiration of the time limited for its commencement and the cause of action survives, an action may be commenced against his personal representative, devisee, or heirs, or all, after the expiration of that time, and within one year after the qualification of his personal representative. If there is no personal representative, the action may be brought against his heirs or devisees, or both, after the expiration of the time limited for bringing it, and within one year after his death.~~]

Section 38. KRS 424.340 is amended to read as follows:

The [~~circuit~~] clerk *of the probate court* shall, at least once each month, cause to be published in the newspaper meeting the requirements of KRS 424.120, a notice setting forth all fiduciary appointments made since the last publication and including at least the following information: the name and address of the decedent or ward, the name and address of the fiduciary, the date of the fiduciary's appointment, and the name and address of the attorney representing the fiduciary, if any, and the date by which claims of creditors must be *presented* [~~filed~~]. The clerk may charge each fiduciary a fee not to exceed the actual proportionate cost of said notice. Publication of this notice shall neither enlarge nor reduce the obligation of a creditor to present a timely claim, nor the liability of the fiduciary or distributee to pay the same.

Section 39. KRS 395.455 is amended to read as follows:

(1) Where the exemption of the surviving spouse alone, or together with preferred claims paid by a widow or by the widower where the wife's estate is legally liable for payment, equals or exceeds the amount of probatable assets, the court may order that administration of the estate be dispensed with and such assets be transferred to the surviving spouse or to a person designated by such surviving spouse to receive all or part of such assets. The court may so order in both testate and intestate estates and without requiring the renunciation of a will or the giving of bond.

(2) If the court is satisfied that no probatable estate will pass through the hands of the personal representative, it may order that no letters of administration be issued and in the case of a testate estate that the will be probated only.

(3) Where a surviving spouse has waived his or her right to the exemption accorded by law in favor of a person who has paid preferred claims in an amount equalling or exceeding the amount of probatable assets or who is legally entitled to such payment, or where there is no surviving spouse and such person has made such payment or is legally entitled thereto, the court may order that the administration of the estate be dispensed with and such assets transferred to such person. The court may so order without requiring the giving of bond.

(4) For purpose of this section, the exemption of the surviving spouse is such exemption as has been created by KRS 391.030 and preferred claims are those listed in *Section 25 of this Act* [~~KRS 396.090~~] and in the order thereof.

Section 40. KRS 413.090 is amended to read as follows:

Except as provided in *Section 36 of this Act,* KRS 413.110, [~~413.200, 413.210,~~] 413.220, 413.230 and 413.240, the following actions shall be commenced within fifteen (15) years after the cause of action first accrued:

(1) An action upon a judgment or decree of any court of this state or of the United States, or of any state or territory thereof, the period to be computed from the date of the last execution thereon.

(2) An action upon a recognizance, bond or written contract.

(3) An action upon the official bond of a sheriff, marshal, clerk, constable or any other public officer, or any commissioner, receiver, curator, personal representative, guardian, conservator, or trustee appointed by a court or authority of law.

(4) An action upon an appeal bond or bond given on a supersedeas, attachment, injunction, order of arrest or for the delivery of property or for the forthcoming of property, or to obey or perform an order or judgment of court in an action, or upon a bond for costs, or any other bond taken by a court or judge or by an officer pursuant to the directions of a court or judge, in an action or after judgment or decree, or upon a replevin, sale or delivery bond taken under execution or decree, upon an indemnifying bond taken under a statute, or upon a bond to suspend a proceeding, or upon a bond or obligation for the payment of money or property or for the performance of any undertaking.

Section 41. The following KRS sections are repealed:

386.093 When power of attorney not affected by disability.

396.010 Verification of claims required—Exception.

396.020 Action not to be brought before demand—Exception—When additional affidavit unnecessary.

396.025 Limitations on filing claims.

396.027 Limitation on time to commence action on rejected claim.

396.030 Interest accruing after death—When allowed.

396.040 Usury and credits to be deducted before claim paid.

396.050 Reference to commissioner; advertisement of.

396.060 Liability of heirs and devisees—Joint action against them and representative.

396.070 Liability of representative, heir and devisee of heir or devisee.

396.080 Equitable action by creditor—Lien may be obtained.

396.090 Preferred claims.

396.100 Liens.

396.110 Alienation of estate—Effect of.

396.130 Refunding bond—Representative may require.

396.140 Overpayment—Recovery of.

396.150 Examination of claimant.

396.160 Insolvent nonresident decedent—Payment of debts.

396.170 Right to pay obligations of decedent in advance of maturity.

396.180 Duty of personal representative of mental patient.

413.200 Action against personal representative who has settled accounts.

413.210 Action against heirs and personal representative when estate divided.

The Committee Substitute to HB 467 is as follows:

HB 467, AN ACT relating to probate and related matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

A durable power of attorney is a power of attorney by which a principal designates another his attorney-in-fact in writing and the writing contains the words "This power of attorney shall not be affected by subsequent disability or incapacity of the principal," or "This power of attorney shall become effective upon the disability or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incapacity or later uncertainty as to whether the principal is dead or alive.

SECTION 2. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

In cases where the power of attorney is to become effective upon the disability or incapacity of the principal, the principal may specify the conditions under which the power is to become effective and may designate the person(s) or institution responsible for making the determination. If the principal fails to so specify, the power will become effective upon a court determination of legal disability.

SECTION 3. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

All acts done by an attorney-in-fact pursuant to a durable power of attorney during any period of disability or incapacity of the principal or uncertainty as to whether the principal is dead or alive have the same effect and inure to benefit of and bind the principal and his heirs, devisees, legatees, personal representatives and successors in interest as if the principal were alive, competent and not disabled.

SECTION 4. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

(1) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a conservator, guardian of the estate, or other fiduciary charged with the management of all the principal's property or all of his property except specified exclusions, the attorney-in-fact shall be accountable to the fiduciary as well as to the principal. The attorney-in-fact may continue to act concurrently with the court appointed fiduciary. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if he were not disabled or incapacitated.

(2) A principal may nominate, by a durable power of attorney, the conservator, guardian of his estate, or guardian of his person for consideration by the court pursuant to KRS 387.600(2) if protective proceedings for the principal's person or estate are thereafter commenced pursuant to KRS 387.500 to 387.990. The court shall make its appointment in accordance with the principal's most recent nomination in durable power of attorney except for good cause or disqualification.

SECTION 5. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

(1) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney-in-fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds successors in interest, heirs, devisees, legatees and personal representatives of the principal.

(2) The disability or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke or terminate the agency as to the attorney-in-fact or other person, who, without actual knowledge of the disability or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his successors in interest.

SECTION 6. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney-in-fact under a power of attorney, durable or otherwise, stating that he did not have at the time of exercise of the power actual knowledge of the termination of the power by revocation or of the principal's death, disability, or incapacity shall establish a rebuttable presumption of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section does not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

SECTION 7. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

Sections 1 through 6 of this Act shall be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of Sections 1 through 6 of this Act among states enacting them. Nothing in this Act shall be construed to allow the attorney-in-fact of the durable power of attorney to make decisions concerning the health of the principal.

SECTION 8. A NEW SECTION OF KRS CHAPTER 386 IS CREATED TO READ AS FOLLOWS:

Sections 1 through 7 of this Act may be cited as the Uniform Durable Power of Attorney Act.

Section 9. KRS 389A.010 is amended to read as follows:

(1) Notwithstanding any other statutory limitation of the jurisdiction of the district court:

(a) Any trustee, guardian, conservator, or personal representative (hereinafter "fiduciary"), not otherwise possessing a power of sale, may move the district court of the county in which the fiduciary has qualified for an order granting the fiduciary the power to sell or mortgage any real estate or any interest therein possessed by his ward, decedent, or trust; and

(b) The district court may enter an order granting the fiduciary the power to sell or mortgage any real estate or any interest therein possessed by the ward, decedent or trust.

(2) The motion shall include an adequate description of the property, a summary of the grounds for the motion, and a request that the bond of the fiduciary be increased in an adequate amount in accordance with KRS 395.130.

(3) Unless waived in writing, written notice of the hearing with a copy of the motion shall be served in a manner authorized by the Rules of Civil Procedure for the initiation of a civil action upon all persons who have a vested or contingent interest in the property interest sought to be sold. *Where the property interest sought to be sold belongs to a person under legal disability, service of notice and defense shall be governed by Civil Rules 4.04(3) and 17.03.*

(a) In the case where the subject of the action is the property interest of a person under legal disability, unless waived in writing, written notice by certified mail, return receipt requested shall be given to all known adult next of kin of:

1. The nature and pendency of the action; and

2. Not less than thirty (30) days notice of the time, date and location of the hearing on the motion. At or before the hearing, the fiduciary or his attorney shall file an affidavit on personal knowledge showing compliance with this paragraph and attaching a copy of the notice given and the original of all receipts returned.

(b) All such persons shall have standing to present evidence and to be heard at the hearing.

(4) An aggrieved party may no later than thirty (30) days from the date of the order, institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2)in respect to any order affecting the right of the fiduciary to sell or mortgage. Pending the entry of a final order and expiration of the time for an appeal therefrom, neither the fiduciary nor the owner of any vested interest shall make any conveyance or mortgage of the real estate and any attempt to do so shall be null and void.

(5) No proceedings under this section shall be conducted by or before a commissioner of the district court.

Section 10. KRS 394.090 is amended to read as follows:

Every will shall be revoked by the marriage of the person who made the will, except:

(1) A will made in exercise of a power of appointment when the estate thereby appointed would not, in default of such appointment, pass to the heir, personal representative, or next of kin of the person who made the will;

(2) A will that expressly provides that it is intended that a subsequent marriage shall not revoke the will.

(3) A will that expressly provides for the person who later becomes the spouse of the deceased and is married to the testator on the date of death.

SECTION 11. A NEW SECTION OF KRS CHAPTER 395 IS CREATED TO READ AS FOLLOWS:

(1) A fiduciary may, prior to filing a periodic or final settlement and prior to a distribution of assets, file with the court a proposed settlement. The proposed settlement shall be set for hearing and notice given as for any other settlement except that beneficiaries of the estate shall also receive notice from the fiduciary by mail at least ten (10) days prior to the hearing date. The proposed settlement shall set forth all assets and disbursements previously made and shall indicate assets on hand and anticipated to be received subsequent to the date of the proposed settlement and prior to the filing of the periodic or final settlement, and shall further indicate the manner in which the remaining and anticipated assets are proposed to be distributed. The proposal may set forth which assets are to be distributed in kind and to whom, which assets may be liquidated for distribution of cash or for payment of debts, costs of administration or pecuniary legacies. The proposal may also indicate claims proposed to be allowed or disallowed, in whole or in part and may also indicate fees and commissions proposed to be paid to the fiduciary and his attorney. Evidence and vouchers need not accompany the proposal unless required by the court upon exceptions filed. Following the hearing upon the proposed settlement and entry of an order of approval of the proposal as filed or as amended or modified by the court upon its own initiative or upon exceptions heard or upon application by any interested party, the fiduciary shall disburse the assets in accordance therewith. Following the distribution the fiduciary shall file a settlement accompanied by evidence and vouchers showing that distribution was effected in conformity with the approved proposal. If it appears to the court that the distribution was in conformity the court shall confirm the settlement and, if the settlement is final, discharge the fiduciary and his surety, without further hearing or notice to any person.

(2) An aggrieved party may, no later than thirty (30) days from the entry of the order upon the proposed settlement, institute an adversary proceeding in circuit court pursuant to KRS 24A.120(2).

Section 12. KRS 395.270 is amended to read as follows:

Two (2) [~~Five (5)~~] months must run after the date of the qualification of the first personal representative of a decedent's estate before an action shall be commenced against any executor or administrator thereof except against an executor de son tort. Any action brought in violation of this section shall be dismissed with costs, except that an alleged creditor whose claim has been denied in writing by the fiduciary may commence action immediately after receipt of such denial.

Section 13. KRS 395.620 is amended to read as follows:

(1) The district judge shall make a written report of the settlement, showing each item of debit and credit, and the general result, and return it, with all evidence heard and vouchers filed, to the circuit clerk. The clerk shall note it of record, and indorse on it the time of filing, and set a date for a hearing on the report.

(2) A settlement filed in conformity with an approved proposed settlement made under Section 11 of this Act need not be set for hearing.

SECTION 14. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) All claims against a decedent's estate which arose before the death of the decedent, excluding claims of the United States, the state of Kentucky and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented within six (6) months after the appointment of the personal representative, or where no personal representative has been appointed, within two (2) years after the decedent's death.

(2) Nothing in this section shall affect or prevent:

(a) To the extent of the security only, any proceeding to enforce any mortgage, pledge, lien or other security interest securing an obligation of the decedent or upon property of the estate; or

(b) To the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he is protected by liability insurance.

SECTION 15. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Claims against a decedent's estate shall be presented as follows:

(1) The claimant may deliver or mail to the personal representative a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed, or may file a written statement of the claim, in the form prescribed by rule, with the clerk of the court. If presentment shall be made by filing a written statement of the claim with the clerk of the court, the claimant shall certify as provided in the rules of civil procedure that a copy of such written statement has been given or mailed to the personal representative and his attorney. The claim shall be deemed presented on the first to occur of receipt of the written statement of claim by the personal representative, or the filing of the claim with the court. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(2) In an action pending against the decedent at the time of his death, which action survives at law, the substitution of the personal representative for the decedent, or motion therefor shall constitute the presentation of a claim. Such claim shall be deemed to have been presented from the time of substitution, or motion therefor.

SECTION 16. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Upon any claim being presented in the manner described in subsection (1) of Section 15 of this Act, the personal representative may require the affidavit of the claimant or other satisfactory evidence that such claim is justly due, that no payments have been made thereon, and that there are no offsets against same, to the knowledge of the claimant; or if any payments have been made, or any offsets exist, that their nature and amount be shown by the evidence or stated in the affidavit.

SECTION 17. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

No action shall be brought against a personal representative on a claim against decedent's estate unless the claimant shall have first presented his claim in the manner described in Section 15 of this Act. The foregoing limitation shall be in addition to that limitation on the commencement of an action against a personal representative set forth in KRS 395.270.

SECTION 18. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) No claim shall be barred by a statute of limitations which would expire during the period commencing with the decedent's death and ending six (6) months thereafter if such claim shall be presented within six (6) months after the decedent's death. This subsection shall not apply with respect to any statute of limitations imposed by this Act.

(2) For purposes of any statute of limitations, the proper presentment of a claim under Section 15 of this Act is equivalent to commencement of an action on the claim.

SECTION 19. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) As to claims presented in the manner described in Section 15 of this Act within the time limit prescribed in Section 14 of this Act, the personal representative may mail a notice to any claimant stating that the claim has been allowed or disallowed. If, after allowing or disallowing a claim, the personal representative changes his decision concerning the claim, he shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to commence an action on the claim has run and the claim has been barred. Every claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed unless the claimant commences an action against the personal representative not later than sixty (60) days after the mailing of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. Failure of the personal representative to mail notice to a claimant of action on his claim for sixty (60) days after the time for original presentation of the claim has expired has the effect of a notice of allowance, except that upon petition of the personal reprsentative and upon notice to the claimant, the court at any time before payment of such claim may for cause shown permit the personal representative to disallow such claim.

(2) A judgment against a personal representative to enforce a claim against a decedent's estate is an allowance of the claim.

(3) In the case of a disallowance of a claim which is not due or which is contingent or unliquidated, the personal representative may consent to an extension of the sixty (60) day period imposed by subsection (1) of this section for the commencement of an action on a disallowed claim, or to avoid injustice, the court, on petition, may order an extension of the sixty (60) day period, but in no event shall the extension run beyond the applicable statute of limitations.

SECTION 20. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Unless an estate is insolvent the personal representative, with the consent of all successors of the decedent whose interests would be affected, may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid.

SECTION 21. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) Upon the expiration of six (6) months from the date of his appointment, the personal representative may proceed to pay the claims allowed against the estate in the order of priority prescribed, after making appropriate provision for exemptions and allowances provided by law, for claims already presented which have not yet been allowed and for unbarred claims which may yet be presented, including costs and expenses of administration. By petition to the court in a proceeding for the purpose, a claimant whose claim has been allowed but not paid as provided herein may secure an order directing the personal representative to pay the claim to the extent that funds of the estate are available for the payment.

(2) The personal representative at any time may pay any just claim which has not been barred, with or without formal presentation, but he is personally liable to any other claimant whose claim is allowed and who is injured by such payment if:

(a) The payment was made before the expiration of the time limit stated in subsection (1) of this section and the personal representative failed to require the payee to give adequate security for the refund of any of the payment necessary to pay other claimants; or

(b) The payment was made, due to the negligence or willful fault of the personal representative, in such manner as to deprive the injured claimant of his priority.

SECTION 22. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Unless otherwise provided in any judgment against the personal representative, an allowed claim shall bear interest at the legal rate for the period commencing sixty (60) days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case the claim shall bear interest in accordance with that provision.

SECTION 23. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment of claims in the following order:

(a) Costs and expenses of administration; then

(b) Funeral expenses; then

(c) Debts and taxes with preference under federal law and other laws of this state; then

(d) All other claims.

(2) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due.

SECTION 24. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

Payment of a secured claim shall be upon the basis of the amount allowed if the creditor surrenders his security; otherwise payment shall be upon the basis of one (1) of the following:

(1) If the creditor exhausts his security before receiving payment, unless precluded by other law, upon the amount of the claim allowed less than the fair value of the security; or

(2) If the creditor does not have the right to exhaust his security or has not done so, upon the amount of the claim allowed less the value of the security determined by converting it into money according to the terms of the agreement pursuant to which the security was delivered to the creditor, or by the creditor and personal representative by agreement, arbitration, compromise or litigation.

SECTION 25. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) If a claim which will become due at a future time or a contingent or unliquidated claim becomes due or certain before the distribution of the estate, and if the claim has been allowed it shall be paid in the same manner as presently due and absolute claims of the same class.

(2) In other cases the personal representative or, on petition of the personal representative or the claimant in a special proceeding for the purpose, the court may provide for payment as follows:

(a) If the claimant consents, he may be paid the present or agreed value of the claim, taking any uncertainty into account;

(b) Arrangement for future payment, or possible payment, on the happening of the contingency or on liquidation may be made by creating a trust, giving a mortgage, obtaining a bond or security from a distributee, or otherwise.

SECTION 26. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

In allowing a claim the personal representative may deduct any counterclaim which the estate has against the claimant. In determining a claim against an estate a court shall reduce the amount allowed by the amount of any counterclaims and, if the counterclaims exceed the claim, render a judgment against the claimant in the amount of the excess. A counterclaim, liquidated or unliquidated, may arise from a transaction other than that upon which the claim is based. A counterclaim may give rise to relief exceeding in amount or different in kind from that sought in the claim.

SECTION 27. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

No execution may issue upon nor may any levy be made against any property of the estate under any judgment against a decedent or a personal representative, but this section shall not be construed to prevent the enforcement of mortgages, pledges or liens upon real or personal property in an appropriate proceeding.

SECTION 28. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

When a claim against the estate has been presented in any manner, the personal representative may, if it appears for the best interest of the estate, compromise the claim, whether due or not due, absolute or contingent, liquidated or unliquidated.

SECTION 29. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

If any assets of the estate are encumbered by mortgage, pledge, lien, or secured interest, the personal representative may pay the encumbrance or any part thereof, renew or extend any obligation secured by the encumbrance or convey or transfer the assets to the creditor in satisfaction of his lien, in whole or in part, whether or not the holder of the encumbrance has presented a claim, if it appears to be for the best interest of the estate. Payment of an encumbrance does not increase the share of the distributee entitled to the encumbered assets unless the distributee is entitled to exoneration.

SECTION 30. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

If a personal representative pays to a creditor an undue portion of his demand or to a distributee or devisee a part or all of his share of the estate, under a mistake as to the solvency of the estate or otherwise, he may recover from the creditor, distributee or devisee the amount of the overpayment, with interest.

SECTION 31. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) All assets of estates being administered in this state are subject to all claims, allowances and charges existing or established against the personal representative wherever appointed.

(2) If the estate either in this state or as a whole is insufficient to cover all exemptions and allowances determined by the law of the decedent's domicile, prior charges and claims, after satisfaction of the exemptions, allowances and charges, each claimant whose claim has been allowed either in this state or elsewhere in administrations of which the personal representative is aware, is entitled to receive payment of an equal proportion of his claim. If a preference or security in regard to a claim is allowed in another jurisdiction but not in this state, the creditor so benefited shall receive payment out of local assets only upon the balance of his claim after deducting the amount of the benefit.

(3) In case the exemptions and allowances, prior charges and claims of the entire estate exceed the total value of the portions of the estate being administered separately and this state is not the state of the decedent's last domicile, the claims allowed in this state shall be paid their proportion if local assets are adequate for the purpose, and the balance of local assets shall be transferred to the domiciliary personal representative. If local assets are not sufficient to pay all claims allowed in this state the amount to which they are entitled, local assets shall be marshalled so that each claim allowed in this state is paid its proportion as far as possible, after taking into account all payments on claims allowed in this state from assets in other jurisdictions.

SECTION 32. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

(1) Unless otherwise provided in the contract, a personal representative is not individually liable on a contract properly entered into in his fiduciary capacity in the course of administration of the estate unless he fails to reveal his representative capacity and identify the estate in the contract.

(2) A personal representative is individually liable for obligations arising from ownership or control of the estate or for torts committed in the course of administration of the estate only if he is personally at fault.

(3) Claims based on contracts entered into by a personal representative in his fiduciary capacity, on obligations arising from ownership or control of the estate or on torts committed in the course of estate administration may be asserted against the estate by proceeding against the personal representative in his fiduciary capacity, whether or not the personal representative is individually liable therefor.

(4) Issues of liability as between the estate and the persoanl representative individually may be determined in a proceeding for accounting, surcharge or indemnification or other appropriate proceeding.

SECTION 33. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

After assets of an estate have been distributed and subject to Section 34 of this Act, an undischarged claim not barred may be prosecuted in a proceeding against one (1) or more distributees. No distributee shall be liable to claimants for amounts received as exempt property, homestead or family allowances, or for amounts in excess of the value of his distribution as of the time of distribution. As between distributees, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied in the course of administration. Any distributee who shall have failed to notify other distributees of the demand made upon him by the claimant in sufficient time to permit them to join in any proceeding in which the claim was asserted against him loses his right of contribution against other distributees.

SECTION 34. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

No cause of action on any claim not otherwise barred by the provisions of Section 14 of this Act and subsection (1) of Section 19 of this Act, or any other applicable statute of limitations, shall be brought against the personal representative or against any distributee after the expiration of two (2) years from the date of the order of discharge of the personal representative. The foregoing limitation shall not preclude an action by any claimant against the personal representative for fraud, misrepresentation or inadequate disclosure related to the settlement of the decedent's estate.

Section 35. KRS 413.180 is amended to read as follows:

(1) If a person entitled to bring any action mentioned in KRS 413.090 to 413.160 dies before the expiration of

the time limited for its commencement and the cause of action survives, the action may be brought by his personal representative after the expiration of that time, if commenced within one year after the qualification of the representative.

(2) If a person dies before the time at which the right to bring any action mentioned in KRS 413.090 to 413.160 would have accrued to him if he had continued alive, and there is an interval of more than one year between his death and the qualification of his personal representative, that representative, for purposes of this chapter, shall be deemed to have qualified on the last day of the one-year period.

[~~(3) If a person against whom an action mentioned in KRS 413.090 to 413.160 may be brought dies before the expiration of the time limited for its commencement and the cause of action survives, an action may be commenced against his personal representative, devisee, or heirs, or all, after the expiration of that time, and within one year after the qualification of his personal representative. If there is no personal representative, the action may be brought against his heirs or devisees, or both, after the expiration of the time limited for bringing it, and within one year after his death.~~]

Section 36. KRS 424.340 is amended to read as follows:

The [~~circuit~~] clerk *of the probate court* shall, at least once each month, cause to be published in the newspaper meeting the requirements of KRS 424.120, a notice setting forth all fiduciary appointments made since the last publication and including at least the following information: the name and address of the decedent or ward, the name and address of the fiduciary, the date of the fiduciary's appointment, and the name and address of the attorney representing the fiduciary, if any, and the date by which claims of creditors must be *presented* [~~filed~~]. The clerk may charge each fiduciary a fee not to exceed the actual proportionate cost of said notice. Publication of this notice shall neither enlarge nor reduce the obligation of a creditor to present a timely claim, nor the liability of the fiduciary or distributee to pay the same.

Section 37. KRS 395.455 is amended to read as follows:

(1) Where the exemption of the surviving spouse alone, or together with preferred claims paid by a widow or by the widower where the wife's estate is legally liable for payment, equals or exceeds the amount of probatable assets, the court may order that administration of the estate be dispensed with and such assets be transferred to the surviving spouse or to a person designated by such surviving spouse to receive all or part of such assets. The court may so order in both testate and intestate estates and without requiring the renunciation of a will or the giving of bond.

(2) If the court is satisfied that no probatable estate will pass through the hands of the personal representative, it may order that no letters of administration be issued and in the case of a testate estate that the will be probated only.

(3) Where a surviving spouse has waived his or her right to the exemption accorded by law in favor of a person who has paid preferred claims in an amount equalling or exceeding the amount of probatable assets or who is legally entitled to such payment, or where there is no surviving spouse and such person has made such payment or is legally entitled thereto, the court may order that the administration of the estate be dispensed with and such assets transferred to such person. The court may so order without requiring the giving of bond.

(4) For purpose of this section, the exemption of the surviving spouse is such exemption as has been created by KRS 391.030 and preferred claims are those listed in *Section 23 of this Act* [~~KRS 396.090~~] and in the order thereof.

Section 38. KRS 413.090 is amended to read as follows:

Except as provided in *Section 34 of this Act*, KRS 413.110, [~~413.200, 413.210,~~] 413.220, 413.230 and 413.240, the following actions shall be commenced within fifteen (15) years after the cause of action first accrued:

(1) An action upon a judgment or decree of any court of this state or of the United States, or of any state or territory thereof, the period to be computed from the date of the last execution thereon.

(2) An action upon a recognizance, bond or written contract.

(3) An action upon the official bond of a sheriff, marshal, clerk, constable or any other public officer, or any commissioner, receiver, curator, personal representative, guardian, conservator, or trustee appointed by a court or authority of law.

(4) An action upon an appeal bond or bond given on a supersedeas, attachment, injunction, order of arrest or for the delivery of property or for the forthcoming of property, or to obey or perform an order or judgment of court in an action, or upon a bond for costs, or any other bond taken by a court or judge or by an officer pursuant to the directions of a court or judge, in an action or after judgment or decree, or upon a replevin, sale or delivery bond taken under execution or decree, upon an indemnifying bond taken under a statute, or upon a bond to suspend a proceeding, or upon a bond or obligation for the payment of money or property or for the performance of any undertaking.

Section 39. The following KRS sections are repealed:

386.093 When power of attorney not affected by disability.

396.010 Verification of claims required—Exception.

396.020 Action not to be brought before demand—Exception—When additional affidavit unnecessary.

396.025 Limitations on filing claims.

396.027 Limitation on time to commence action on rejected claim.

396.030 Interest accruing after death—When allowed.

396.040 Usury and credits to be deducted before claim paid.

396.050 Reference to commissioner; advertisement of.

396.060 Liability of heirs and devisees—Joint action against them and representative.

396.070 Liability of representative, heir and devisee of heir or devisee.

396.080 Equitable action by creditor—Lien may be obtained.

396.090 Preferred claims.

396.100 Liens.

396.110 Alienation of estate—Effect of.

396.130 Refunding bond—Representative may require.

396.140 Overpayment—Recovery of.

396.150 Examination of claimant.

396.160 Insolvent nonresident decedent—Payment of debts.

396.170 Right to pay obligations of decedent in advance of maturity.

396.180 Duty of personal representative of mental patient.

413.200 Action against personal representative who has settled accounts.

413.210 Action against heirs and personal representative when estate divided.

HB 649, AN ACT relating to limitation of actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO READ AS FOLLOWS:

Any provision within a written contract which decreases the time provided by statute in which to bring an action based upon that contract shall be void.

The Committee Amendment No. 1 to HB 649 is as follows:

Amend printed copy of HB 649:

On page 1, line 3, after "*written*" insert "*insurance*".

The Committee on Labor and Industry reported HB 867 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 867, AN ACT relating to unemployment insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 341.700 TO 341.740 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any state statute to the contrary and to the extent permitted by federal law, for any week during a period in which federal payments to states under section 204 of the federal-state extended unemployment compensation act of 1970 are reduced under an order issued under section 252 of the balanced budget and emergency deficit control act of 1985 (public law 99-177):

(1) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be reduced by an amount equivalent to one-half (1/2) of the federal reduction and the resultant weekly amount, if not a full dollar amount, shall be adjusted to the nearest multiple of one dollar ($1.00);

(2) The total extended benefit amount payable to any eligible worker with respect to his applicable benefit year shall be reduced by an amount equivalent to the aggregate of the reductions under subsection (1) of this section in the weekly amounts paid to the individual; and

(3) Subject employers, except governmental entities as defined in KRS 341.069, shall be charged, in addition to the amount of regular benefits chargeable under KRS 341.530, the difference of the amount of extended benefits paid the worker under this section and the amount of the federal payment after reduction. Governmental entities excepted by this subsection shall be charged for regular and extended benefits in accordance with KRS 341.530.

Section 2. KRS 341.550 is amended to read as follows:

(1) The cabinet shall maintain a pooled account to which shall be credited:

(a) Payments received from the Federal Government under the provisions of section 204 (a) (1) of the "Federal-State Extended Unemployment Compensation Act of 1970", and amendments thereto;

(b) All realized earnings and gains on investments of the fund;

(c) Except as provided in KRS 341.540, any balance remaining in the reserve account of any previously subject employer after such employer has ceased to be subject to this chapter;

(d) Any payments into or amounts in the fund not allocable to any employer's reserve account; and

(e) Any payments collected under subsection (2) of this section.

(2) Any benefits paid through error shall be charged against the pooled account. The repayment of benefits paid erroneously as provided in subsection (1) of KRS 341.415 shall be credited to the pooled account. The pooled account shall be credited with any sums deducted from future benefits as provided in KRS 341.415.

(3) One-half (1/2) of the benefits paid to an eligible worker in accordance with KRS 341.700 to 341.740 shall

be charged against the pooled account, *except that during a period in which federal payments to states under section 204 of the federal-state extended uemployment compensation act of 1970 are reduced under an order issued under section 252 of the balanced budget and emergency deficit control act of 1985 (public law 99-177), one-half (1/2) of the benefits paid to an eligible worker in accordance with KRS 341.700 to 341.740, reduced by an amount equal to the difference of one-half (1/2) of the benefits paid to an eligible worker in accordance with KRS 341.700 to 341.740 and the amount of the federal payment, shall be charged against the pooled account.*

Calendar

HB 897, HR 27, SB 213, SB 242, HB 699, HB 783, SB 193, HB 606, HB 790, HB 837, SB 212, HB 818, HB 954, HB 955, HB 975, SB 251, SB 264, SB 265, SB 278, SB 284, HB 758, HB 525, HB 859, HB 879, and SB 199 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Senate Message

Announcing passage of SB 286 and HB 10 with Senate Amendment.

Recess

Representative Stumbo moved that the House recess for ten minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour the Speaker Pro Tempore resumed the Chair and called the House to order.

Orders of the Day

HB 825, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved that HB 825 be passed.

On the roll call the vote was: Yeas 67, Nays 21. (See March 13, 1986, roll call on HB 825—Appendix A.)

HB 825 was passed and the title agreed to.

Representative Clapp moved that the vote by which HB 825 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 794, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved the adoption of the Committee Amendment No. 1 to HB 794. Agreed.

Representative Thomas moved that HB 794, as amended, be passed.

On the roll call the vote was: Yeas 87, Nays 8. (See March 13, 1986, roll call on HB 794—Appendix A.)

HB 794, as amended, was passed and the title agreed to.

Representative Thomas moved that the vote by which HB 794, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 677, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Amendment No. 1 to HB 677. Agreed.

Representative Barrows moved the adoption of the Floor Amendment No. 1 to HB 677. Agreed.

Representative Barrows moved that HB 677, as amended, be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 13, 1986, roll call on HB 677—Appendix A.)

HB 677, as amended, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 677, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 61, SB 182, and SB 245 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker Pro Tempore. Ordered delivered to the Senate. (Time—2:40 p.m.)

Orders of the Day (continued)

HB 348, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the Committee Amendment No. 1 to HB 348. Agreed.

Representative Hancock moved the adoption of the Floor Amendment No. 1 to HB 348. Agreed.

Representative Hancock moved that HB 348, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 13, 1986, roll call on HB 348—Appendix A.)

HB 348, as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which HB 348, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 130 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SB 130 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 13, 1986, roll call on SB 130—Appendix A.)

SB 130 was passed and the title agreed to.

Representative Deskins moved that the vote by which SB 130 was passed be reconsidered and said motion be placed on the table. Agreed.

HJR 139, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved the adoption of the Floor Amendment No. 1 to HJR 139. Agreed.

Representative Blandford moved that HJR 139, as amended, be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 13, 1986, roll call on HJR 139—Appendix A.)

HJR 139, as amended, was passed and the title agreed to.

Representative Blandford moved that the vote by which HJR 139, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 527, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Amendment No. 1 to HB 527. Agreed.

Representative Barrows moved that HB 527, as amended, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 13, 1986, roll call on HB 527—Appendix A.)

HB 527, as amended, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 527, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 260 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved that SB 260 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 13, 1986, roll call on SB 260—Appendix A.)

SB 260 was passed and the title agreed to.

Representative Clapp moved that the vote by which SB 260 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 657 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rattliff moved that HB 657 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 13, 1986, roll call on HB 657—Appendix A.)

HB 657 was passed and the title agreed to.

Representative Rattliff moved that the vote by which HB 657 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 311, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved the adoption of the Committee Substitute to HB 311. Agreed.

Representative Brinkley moved that HB 311, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 93, Nays 2. (See March 13, 1986, roll call on HB 311—Appendix A.)

HB 311, by way of Committee Substitute, was passed and the title agreed to.

Representative Brinkley moved that the vote by which HB 311, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 567 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HB 567 be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 13, 1986, roll call on HB 567—Appendix A.)

HB 567 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 567 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 495 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HB 495 be passed.

On the roll call the vote was: Yeas 94, Nays 1. (See March 13, 1986, roll call on HB 495—Appendix A.)

HB 495 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 495 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 815 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cline moved that HB 815 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 13, 1986, roll call on HB 815—Appendix A.)

HB 815 was passed and the title agreed to.

Representative Cline moved that the vote by which HB 815 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 816 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cline moved that HB 816 be passed.

On the roll call the vote was: Yeas 95. Nays 0. (See March 13, 1986, roll call on HB 816—Appendix A.)

HB 816 was passed and the title agreed to.

Representative Cline moved that the vote by which HB 816 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 652 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative L. Clark moved that HB 652 be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 13, 1986, roll call on HB 652—Appendix A.)

HB 652 was passed and the title agreed to.

Representative L. Clark moved that the vote by which HB 652 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 697, with Committee Amendments and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riner moved the adoption of the Committee Amendment No. 1 to HB 697. Agreed.

Representative Overstreet moved the adoption of the Committee Amendment No. 2 to HB 697. Agreed.

Representative Mann moved the adoption of the Floor Amendment No. 1 to HB 697. Agreed.

Representative Mann moved the adoption of the Floor Amendment No. 2 to HB 697. Agreed.

Representative Riner moved that HB 697, as amended, be passed.

On the roll call the vote was: Yeas 63, Nays 31. (See March 13, 1986, roll call on HB 697—Appendix A.)

HB 697 was passed.

Representative Riner moved the adoption of the Floor Title Amendment to HB 697. Agreed, and the title was agreed to.

Representative Riner moved that the vote by which HB 697, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 747, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved the adoption of the Committee Substitute to HB 747. Agreed.

Representative Burch moved that HB 747, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 85, Nays 10. (See March 13, 1986, roll call on HB 747—Appendix A.)

HB 747, by way of Committee Substitute, was passed and the title agreed to.

Representative Burch moved that the vote by which HB 747 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 704 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that HB 704 be passed.

On the roll call the vote was: Yeas 80, Nays 14. (See March 13, 1986, roll call on HB 704—Appendix A.)

HB 704 was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 704 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 772 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved that HB 772 be passed.

On the roll call the vote was: Yeas 93, Nays 4. (See March 13, 1986, roll call on HB 772—Appendix A.)

HB 772 was passed and the title agreed to.

Representative LeMaster moved that the vote by which HB 772 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 419, with Committee Substitute and Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Substitute to HB 419. Agreed.

Representative Barrows moved the adoption of the Committee Amendment No. 2 to the Committee Substitute to HB 419. Agreed.

Representative Freibert moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to HB 419. Agreed.

Representative Barrows moved that HB 419, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 13, 1986, roll call on HB 419—Appendix A.)

HB 419, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 419, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 302 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that HB 302 be passed.

On the roll call the vote was: Yeas 85, Nays 9. (See March 13, 1986, roll call on HB 302—Appendix A.)

HB 302 was passed and the title agreed to.

Representative Mann moved that the vote by which HB 302 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 233, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved that SB 233 be passed.

On the roll call the vote was: Yeas 84, Nays 2. (See March 13, 1986, roll call on SB 233—Appendix A.)

SB 233 was passed and the title agreed to.

Representative Johnson moved that the vote by which SB 233 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 745 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that HB 745 be passed.

On the roll call the vote was: Yeas 90, Nays 3. (See March 13, 1986, roll call on HB 745—Appendix A.)

HB 745 was passed and the title agreed to.

Representative Richards moved that the vote by which HB 745 was passed be reconsidered and said motion be placed on the table. Agreed.

Motions, Petitions and Communications

Representative Stumbo moved that HB 183 be recommitted to the Committee on Banking and Insurance. Agreed.

Representative Stumbo moved that the rules be suspended for Report of Committees, Introductions and Postings. Agreed.

Introduction of Resolutions

HR 150, by Representatives Donnermeyer, Mann, McBee and Blandford: A RESOLUTION adjourning the House of Representatives in memory and honor of former state representative James E.Murphy.

Report of Committees

The Committee on Rules reported HB 448, HB 606, HB 662, HB 758, HB 879, SB 193, HB 126, HB 543, HB

609, HB 614, HB 660, HB 711, HB 732, HB 749, HB 764, HB 775, HB 776, HB 807, HB 854, HB 873, HB 888, HB 896, SB 83, SB 128, SB 211, SB 249, SCR 59, HB 433, HB 172 and HB 781 have been posted for passage in the Orders of the Day, March 17, 1986.

The Committee on Rules reported the following Bill has been recommitted:

Appropriations and Revenue: HB 661.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Judiciary-Civil: HB 703, HB 883, HB 932, HB 933, SB 244, SB 310, SB 263, SB 239, HB 734, HB 752, HB 934.

Appropriations and Revenue: HB 16, HB 894, HB 895, HB 374, HB 404.

Transportation: HB 881, HB 913, HB 937, SB 17, SB 162, SB 283, SB 301.

State Government: HB 970, HB 863, HB 918.

Health and Welfare: HB 961, SCR 57, SB 343, HB 982.

Natural Resources and Environment: HB 757, HB 201.

Education: HB 780.

The Clerk announced the following Bills have been withdrawn from Committee consideration:

Appropriations and Revenue: HB 407, HB 432, HB 605, HB 646, HB 651, HB 648, HB 696, HB 848, HB 850.

Report of Committees

The Committee on Appropriations and Revenue reported HB 946, with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 946, AN ACT authorizing the payment of certain claims against the state which have been duly audited and approved according to law, and have not been paid because of the lapsing or insufficiency of former appropriations against which claims were chargeable and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the general fund in the state treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law, but which have not been paid because of lapsing or insufficiency of former appropriations against which said claims were chargeable, the sums hereinafter specified:

Ashland Office Supply, Inc.
2100 29th Street
P.O. Box 829
Ashland, Kentucky 41101 .... $1,233.55

Clinical Services Association
P.O. Box UKB 029
Louisville, Kentucky 40295 .... $122,752.90

R. & R. Uniforms, Inc.
P.O. Box 24569
Nashville, Tennessee 27202 .... $1,715.45

Faesy, Gillis, Eddins, PSA 730 East Main Street Frankfort, Kentucky 40601	$6,271.00
The Courier Journal 525 W. Broadway Louisville, Kentucky 40202	$375.15
K.S. Stone Revenue Cabinet Dept. of Processing & Enforcement	$127.63
N.K.C. Inc. P.O. Box 35070 Louisville, Kentucky 40232	$1,255.71
Cunningham Electric Co., Inc. P.O. Box 34 Frankfort, Kentucky 40601	$191.45
Robert G. Heimbrock, M.D. 23 Erlanger Road Erlanger, Kentucky 41018	$18.00
University GYN-OB Foundation, Inc. 550 S. Jackson Street Louisville, Kentucky 40202	$83.00
Woodford Memorial Hospital 360 Amsden Avenue Versailles, Kentucky 40383	$685.85
Western Baptist Hospital 2501 Kentucky Avenue Paducah, Kentucky 42001	$39.00
Dr. Robert Perkins S. Parkway Medical Center 4602 Southern Parkway Louisville, Kentucky 40214	$140.00
Agripina D. Grino, M.D. Broadway Medical Center 377 Broadway Paintsville, Kentucky 41240	$36.00
Poynter Brothers Electric Co. 304 Lynn Avenue Corbin, Kentucky 40701	$470.83
Joe S. Wheeler P.O. Box 328 Russellville, Kentucky 42276	$13,000.00
Richardson & Associates, Inc. Fifth Street Center Suite 315 Covington, Kentucky 41011	$4,651.00
Hon. George Rabe Clay, Williamson & Rabe 1004 1st National Building Lexington, Kentucky 40507	$7,665.00

Hon. Robert G. Breetz
Stites and Harbison
600 West Main STreet
Louisville, Kentucky 40202 .... $903.50

Extradition Corporation of America
302 North Irwin Street
Manchester, Tennessee 37355.................................... $1,110.00

Cooper & Lybrand, Inc.
1400 1st Security Plaza
Lexington, Kentucky 40507 .... $1,488.75

LEGISLATIVE CLAIMS

Section 2. The claims hereinafter enumerated are for the payment of State Treasury checks payable to the persons, or their personal representatives, and the firms listed, but not presented for payment within a period of five years from the date of issuance of such checks as required by KRS 41.370 and 413.120.

Check # T7,058,963 dated August 7, 1978
Nannie A. Nally
1127 Berkley Square
Louisville, Kentucky 40213 .... $128.07

Check # T5,894,812 dated April 13, 1977
Estate of Delbert B. & D. White
Del White, Admin.
1825 Normandy Road
Lexington, Kentucky 40504 .... $62.00

Check # T7,662,566 dated May 15, 1979
Armand Papineau
Route 1, Box 230
Bonfield, Illinois 60913 .... $29.00

Check # 501663 dated June 7, 1965
Lindsey Pasley Jr.
℅ Ms. Nancy Pasley
Route 5
Winchester, Kentucky 40391 .... $25.34

Check # 365026 dated March 21, 1962
Alla B. Quirey
278 East Maxwell Street
Lexington, Kentucky 40508 .... $435.00

Check # 371353 dated April 27, 1965
Harry W. Blackburn
P.O. Box 1256
Williamson, West Virginia 25661 .... $18.65

Check # T0,406,856 dated June 20, 1968
Mary A. Milauskas
3009 Westwood Northern Blvd.
Apt. #9
Cincinnati, Ohio 45211.................................... $30.27

Check # T0,425,650 dated June 27, 1968
Estate of Mary F. Williams
Caroline Williams, Exec.
Route #8, Box 47A
Scottsville, Kentucky 42164 .... $1.34

Check # T1, 143,391 dated October 15, 1960
Scotland Cox
Route 3, Box 596
Morehead, Kentucky 40351 .... $24.18

Check # G1,082,520 dated July 14, 1971
Kelly Scott Reed
6212 Schuler Lane
Glen Echo
Prospect, Kentucky 40059 .... $36.24

Check # T2,439,297 dated July 14, 1972
Louis A. Bonnell
P.O. Box 144
Henderson, Kentucky 42420 .... $80.94

Check # T3,076,568 dated June 14, 1973
David L. Ruth
2800 Cumberland Avenue
Ashland, Kentucky 41101 .... $16.07

Check # T3,845,613 dated June 28, 1974
Howard D. & L. Bryant
1204 Green Street
Paducah, Kentucky 42001 .... $6.11

Check # T3,820,393 dated June 21, 1974
Darlene Varney
P.O. Box 285
Stone, Kentucky 41567 .... $1.84

Check # G3,090,925 dated April 7, 1975
Mary Lee Brooks
Route 2, Box 218
Sebree, Kentucky 42455 .... $146.27

Check # T4,514,135 dated May 30, 1975
Bernis Griffin
315 S. Bainbridge
Montgomery, Alabama 36105 .... $47.99

Check # T4,440,380 dated May 13, 1975
Warren L. & R. Mallory
Route 1
Cynthiana, Kentucky 41301 .... $7.71

Check # T5,406,644 dated June 16, 1976
Estate of Margery E. Greenfield
Stephen Palmer, Admin.
804 Security Trust Building
Lexington, Kentucky 40507 .... $13.00

Check # P0,054,702 dated June 29, 1976
B.K. Batts
98 Oliver Avenue
Franklin, Indiana 46131 .... $23.00

Check # G3,944,260 dated August 16, 1976
Uniontown City Treasurer
P.O. Box 548
Uniontown, Kentucky 42461 .... $180.90

Check # G4,585,792 dated August 12, 1977
Maggie L. Meador
Route 1, Box 495
Irvington, Kentucky 40146...$17.58

Check # G4,601,853 dated August 16, 1977
Gregory J. Eisenman
Route 1, Box 374
California, Kentucky 41007...$100.00

Check # G4,771,378 dated November 9, 1977
A.F. Casey
Casey Enterprises Inc.
P.O. Box 10371
Birmingham, Alabama 35202 ....$92.68

Check # T6,170,704 dated June 15, 1977
Estate of Charlie C. Gibbs
Robert J. Richardson, Attorney
Suite 422-24 Starks Building
4th & Walnut Streets
Louisville, Kentucky 40202 ....$4.00

Check # T5,438,934 dated February 2, 1977
Wm. P. Yates
126 Hagan Avenue
Bardstown, Kentucky 40004 ....$5.00

Check # T5,486,190 dated February 10, 1977
Amy K. Schmidt
6727 # 2 Quail Hollow Court
Memphis, Tennessee 38119 ....$48.79

Check # T6,077,405 dated May 18, 1977
Arthur T. & B. Gundry
3105 Kinvara Lane
Louisville, Kentucky 40222 ....$67.21

Check # T6,102,382 dated May 27, 1977
D.L. Jr. & B.C. Hendry
4 Linden Drive
Lawrenceburg, Kentucky 40342 ....$3.86

Check # T6,187,583 dated June 15, 1977
Larry G. & S. Kitchens
1314 Woodhurst
Bowling Green, Kentucky 42101 ....$30.38

Check # T6,216,029 dated June 28, 1977
Judith Schlatter
c/o Fred Schlatter, Inc.
7329 St. Andrews Church Road
Louisville, Kentucky 40214 ....$31.02

Check # T6,216,163 dated June 28, 1977
Henry Fedders
103 Lawrence Drive
Florence, Kentucky 41042 ....$25.05

Check # G5,130,164 dated May 31, 1978
Mary D. Eads
P.O. Box 613
Monticello, Kentucky 42633 ....$50.00

Check # P2,966,453 dated March 30, 1978
W.A. Martin
218 Langford Avenue
Frankfort, Kentucky 40601 .... $18.79

Check # T6,948,002 dated June 8, 1978
Harry J. & Marie Broadhurst
2401 Page Avenue
Louisville, Kentucky 40205 .... $43.52

Check # T6,830,519 dated May 10, 1978
Hamlet & M.C. Lovely
P.O. Box 244
Garrett, Kentucky 41630 .... $27.60

Check # G5,628,323 dated January 31, 1979
Estate of Virgie A. Fossitt
c/o Harry J. Rust, Attorney at Law
7697 Alexandria Pike
P.O. Box 312
Alexandria, Kentucky 41001 .... $164.79

Check # R1,040,971 dated March 8, 1979
Martha L. McDonald
P.O. Box 251
Heidrick, Kentucky 40949 .... $404.12

Check # 61084 dated March 21, 1979
Phillips Dry Cleaners
Russell Springs, Kentucky 42642 .... $43.80

Check # T7,333,814 dated March 22, 1979
Carol A. Combs
P.O. Box 1081
Hazard, Kentucky 41701 .... $86.00

Check # T7,880,115 dated June 28, 1979
Jas. L. McCray
Route 2, Box 100
Elizabethtown, Kentucky 42701 .... $15.52

Check # T7,919,327 dated July 10, 1979
Capt. & Mrs. William Karnes
201 E. Calhoun Street
Clinton, South Carolina 29325 .... $4.89

Check # T7,878,990 dated June 27, 1979
Jauw Ha Fay
57 Dearwell Way
San Jose, California 95138 .... $19.98

Check # T7,778,381 dated June 11, 1979
Steven L. Justice
7 Sunset Drive
Winchester, Kentucky 40391 .... $22.17

Check # T8,776,370 dated June 13, 1980
John & E. Smith
P.O. Box 1191
Williamson, West Virginia 25661 .... $69.31

Check # T6,721,633 dated April 24, 1978
Robt. M. Godby
1326 Eastland Drive
Bowling Green, Kentucky 42101 .... $17.30

Check # 506360 dated November 22, 1968
Estate of Mary Dee Lawson
W.W. Lawson, Exec.
3208 Seneca Park Road
Louisville, Kentucky 40207 .... $165.12

Check # T8,831,154 dated July 20, 1980
Homer C. Freeman
412 Dudley Avenue
Georgetown, Kentucky 40324 .... $126.05

Check # T8,462,477 dated April 25, 1980
James A. Bass
5808 Lisa
Apt. # 6
Louisville, Kentucky 40291 .... $36.49

Check # G5,244,326 dated July 31, 1978
Estate of H.T. Groce
Wendell E. Groce, Admin.
8902 Denise Drive
Louisville, Kentucky 40229 .... $30.00

Check # T4,694,624 dated July 4, 1976
Wayne A. Bailey
310 Locker Ct.
Berea, Kentucky 40403 .... $44.69

Check # M0,137,375 dated November, 1970
S.J. Zwirek, M.D.
110 Maple Street
Springfield, Massachusetts 01105 .... $380.00

Check # P6,891,118 dated May 16, 1980
J.A. Evans
1323 Walter Avenue
Louisville, Kentucky 40215 .... $8.77

Check # T8,503,874 dated May 2, 1980
Roger D. Meador
Garfield, Kentucky 40140 .... $25.00

Check # T7,407,565 dated April 5, 1979
Gary Mattingly
Route 7, Melody Lake
New Haven, Kentucky 40051 .... $175.94

Check # T3,145,261 dated July 10, 1973
Chas. O. & S. Gingerich
532 Chimney Rock Road
Harrodsburg, Kentucky 40330 .... $46.28

Check # 221073 dated October 31, 1962
Geo. E. & M. Spenlau
117 Brent Spence Square
Apt. # 431
Covington, Kentucky 41011 .... $15.89

Check # V0,540,792 dated May 1, 1980
Check # V0,524,451 dated April 29, 1980
Raleigh J. Oaks
920 Arbor Drive
Highland Heights, Kentucky 41076 .... $238.00

Check # V0,022,364 dated January 16, 1980
James D. Huntt
505 Harding Street
Bardstown, Kentucky 40004 .... $33.00

Check # T8,854,332 dated October 21, 1980
Arnold R. Rich
613 Rymer Way
Louisville, Kentucky 40223 .... $26.31

Section 3. The finance and administration cabinet and the state treasurer are authorized hereby to pay the following listed claims from the following funds:

(1) The cabinet for human resources is authorized to make payment from their unemployment compensation fund for state treasury checks payable to the persons or their personal representatives but not presented for payment within a period of five (5) years from the date of issuance of such checks, the sums hereinafter specified:

Estate of Albert D. Stevens
Jane H. Stevens, Executor
5807 Coach Gate Wynde
Louisville, Kentucky 40207 .... $90.00

(2) The Teachers Retirement System is authorized to make payment from their retirement fund for state treasury checks payable to the persons or their personal representatives but not presented for payment within a period of five (5) years from the date of issuance of such checks, the sums hereinafter specified:

Elmer Crit Mullins
% Pence-Gilliland Insurance Agency
113 Main Street
P.O. Box 416
Standford, Kentucky 40484 .... $294.62

Section 4. The cabinet for human resources is authorized to make payment from their Federal fund for services rendered under personal service contract 850074. The last billing submitted by the vendor exceeded the balance on the contract by $19,253.42.

Technical Assistance & Training
2409 18th Street, N.W.
Washington, D.C. 20009 .... $19,253.42

Section 5. The persons and companies named above having in good faith furnished the services, supplies and materials enumerated in Section 1, and the Commonwealth having received the benefits of same, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the governor.

The Committee Amendment No. 1 to HB 946 is as follows:

Amend printed copy of HB 946:

On page 1, lines 8 through 14, by deleting lines 8 through 14 in their entirety;

On page 2, lines 2 through 4, by deleting lines 2 through 4 in their entirety;

On page 3, lines 14 through 20, by deleting lines 14 through 20 in their entirety;

lines 25 and 26, by deleting lines 25 and 26 in their entirety;

On page 4, lines 1 and 2, by deleting lines 1 and 2 in their entirety;

On page 15, lines 5 through 12, by deleting lines 5 through 12 in their entirety, and renumbering subsequent sections to conform.

The Committee Amendment No. 2 to HB 946 is as follows:

Amend printed copy of HB 946:

On page 4, after line 8, by adding the following:

"Northern Kentucky Port Authority
400 Licking Pike
Wilder, Kentucky 40171 .... $20,672.07."

The Committee on Counties and Special Districts reported HB 935, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 935, AN ACT relating to volunteer fire departments and financing thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 17.250 is amended to read as follows:

(1) There is created and established within the department of housing, buildings and construction a volunteer fire department aid fund consisting of insurance premium surcharge proceeds as provided in subsection (2) of KRS 136.392 *and KRS 95A.240(4).* All moneys remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account, and shall not lapse, and shall be continuously appropriated for the purposes specified herein and in KRS 61.316.

(2) Except as provided in *subsections* [~~subsection~~] (3) *and (4)* of this section and KRS 61.316, the state fire marshal shall allot on an annual basis [~~an equal share of~~] the *balance of* funds accruing to and appropriated for volunteer fire department aid *as follows: beginning July 15, 1986, and each succeeding fiscal year thereafter, two thousand five hundred dollars ($2,500) shall be paid annually* to *each* volunteer fire *department* [~~departments~~] in cities of all classes, *to each* fire protection *district* [~~districts~~] organized pursuant to KRS Chapter 75, *to each* county *district* [~~districts~~] established under authority of KRS 67.083, and *to each* [~~all other~~] organized volunteer fire *department* [~~departments~~] recognized by the department of housing, buildings and construction as *a* fire *department* [~~departments~~] operated and maintained on a nonprofit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth*; provided that, no allotment shall exceed the total value of funds, equipment, lands and buildings made available to the local fire department from any source whatever for the year in which the allotment is made. The state fire marshal* [~~He~~] shall *be authorized to* prescribe regulations and standards *applicable thereto* [~~for determining the amounts to be granted. Such standards shall be based on the number of both paid fire fighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the volunteer fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made~~].

(3) In addition to allotments to volunteer fire departments, the department of housing, buildings and construction may from the volunteer fire department aid fund [~~A portion of the funds provided for above may be used to~~] purchase group or blanket health insurance and workers' compensation insurance *for all eligible volunteer fire units funded herein*[~~; and the remaining funds shall be distributed as set forth in this section~~].

(4)[~~(3)~~] For the biennium beginning July 1, 1984 and ending June 30, 1986, two hundred thousand dollars ($200,000) of the insurance premium surcharge proceeds accruing to the volunteer fire department aid fund shall be allocated each fiscal year of the biennium to the fire fighters training center fund, which is hereby created and established, for the purposes of constructing new or upgrading existing training centers for fire fighters. If any monies in the training center fund remain uncommitted, unobligated or unexpended at the close of the first fiscal year of the biennium, then such monies shall be carried forward to the second fiscal year of the biennium, and shall be reallocated to and for the use of the training center fund, in addition to the second

fiscal year's allocation of two hundred thousand dollars ($200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the commission on fire protection personnel standards and education as provided in subsection *(5)* [~~(4)~~] of this section and shall comply with state laws applicable to capital construction projects.

(5)[~~(4)~~] Applications for funding of fire fighters training centers shall be submitted to the commission on fire protection personnel standards and education for their recommendation, approval, disapproval or modification. The commission shall review applications periodically, and shall, subject to funds available, recommend which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.

(6)[~~(5)~~] Any department or entity eligible for and receiving funding pursuant to this section shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the commission on fire protection personnel standards and education.

(7)[~~(6)~~] Upon the written request of any department, the commission on fire protection personnel standards and education shall make available a certified training program in a county of which such department is located.

(8)[~~(7)~~] The amount of reimbursement for any given year for costs incurred by the department for administering these funds, including, but not limited to the expenses and costs of commission operations, shall be determined by the commission and shall not exceed five percent (5%) of the total amount of moneys accruing to the volunteer fire department aid fund during any fiscal year.

Section 2. KRS 95A.240 is amended to read as follows:

(1) The commission shall administer the fund pursuant to the provisions of KRS 95A.200 to 95A.300 and may issue such reasonable rules and regulations as, in its discretion, will facilitate the administration of the fund and further the purposes of KRS 95A.200 to 95A.300.

(2) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to any local government that does not comply with the requirements of KRS 95A.200 to 95A.300 or the rules and regulations issued by the commission thereunder.

(3) The commission shall, from the moneys appropriated to and accruing to the fund from any source, reimburse the department of housing, buildings and construction for salaries and other costs of administering the fund, including, but not limited to the expenses and costs of commission operations. The amount of reimbursement for any given year shall be determined by the commission and shall not exceed five percent (5%) of the total appropriation to the fund for that year.

(4) Beginning July 15, 1986, and then at the beginning of each succeeding fiscal year thereafter, whenever the projected costs to the volunteer fire department aid fund as provided in KRS 17.250 exceed the amount of revenues projected to accrue to that fund during the current fiscal year, then an amount equal to the difference between projected costs and projected revenues shall be transferred to the volunteer fire department aid fund from any surplus of monies remaining on deposit at the close of the preceding fiscal year in the professional fire fighters foundation program fund trust and agency account.

Section 3. KRS 95A.260 is amended to read as follows:

(1) Funds made available to local governments shall be received, held and expended in accordance with the provisions of KRS 95A.200 to 95A.300, any rules and regulations issued by the commission, and the following specific restrictions:

(a) Funds provided shall be used only as a cash salary supplement to fire fighters.

(b) Funds provided shall be used only to compensate fire fighters who have complied with subsections (3) and (4) of KRS 95A.230.

(c) Each fire fighter shall be entitled to receive the state supplement which his qualifications brought to the local government.

(d) Funds shall not be used to supplement existing salaries or as a substitute for normal salary increases periodically due to fire fighters.'

(2) This section shall not apply to funds expended pursuant to KRS 95A.240(3) *and (4)*.

The Committee Substitute to HB 935 is as follows:

HB 935, AN ACT relating to volunteer fire departments and financing thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 17.250 is amended to read as follows:

(1) There is created and established within the department of housing, buildings and construction a volunteer fire department aid fund consisting of insurance premium surcharge proceeds as provided in *subsections (1) and* [~~subsection~~] (2) of KRS 136.392. All moneys remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account, and shall not lapse, and shall be continuously appropriated for the purposes specified herein and in KRS 61.316.

(2) Except as provided in *subsections* [~~subsection~~] (3) *and (4)* of this section and KRS 61.316, the state fire marshal shall allot on an annual basis [~~an equal share of~~] the *balance of* funds accruing to and appropriated for volunteer fire department aid *as follows: beginning July 15, 1986, and each succeeding fiscal year thereafter, two thousand five hundred dollars ($2,500) shall be paid annually* to *each* volunteer fire *department* [~~departments~~] in cities of all classes, *to each* fire protection *district* [~~districts~~] organized pursuant to KRS Chapter 75, *to each* county *district* [~~districts~~] established under authority of KRS 67.083, and *to each* [~~all other~~] organized volunteer fire *department* [~~departments~~] recognized by the department of housing, buildings and construction as *a* fire *department* [~~departments~~] operated and maintained on a nonprofit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth. *No allotment shall exceed the total value of funds, equipment, lands and buildings made available to the local fire department from any source whatever for the year in which the allotment is made, and the allotment shall be prorated to those departments or districts which become eligible during the fiscal year based on the percentage that their months of eligibility bear to the total fiscal year. The state fire marshal* [~~He~~] shall *be authorized to* prescribe regulations and standards *applicable thereto* [~~for determining the amounts to be granted. Such standards shall be based on the number of both paid fire fighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the volunteer fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made~~].

(3) In addition to allotments to volunteer fire departments, the department of housing, buildings and construction may from the volunteer fire department aid fund [~~A portion of the funds provided for above may be used to~~] purchase group or blanket health insurance and workers' compensation insurance *for all eligible volunteer fire units funded herein*[~~, and the remaining funds shall be distributed as set forth in this section~~].

(4)[~~(3)~~] For the biennium beginning July 1, 1984 and ending June 30, 1986, two hundred thousand dollars ($200,000) of the insurance premium surcharge proceeds accruing to the volunteer fire department aid fund shall be allocated each fiscal year of the biennium to the fire fighters training center fund, which is hereby created and established, for the purposes of constructing new or upgrading existing training centers for fire fighters. If any monies in the training center fund remain uncommitted, unobligated or unexpended at the close of the first fiscal year of the biennium, then such monies shall be carried forward to the second fiscal year of the biennium, and shall be reallocated to and for the use of the training center fund, in addition to the second fiscal year's allocation of two hundred thousand dollars ($200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the commission on fire protection personnel standards and education as provided in subsection *(5)* [~~(4)~~] of this section and shall comply with state laws applicable to capital construction projects.

(5)[~~(4)~~] Applications for funding of fire fighters training centers shall be submitted to the commission on fire protection personnel standards and education for their recommendation, approval, disapproval or modification. The commission shall review applications periodically, and shall, subject to funds available, recommend which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.

(6)[~~(5)~~] Any department or entity eligible for and receiving funding pursuant to this section shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the commission on fire protection personnel standards and education.

(7)[~~(6)~~] Upon the written request of any department, the commission on fire protection personnel standards and education shall make available a certified training program in a county of which such department is located.

(8)[~~(7)~~] The amount of reimbursement for any given year for costs incurred by the department for administering these funds, including, but not limited to the expenses and costs of commission operations, shall be determined by the commission and shall not exceed five percent (5%) of the total amount of moneys accruing to the volunteer fire department aid fund during any fiscal year.

SECTION 2. A NEW SECTION OF KRS CHAPTER 17.250 TO 17.260 IS CREATED TO READ AS FOLLOWS:

Beginning July 15, 1986, and then pursuant to KRS 42.190 thereafter, the administrator of the volunteer fire department aid fund shall within twenty-one (21) days upon receipt of a written request from the finance and administration cabinet, certify in writing to the cabinet costs projections of the volunteer fire department aid fund for the next quarter, and when the projected costs to the volunteer fire department aid fund, as prescribed in KRS 17.250, exceed the amount of revenues projected to accrue to that fund from insurance surcharge proceeds as provided in KRS 136.392(2), an amount equal to the difference between projected costs and projected revenues shall be allocated to and deposited in the volunteer fire department aid fund by the finance and administration cabinet from insurance surcharge proceeds deposited in the state treasury to be allocated and distributed to the professional fire fighters foundation program fund and the law enforcement foundation program fund as provided in KRS 136.392(1).

Section 3. KRS 42.190 is amended to read as follows:

(1) On June 1, 1982, and then on or before the first day of each December, March, June and September thereafter, the cabinet shall request in writing of the administrator of the professional fire fighters foundation program fund, which is established by KRS 95A.220, and of the administrator of the law enforcement foundation program fund, which is established by KRS 15.430, *and of the administrator of the volunteer fire department aid fund established pursuant to KRS 17.250,* cost projections of their respective funds for the next quarter. Based on these projections, the cabinet shall determine the proportionate share of total insurance premium surcharge proceeds, prescribed in KRS 136.392, to accrue to each fund *and shall determine the amount of insurance surcharge proceeds, if any, as prescribed in KRS 136.392(1) to accrue to the volunteer fire department aid fund.*

(2) On or before the first day of each quarter, the cabinet shall certify to the state treasurer a distribution schedule describing the proportionate share of total insurance premium surcharge proceeds accruing to *the professional fire fighters foundation program fund and the law enforcement foundation program* [~~each~~] fund, *and subject to the provisions of Section 2 of this Act, the volunteer fire department aid fund,* during such quarter, and the state treasurer shall pay into *the professional fire fighters foundation program and law enforcement foundation program funds'* [~~each fund's~~] trust and agency *accounts and, subject to Section 2 of this Act, into the volunteer fire department aid fund trust and agency account, their* [~~account its proportionate~~] share of all deposited tax monies as set forth and in the manner as prescribed in subsections (1) and (3) of KRS 136.392.

(3) Monies deposited in the professional fire fighters foundation program fund's trust and agency account, and in the law enforcement foundation program fund's trust and agency account, *and the volunteer fire department aid fund's trust and agency account,* shall be invested by the state in accordance with state investment practices, and all earnings from such investments shall accrue to, and be paid into the respective account from which such investments are made. All monies remaining on deposit at the close of the state's fiscal year in the professional fire fighters foundation program fund's trust and agency account and all earnings from investments made from monies in this account, shall not lapse, and shall be used only for the purposes as specified in KRS 95A.200 to 95A.300. All monies remaining on deposit at the close of the state's fiscal year in the law enforcement foundation program fund's trust and agency account, and all earnings from investments made from monies in this account, shall not lapse, and shall be used only for the purposes as specified in KRS 15.410 to 15.500. *All monies remaining on deposit at the close of the state's fiscal year in the volunteer fire department aid fund trust and agency account, and all earnings made from monies in this account, shall not lapse, and shall be used only for purposes as authorized in KRS 17.250.*

(4) The cabinet shall provide monthly financial reports to the administrator of the professional fire fighters foundation program fund, *the addministrator of the volunteer fire department aid fund* and the administrator of the law enforcement foundation program fund respecting the amount of funds received and on deposit in each fund and the amount of earnings accruing to each fund from their investment.

Section 4. KRS 136.392 is amended to read as follows:

(1) Every domestic, foreign or alien insurer, other than life and health insurers, which is either subject to or exempted from Kentucky premium taxes as levied pursuant to the provisions of either KRS 136.340, 136.350, 136.370 or 136.390, shall charge and collect a surcharge of one dollar and fifty cents ($1.50) upon each one hundred dollars ($100) of premium, assessments, or other charges, except for those municipal premium taxes, made by it for insurance coverage provided to its policyholders, on risk located in this state, whether such charges are designated as premiums, assessments or otherwise. The premium surcharge shall be collected by the insurer from its policyholders at the same time and in the same manner that its premium or other charge for the insurance coverage is collected. The premium surcharge shall be disclosed to policyholders pursuant to regulations which shall be promulgated by the commissioner of insurance. However, no insurer or its agent shall be entitled to any portion of any premium surcharge as a fee or commission for its collection. On or before the twentieth (20th) day of each month, each insurer shall report and remit to the revenue cabinet, on such forms as it may require, all premium surcharge monies collected by it during its preceding monthly accounting period less any such monies returned to policyholders as applicable to the unearned portion of the premium on policies terminated by either the insured or the insurer. The funds derived from such premium surcharge, except as provided in subsection (2) of this section *and Section 2 of this Act*, shall be deposited in the state treasury, and shall constitute a fund allocated for the uses and purposes of the professional fire fighters foundation program fund (KRS 95A.220) and the law enforcement foundation program fund (KRS 15.430).

(2) Insurance premium surcharge funds collected from the policyholders of any domestic mutual company, cooperative or assessment fire insurance company shall be deposited in the state treasury, and shall be paid monthly by the state treasurer into the volunteer fire department aid fund as provided in KRS 17.250.

(3) Within five (5) days after the end of each month, all insurance premium surcharge proceeds deposited in the state treasury as set forth in subsection (1) of this section, shall be paid by the state treasurer into the professional fire fighters foundation program fund trust and agency account and the law enforcement foundation program fund trust and agency account, *and subject to the provisions of Section 2 of this Act, into the volunteer fire department aid fund trust and agency account. Except as provided in Section 2 of this Act respecting the volunteer fire department aid fund* the amount paid into *the professional fire fighters foundation program fund trust and agency account and into the law enforcement foundation program fund trust and agency* [~~each~~] account shall be proportionate to each fund's respective share of the total deposits, pursuant to KRS 42.190. Monies deposited to the law enforcement foundation program fund trust and agency account shall not be disbursed, expended, encumbered or transferred by any state official for uses and purposes other than those prescribed by KRS 15.410 to 15.500. Money deposited to the professional fire fighters foundation program fund trust and agency account shall not be disbursed, expended, encumbered or transferred by any state official for uses and purposes other than those prescribed by KRS 95A.200 to 95A.300.

The Committee on Health and Welfare reported HB 785 with Committee Substitute attached thereto, HB 880 with Committee Amendment attached thereto, HB 984 with Committee Amendment attached thereto, HB 989 with Committee Substitute attached thereto, HCR 121, SB 210 and HB 868 with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 785, AN ACT relating to involuntary commitment for drug and alcohol abuse treatment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 222.011 is amended to read as follows:

In this chapter the following words shall, unless the context requires otherwise, have the following meanings:

(1) ''Administrator'' means the person in charge of the operation of a facility, or his designee.

(2) ''Alcoholic'' means a person suffering from alcoholism.

(3) "Alcoholism" means a medically diagnosable disease characterized by chronic, habitual or periodic consumption of alcoholic beverages resulting in the (a) substantial interference with an individual's social or economic functions in the community, or (b) the loss of powers of self-control with respect to the use of such beverages.

(4) "A person under the influence of drugs" means a person whose powers of self-control have been substantially impaired because of the use of a drug described in KRS Chapters 217 and 218A or the federal controlled substances act of 1970, and regulations pursuant thereto.

(5) "Secretary" means the secretary of the cabinet for human resources.

(6) "Cabinet" means the cabinet for human resources.

(7) "Drug addict" means any person whose use of an addictive substance has produced a condition which requires ingestion or injection of the addictive substance, or both, as a means of preventing withdrawal symptoms and of maintaining the individual's state of function.

(8) "Drug dependent person" or "drug abuser" means any person who compulsively and habitually uses drugs to the extent that they injure his health and interfere with his social and economic functioning.

(9) [~~"Facility" means any public or private place, or portion thereof, providing services especially designed for the detoxification, treatment or rehabilitation of intoxicated persons or alcoholics.~~

~~(10)~~] "Incapacitated" means the condition of an intoxicated person who, by reason of the consumption of intoxicating liquor is:

(a) Unconscious,

(b) In need of medical attention,

(c) Likely to suffer or cause physical harm or damage property, or

(d) Disorderly.

(10)[~~(11)~~] "Independent physician" means a physician licensed to practice in Kentucky, other than one holding an office or appointment in any department, board or agency of the Commonwealth, or in any public facility.

(11)[~~(12)~~] "Juvenile" means any person who is under the age of eighteen.

(12)[~~(13)~~] "Patient" means any person admitted to a facility.

(13)[~~(14)~~] "Treatment" means services and programs for the care and rehabilitation of intoxicated persons, [~~and~~] alcoholics, *drug addicts, and drug abusers.*

(14) "Facility" means any licensed public or private facility, service, or program providing treatment or rehabilitation services for drug abusers, drug addicts or alcoholics, including, but not limited to, a residential rehabilitation center; a nonresidential day-care center with a foster home component; or a community mental health center, clinic, or program.

Section 2. KRS 222.011, 1980 Acts Chapter 254, Section 2, to become effective July 1, 1986, is amended to read as follows:

In this chapter the following words shall, unless the context requires otherwise, have the following meanings:

(1) "Administrator" means the person, or his designee, in charge of the operation of a treatment facility licensed by the cabinet.

(2) "Alcoholic" means a person suffering from alcoholism.

(3) "Alcoholism" means a medically diagnosable disease characterized by chronic, habitual or periodic

consumption of alcoholic beverages resulting in the (a) substantial interference with an individual's social or economic functions in the community, or (b) the loss of powers of self-control with respect to the use of such beverages.

(4) "A person under the influence of drugs" means a person whose powers of self-control have been substantially impaired because of the use of a drug described in KRS Chapters 217 and 218A or the federal controlled substances act of 1970, and regulations pursuant thereto.

(5) "Secretary" means the secretary of the cabinet for human resources.

(6) "Cabinet" means the cabinet for human resources.

(7) "Drug addict" means any person whose use of an addictive substance has produced a condition which requires ingestion or injection of the addictive substance, or both, as a means of preventing withdrawal symptoms and of maintaining the individual's state of function.

(8) "Drug dependent person" or "drug abuser" means any person who compulsively and habitually uses drugs to the extent that they injure his health and interfere with his social and economic functioning.

(9) [~~"Treatment facility" means any public or private place, or portion thereof, licensed by the cabinet providing services especially designed for the detoxification, treatment or rehabilitation of intoxicated persons or alcoholics.~~

~~(10)~~] "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is:

(a) Unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment; and

(b) Demonstrates behavior giving reasonable cause to believe he may injure himself or others or cause property damage.

(10)[~~(11)~~] "Independent physician" means a physician licensed to practice in Kentucky, other than one holding an office or appointment in any department, board or agency of the Commonwealth, or in any public facility.

(11)[~~(12)~~] "Juvenile" means any person who is under the age of eighteen.

(12)[~~(13)~~] "Client" means any person admitted to a facility.

(13)[~~(14)~~] "Treatment" means services and programs for the care and rehabilitation of [~~persons~~] intoxicated *persons,* [~~or incapacitated by alcohol and services and programs for~~] alcoholics, *drug addicts, and drug abusers.*

(14)[~~(15)~~] "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(15)[~~(16)~~] "Emergency service unit" means a treatment team that meets minimum standards established by the cabinet and trained to give assistance in the streets and other public places to persons who are intoxicated or incapacitated by alcohol.

(16) "Treatment facility" means any licensed public or private facility, service, or program providing treatment or rehabilitation services for drug abusers, drug addicts or alcoholics, including, but not limited to, a residential rehabilitation center; a nonresidential day-care center with a foster home component; or a community mental health center, clinic, or program.

SECTION 3. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) A person may be ordered to treatment at an appropriate treatment facility by the district court upon the petition of his spouse, a parent or guardian, any next of kin, a physician, the head of any state licensed treatment facility or rehabilitation center, the sheriff of the county where such person resides or is found, or any three (3) citizens of the state.

(a) The petition shall allege that the person:

1. Is a habitual abuser of controlled substances not pursuant to a lawful prescription or alcohol or both;

2. Has lost the power of self-control with respect to the use of such controlled substances or alcohol; and

3. Has threatened, attempted, or actually inflicted physical harm on himself or others, or is in need of treatment and care and by reason of drug or alcohol abuse or both his judgment has been so impaired that he is incapable of appreciating his need for and of making a rational decision in regard thereto. A mere refusal to undergo treatment shall not by itself constitute evidence of lack of judgment with respect to the need for care.

(b) The petition shall be accompanied by the certificate of a physician, licensed psychologist or mental health professional possessing training and experience in drug and alcohol abuse treatment and rehabilitation and shall be based upon an examination of the alleged drug or alcohol abuser made within ten (10) days prior to the filing of the petition, unless the person whose treatment is sought has refused to submit to such examination, in which event the petition shall so state. The certificate shall set forth its finding in support of the allegations of the petition.

(2) Upon receipt of the petition, the court shall fix a date for a hearing on the issues no later than five (5) days from the date the petition was received. The court shall give notice of the hearing to:

(a) The petitioner;

(b) The person whose treatment is sought, his next of kin if other than the petitioner, and his parents or legal guardian and his court-appointed guardian ad litem, if he is a minor; and

(c) Any other person whose presence the court deems advisable.

Copies of the petition and certificate shall be delivered to all of the parties, together with the notice of hearing.

(3) At the hearing, the court shall hear all relevant testimony, including testimony of those providing certificates pursuant to subsection (1) of this section. The person whose treatment is sought shall be present unless the court has reason to believe that his presence is likely to be injurious to him; in this event, the court shall appoint a guardian ad litem to represent him throughout the proceeding. The court shall examine the person whose treatment is sought in open court or, if it is deemed advisable, out of court. If the person whose treatment is sought has refused to be examined, he shall be afforded an opportunity to consent to examination by a court appointed physician, licensed psychologist, or mental health professional possessing training and experience in drug and alcohol abuse treatment and rehabilitation. If he refuses and there is sufficient evidence to believe that the allegations of the petition are likely to be true, or, in any case, if the court believes that more evidence is necessary, the court may preliminarily order the person to an appropriate treatment facility for a period of not more than thirty (30) days for purposes of an examination. If, after hearing all relevant evidence, including the results of any case findings, the court finds that the grounds for court-ordered treatment have been met by clear and convincing proof, the court shall make a final order stating its findings and ordering the person to treatment at or through a treatment facility deemed appropriate by the court.

(4) A person ordered to treatment pursuant to this section shall remain under the treatment designated by the court for a period of ninety (90) days unless sooner discharged. At the end of the ninety (90) days period, he shall automatically be discharged unless the treatment facility, prior to the expiration of such period, obtains renewal of the order for treatment for a further period of ninety (90) days unless sooner discharged.

(a) A person ordered to treatment who has not been discharged by the treatment facility before the end of the second ninety (90) day period shall automatically be discharged at the expiration of that period unless the treatment facility, prior to the expiration of such period, obtains a renewal of the order for treatment for a further period of ninety (90) days unless sooner discharged.

(b) Upon receipt of a petition for renewal of the order for treatment, the court shall fix a date for hearing no later than five (5) days from the date the petition was received. Notice of the application and the date of the hearing fixed by the court shall be served on:

1. The petitioner;

2. The person whose treatment is sought, his next of kin, and one (1) of his parents or his legal guardian if he is a minor;

3. The original petitioner, if different from the petitioner for renewal of the order for treatment; and

4. Any other person whose presence the court deems advisable.

At the hearing, the court shall proceed in the manner previously set forth herein.

(5) A person ordered to treatment in, and who is in the custody of, a treatment facility for care shall be discharged at any time prior to the end of the period for which he has been ordered to treatment when one (1) of the following conditions are met:

(a) In the case of a drug or alcohol abuser ordered to treatment on the grounds of likelihood of infliction of physical harm upon himself, or others, when such likelihood no longer exists; or

(b) In the case of a drug or alcohol abuser ordered to treatment on the grounds of need of treatment and care accompanied by incapacity to make a determination respecting such need, either when such incapacity no longer exists or when it is evidence that further treatment and care will not bring about further significant improvement in such person's condition.

(6) The person whose treatment is sought shall be informed of his right to contest the application, to be represented by counsel at every stage of proceedings relating to his order to treatment, and to have counsel appointed for him by the court, if he desires the assistance of counsel and is financially unable to obtain counsel. If the court believes the person needs the assistance of counsel, the court shall appoint counsel for him regardless of his wishes. Further, the person for whom treatment is sought shall be informed of his right to be examined by a physician, licensed psychologist, or mental health professional and a person of his choice who possesses training and experience in drug and alcohol abuse treatment and rehabilitation. If the person is financially unable to obtain such services and requests such examinations, the court shall provide payment for the required examinations.

(7) Any person ordered to treatment under the provisions of this chapter may at any time seek to be discharged from treatment by writ of habeas corpus.

Section 4. The following KRS section is repealed:

222.430 Involuntary hospitalization for drug problem—Rights of patient.

The Committee Substitute to HB 785 is as follows:

HB 785, AN ACT relating to involuntary commitment for drug and alcohol abuse treatment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 222.011 is amended to read as follows:

In this chapter the following words shall, unless the context requires otherwise, have the following meanings:

(1) "Administrator" means the person in charge of the operation of a facility, or his designee.

(2) "Alcoholic" means a person suffering from alcoholism.

(3) "Alcoholism" means a medically diagnosable disease characterized by chronic, habitual or periodic consumption of alcoholic beverages resulting in the (a) substantial interference with an individual's social or economic functions in the community, or (b) the loss of powers of self-control with respect to the use of such beverages.

(4) "A person under the influence of drugs" means a person whose powers of self-control have been substantially impaired because of the use of a drug described in KRS Chapters 217 and 218A or the federal controlled substances act of 1970, and regulations pursuant thereto.

(5) "Secretary" means the secretary of the cabinet for human resources.

(6) "Cabinet" means the cabinet for human resources.

(7) "Drug addict" means any person whose use of an addictive substance has produced a condition which requires ingestion or injection of the addictive substance, or both, as a means of preventing withdrawal symptoms and of maintaining the individual's state of function.

(8) "Drug dependent person" or "drug abuser" means any person who compulsively and habitually uses drugs to the extent that they injure his health and interfere with his social and economic functioning.

(9) [~~"Facility" means any public or private place, or portion thereof, providing services especially designed for the detoxification, treatment or rehabilitation of intoxicated persons or alcoholics.~~

~~(10)~~] "Incapacitated" means the condition of an intoxicated person who, by reason of the consumption of intoxicating liquor is:

(a) Unconscious,

(b) In need of medical attention,

(c) Likely to suffer or cause physical harm or damage property, or

(d) Disorderly.

(10)[~~(11)~~] "Independent physician" means a physician licensed to practice in Kentucky, other than one holding an office or appointment in any department, board or agency of the Commonwealth, or in any public facility.

(11)[~~(12)~~] "Juvenile" means any person who is under the age of eighteen.

(12)[~~(13)~~] "Patient" means any person admitted to a facility.

(13)[~~(14)~~] "Treatment" means services and programs for the care and rehabilitation of intoxicated persons, [~~and~~] alcoholics, *drug addicts, and drug abusers.*

(14) "Facility" means any licensed public or private facility, service, or program providing treatment or rehabilitation services for drug abusers, drug addicts or alcoholics, including, but not limited to, a residential rehabilitation center; a nonresidential day-care center with a foster home component; or a community mental health center, clinic, or program.

Section 2. KRS 222.011, 1980 Acts Chapter 254, Section 2, to become effective July 1, 1986, is amended to read as follows:

In this chapter the following words shall, unless the context requires otherwise, have the following meanings:

(1) "Administrator" means the person, or his designee, in charge of the operation of a treatment facility licensed by the cabinet.

(2) "Alcoholic" means a person suffering from alcoholism.

(3) "Alcoholism" means a medically diagnosable disease characterized by chronic, habitual or periodic consumption of alcoholic beverages resulting in the (a) substantial interference with an individual's social or economic functions in the community, or (b) the loss of powers of self-control with respect to the use of such beverages.

(4) "A person under the influence of drugs" means a person whose powers of self-control have been substantially impaired because of the use of a drug described in KRS Chapters 217 and 218A or the federal controlled substances act of 1970, and regulations pursuant thereto.

(5) "Secretary" means the secretary of the cabinet for human resources.

(6) "Cabinet" means the cabinet for human resources.

(7) "Drug addict" means any person whose use of an addictive substance has produced a condition which requires ingestion or injection of the addictive substance, or both, as a means of preventing withdrawal symptoms and of maintaining the individual's state of function.

(8) "Drug dependent person" or "drug abuser" means any person who compulsively and habitually uses drugs to the extent that they injure his health and interfere with his social and economic functioning.

(9) [~~"Treatment facility" means any public or private place, or portion thereof, licensed by the cabinet providing services especially designed for the detoxification, treatment or rehabilitation of intoxicated persons or alcoholics.~~

~~(10)~~] "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is:

(a) Unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment; and

(b) Demonstrates behavior giving reasonable cause to believe he may injure himself or others or cause property damage.

(10)[~~(11)~~] "Independent physician" means a physician licensed to practice in Kentucky, other than one holding an office or appointment in any department, board or agency of the Commonwealth, or in any public facility.

(11)[~~(12)~~] "Juvenile" means any person who is under the age of eighteen.

(12)[~~(13)~~] "Client" means any person admitted to a facility.

(13)[~~(14)~~] "Treatment" means services and programs for the care and rehabilitation of [~~persons~~] intoxicated *persons,* [~~or incapacitated by alcohol and services and programs for~~] alcoholics, *drug addicts, and drug abusers.*

(14)[~~(15)~~] "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(15)[~~(16)~~] "Emergency service unit" means a treatment team that meets minimum standards established by the cabinet and trained to give assistance in the streets and other public places to persons who are intoxicated or incapacitated by alcohol.

(16) "Treatment facility" means any licensed public or private facility, service, or program providing treatment or rehabilitation services for drug abusers, drug addicts or alcoholics, including, but not limited to, a residential rehabilitation center; a nonresidential day-care center with a foster home component; or a community mental health center, clinic, or program.

SECTION 3. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) A person may be ordered to treatment at an appropriate treatment facility by the district court upon the petition of his spouse, a parent or guardian, or the next of kin.

(a) The petition shall allege that the person:

1. Is a habitual abuser of controlled substances not pursuant to a lawful prescription or alcohol or both;

2. Has lost the power of self-control with respect to the use of such controlled substances or alcohol; and

3. Has threatened, attempted, or actually inflicted physical harm on himself or others, or is in need of treatment and care and by reason of drug or alcohol abuse or both his judgment has been so impaired that he is incapable of appreciating his need for and of making a rational decision in regard thereto. A mere refusal to undergo treatment shall not by itself constitute evidence of lack of judgment with respect to the need for care.

(b) The petition shall be accompanied by the certificate of a physician, licensed psychologist or mental health professional possessing training and experience in drug and alcohol abuse treatment and rehabilitation and shall be based upon an examination of the alleged drug or alcohol abuser made within ten (10) days prior to the filing of the petition, unless the person whose treatment is sought has refused to submit to such examination, in which event the petition shall so state. The certificate shall set forth its finding in support of the allegations of the petition.

(2) Upon receipt of the petition, the court shall fix a date for a hearing on the issues no later than five (5) days from the date the petition was received. The court shall give notice of the hearing to:

(a) The petitioner;

(b) The person whose treatment is sought, his next of kin if other than the petitioner, and his parents or legal guardian and his court-appointed guardian ad litem, if he is a minor; and

(c) Any other person whose presence the court deems advisable.

Copies of the petition and certificate shall be delivered to all of the parties, together with the notice of hearing.

(3) At the hearing, the court shall hear all relevant testimony, including testimony of those providing certificates pursuant to subsection (1) of this section. The person whose treatment is sought shall be present unless the court has reason to believe that his presence is likely to be injurious to him; in this event, the court shall appoint a guardian ad litem to represent him throughout the proceeding. The court shall examine the person whose treatment is sought in open court or, if it is deemed advisable, in chambers. If the person whose treatment is sought has refused to be examined, he shall be afforded an opportunity to consent to examination by a court appointed physician, licensed psychologist, or mental health professional possessing training and experience in drug and alcohol abuse treatment and rehabilitation. If he refuses and there is sufficient evidence to believe that the allegations of the petition are likely to be true, or, in any case, if the court believes that more evidence is necessary, the court may preliminarily order the person to an appropriate treatment facility for a period of not more than thirty (30) days for purposes of an examination. If, after hearing all relevant evidence, including the results of any case findings, the court finds that the grounds for court-ordered treatment have been met by clear and convincing proof, the court shall make a final order stating its findings and ordering the person to treatment at or through a treatment facility deemed appropriate by the court.

(4) A person ordered to treatment pursuant to this section shall remain under the treatment designated by the court for a period of sixty (60) days unless sooner discharged. At the end of the sixty (60) day period, he shall automatically be discharged unless the treatment facility, prior to the expiration of such period, obtains renewal of the order for treatment for a further period of sixty (60) days unless sooner discharged.

(a) A person ordered to treatment who has not been discharged by the treatment facility before the end of the second sixty (60) day period shall automatically be discharged at the expiration of that period unless the treatment facility, prior to the expiration of such period, obtains a renewal of the order for treatment for a further period of sixty (60) days unless sooner discharged.

(b) Upon receipt of a petition for renewal of the order for treatment, the court shall fix a date for hearing no later than five (5) days from the date the petition was received. Notice of the application and the date of the hearing fixed by the court shall be served on:

1. The petitioner;

2. The person whose treatment is sought, his next of kin, and one (1) of his parents or his legal guardian if he is a minor;

3. The original petitioner, if different from the petitioner for renewal of the order for treatment; and

4. Any other person whose presence the court deems advisable.

At the hearing, the court shall proceed in the manner previously set forth herein.

(5) A person ordered to treatment in, and who is in the custody of, a treatment facility for care shall be discharged at any time prior to the end of the period for which he has been ordered to treatment when one (1) of the following conditions are met:

(a) In the case of a drug or alcohol abuser ordered to treatment on the grounds of likelihood of infliction of physical harm upon himself, or others, when such likelihood no longer exists; or

(b) In the case of a drug or alcohol abuser ordered to treatment on the grounds of need of treatment and care accompanied by incapacity to make a determination respecting such need, either when such incapacity no longer exists or when it is evidence that further treatment and care will not bring about further significant improvement in such person's condition.

(6) The person whose treatment is sought shall be informed of his right to contest the application, to be represented by counsel at every stage of proceedings relating to his order to treatment, and to have counsel appointed for him by the court, if he desires the assistance of counsel and is financially unable to obtain counsel. If the court believes the person needs the assistance of counsel, the court shall appoint counsel for him regardless of his wishes. Further, the person for whom treatment is sought shall be informed of his right to be examined by a physician, licensed psychologist, or mental health professional and a person of his choice who possesses training and experience in drug and alcohol abuse treatment and rehabilitation. If the person is financially unable to obtain such services and requests such examinations, the court shall provide payment for the required examinations.

(7) Any person ordered to treatment under the provisons of this chapter may at any time seek to be discharged from treatment by writ of habeas corpus.

SECTION 4. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources may implement a demonstration project in counties containing a city of the first class to provide court-ordered treatment to indigent persons involuntarily committed pursuant to the provisions of this Act.

Section 5. The following KRS section is repealed:

222.430 Involuntary hospitalization for drug problem—Rights of patient.

HB 880, AN ACT relating to public health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 213.110 is amended to read as follows:

(1) The body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition has been issued by the registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the cabinet for human resources to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the cabinet for human resources and local board of health. *Prior to the removal of the body of any person whose death occurs in a hospital, long-term care facility or other health care facility, the hospital, long-term care facility or other health care facility in which the death occurs shall notify any embalmer or funeral director to whom the body will be transported of the identity of any communicable disease the decedent was known to have at the time of death.* Except as provided in subsections (2) and (3) of this section, no burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him. If any certificate of death is incomplete or unsatisfactory, the registrar shall call attention to the defects in the return, and shall withhold issuing the burial or removal permit until they are corrected.

(2) A transit permit issued in accordance with the law and health regulations of the place where the death occurred, whether in or outside of this state, may be accepted by the local registrar of the district where the body is to be interred or otherwise finally disposed of, in lieu of a certificate of death, but he shall plainly enter on the face of the copy of the record made for return to the cabinet for human resources the fact that it was a body shipped in for interment and the actual place of death. If the transit permit was issued outside of this state the local registrar of the district where the body is to be finally disposed of shall issue a local burial permit, but if the transit permit was issued in this state the registrar's burial or removal permit from the district where the death occurred may be accepted as authority for burial at the point of destination, without the issuance of a local burial permit.

(3) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body, unless the services of the coroner or the health officer are required or the cabinet for human resources deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body, the undertaker or person acting as such shall file with the local registrar or deputy registrar prior to interment, a provisional certificate of death, which shall contain the name, date and place of death of the deceased and an agreement to furnish within five (5) days a complete and satisfactory certificate of death and the undertaker or person acting as such shall secure a complete and satisfactory certificate of death as provided in KRS 213.100 and return it within five (5) days from the date of burial to the local registrar of the district in which the death occurred.

(4) The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial, before interring the body, or, if the body is to be shipped by a transportation company, shall attach the transit permit, containing the registrar's removal permit, to the box containing the body. The transit permit shall accompany the body to its destination.

The Committee Amendment No. 1 to HB 880 is as follows:

Amend printed copy of HB 880:

On page 1, line 21,

By inserting after the word "*disease*" the phrase "*,as defined by the cabinet for human resources in administrative regulations subject to KRS Chapter 13A,*"

And on page 1, line 21,

By inserting after the word "*have*" the following phrase "*,as indicated in the medical record,*"

And on page 2, line 1,

After the word "*death.*" by inserting the following:

"*Such notice shall be provided by prominently attaching to the body of the deceased a red tag bearing the identity of the communicable diseases.*"

HB 984, AN ACT relating to adoptions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 199.555 is amended to read as follows:

(1) For the purpose of this section, "hard-to-place children" means those children for whom adoptive homes are difficult to find because of a physical handicap, a mental condition, or the age of the child.

(2) If the secretary of the cabinet for human resources or his designated representative finds that a child may benefit from being adopted and that the payment of a subsidy to adoptive parents after the adoption will increase the likelihood of such adoption, then funds may be paid to the adoptive parents after completion of the adoption of such child if the following conditions exist:

(a) The child is committed to the cabinet for human resources and the cabinet has authority to consent to the child's adoption; and

(b) The adoptive parents can give suitable care to the child if a subsidy is paid.

(3) *Agreements for the payments of funds under this section shall be made prior to the adoption of the child except where the secretary for human resources or his designated representative finds that the adoption is likely to disrupt and that payment of a subsidy after the adoption is necessary to preserve such adoption, and the following conditions exists:*

(a) The child was placed for adoption by the cabinet for human resources;

(b) The child was considered "hard-to-place" prior to the adoption;

(c) The parents have made a reasonable effort under the circumstances to meet the needs of the child without a subsidy.

(4) The payments shall be out of funds appropriated to the cabinet and shall be in accordance with regulations promulgated by the secretary. Such payments shall not exceed the amount which would be paid for foster care for the child, and may include payment for extraordinary medical care. *However, payments under agreements entered into under subsection (3) of this section shall be limited to reimbursement of authorized extraordinary medical care related to problems or conditions that existed prior to the adoption.*

(5)[~~(4)~~] The cabinet shall establish criteria to be followed for the adoption of children under provisions of this section and shall promulgate the criteria by administrative regulations.

The Committee Amendment No. 1 to HB 984 is as follows:

Amend printed copy of HB 984:

On page 2, line l:

By deleting after the word "*disrupt*" the following:

"*and that payment of a subsidy after the adoption is necessary to preserve such adoption, and the following conditions exists:*"

And inserting in lieu thereof the following:

"*. In such situations, reimbursement for extraordinary medical care may be made, contingent upon resources available, if the following conditions exist:*"

On page 2, between lines 10 and 11,

By inserting a new paragraph of subsection (3) to read as follows:

"*This subsection shall apply to any child meeting the conditions of this subsection who at the time of application for the post adoption subsidy is under age eighteen (18) and who is adopted prior to or after July 15, 1986.*"

HB 989, AN ACT relating to medical care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Adults have the right to control decisions relating to their own medical care, including instructions to the adult's physician to withhold medical treatment.

The Committee Substitute to HB 989 is as follows:

HB 989, AN ACT relating to medical care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) The general assembly finds that all adults have the fundamental right to control the decisions relating to their own medical care, including the decision to have medical or surgical means or procedures calculated to prolong their lives provided, withheld or withdrawn.

(2) The general assembly further finds that the artificial prolongation of life for persons with a terminal condition may cause loss of individual dignity and secure only a precarious and burdensome existence, while providing nothing medically necessary or beneficial to the patient.

(3) In order that the dignity, privacy and sanctity of persons with such conditions may be respected even after they are no longer able to participate actively in decisions concerning themselves, the general assembly hereby declares that the laws of the Commonwealth of Kentucky shall recognize the right of an adult to make a written declaration, at any time, instructing the adult's physician to withhold or withdraw life-prolonging procedures in the event such person is diagnosed as having a terminal condition.

SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient.

(2) "Declaration" means a witnessed document in writing, voluntarily made, at any time, by the declarant in accordance with the requirements of Section 3 of this Act.

(3) "Life-prolonging procedure" means any medical procedure, treatment or intervention which (a) utilizes mechanical or other artificial means to sustain, restore or supplant a spontaneous vital function or is otherwise of such a nature as to afford a patient no reasonable expectation of recovery from a terminal condition and (b) when applied to a patient in a terminal condition, would serve only to prolong the dying process. "Life-prolonging procedure" shall not include the administration of medication or the performance of any medical procedure deemed necessary to provide comfort or sustenance care or to alleviate pain.

(4) "Physician" means a person licensed to practice medicine in the Commonwealth of Kentucky.

(5) "Qualified patient" means a patient who has:

(a) Made a declaration in accordance with this Act;

(b) Been diagnosed and certified in writing by the attending and one (1) other physician, as having a terminal condition; and

(c) Who is not known to be pregnant.

(6) "Terminal condition" means a condition caused by injury, disease or illness from which, to a reasonable degree of medical certainty, there can be no recovery or death is imminent and where the application of life-prolonging procedures would serve only to artificially prolong the dying process.

SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) Any adult may, at any time, make a written declaration directing the withholding or withdrawal of life-prolonging procedures when such person is diagnosed as having a terminal condition. A written declaration shall be signed by the declarant in the presence of two (2) subscribing witnesses.

(2) In no instance shall any of the following be a witness to any declaration made under this Act:

(a) A blood relative who would be a beneficiary of the declarant; or

(b) A beneficiary of the declarant under descent and distribution statutes of the Commonwealth; or

(c) An employe of a health facility in which the declarant is a patient; or

(d) An attending physician of the declarant; or

(e) Any person directly financially responsible for the declarant's health care.

(3) It shall be the responsibility of the declarant to provide for notification to the declarant's attending physician that a declaration has been made. In the event the declarant is comatose, incompetent or otherwise mentally or physically incapable, any other person may notify the physician of the existence of a declaration. An attending physician who is so notified shall promptly make the declaration or a copy of the declaration a part of the declarant's medical records.

SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

A declaration made pursuant to this Act shall be substantially in the following form, and may include other specific directions. Should any other specific directions be held to be invalid, such invalidity shall not affect the declaration.

Declaration

Declaration made this ______ day of __________, (month, year). I, ____________, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare:

If at any time I should have a terminal condition and my attending and one (1) other physician have determined that there can be no recovery from such condition and where the application of life-prolonging procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort or sustenance care or to alleviate pain.

In the absence of my ability to give directions regarding the use of such life-prolonging procedures, it is my intention that this declaration shall be honored by my family and attending physician as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences for such refusal.

If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

I understand the full import of this declaration and I am emotionally and mentally competent to make this declaration.

____
(Signed)

The declarant is known to me and I believe the declarant to be of sound mind.

____
Witness

____
Address

____
Witness

____
Address

SECTION 5. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) No declaration shall be revoked except:

(a) By some writing declaring an intention to revoke, which writing shall be signed and dated by the declarant; or

(b) By an oral statement by the declarant of an intent to revoke; or

(c) By the declarant or by some person in the declarant's presence and at the declarant's direction, by cutting, tearing, burning, obliterating, canceling, or destroying the declaration, or the signature thereto, with the intent to revoke.

(2) An oral statement by the declarant to revoke a declaration shall override any previous written declaration made.

(3) Any such revocation shall become effective immediately. An attending physician shall not be required to administer treatment in accordance with the revocation until such time as he receives notice of the revocation. Upon receiving notice of the revocation, the attending physician shall record, in the declarant's medical record, the time, date and place of such notice receipt.

SECTION 6. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) A health care facility, physician or other person acting under the direction of a physician shall not be subject to criminal prosecution or civil liability or be deemed to have engaged in unprofessional conduct as a result of the withholding or the withdrawal of life-prolonging procedures from a patient with a terminal condition in accordance with this Act. A person who authorizes the withholding or withdrawal of life-prolonging procedures from a patient with a terminal condition in accordance with a qualified patient's declaration shall not be subject to criminal prosecution or civil liability for such action.

(2) The provisions of this section shall apply unless it is shown by a preponderance of the evidence that the person authorizing or effectuating the withholding or withdrawal of life-prolonging procedures did not, in good faith, comply with the provisions of this Act. A declaration made in accordance with this Act shall be presumed to have been made voluntarily.

SECTION 7. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

An attending physician who refuses to comply with the declaration of a qualified patient shall make arrangements to remove himself as attending physician for that patient as soon as may be reasonably practicable and shall assist the patient in obtaining another physician.

SECTION 8. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall be construed to condone, authorize or approve mercy killing or euthanasia, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

SECTION 9. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) The withholding or withdrawal of life-prolonging procedures from a qualified patient in accordance with the provisions of this Act shall not, for any purpose, constitute a suicide. Nor shall the making of a declaration pursuant to this Act affect the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated by the withholding or withdrawal of life-prolonging procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(2) No physician, health facility, or other health care provider shall require any person to make a declaration as a condition for receiving health care services. No contract for health insurance under KRS 304.5-040, disability insurance, credit health insurance or insurance under nonprofit hospital, medical, surgical, dental and health service corporation, self-insured private employer group plan, or health maintenance organization as defined in KRS Chapter 304 shall require any person to make a declaration as a condition for being insured for health care services; neither shall any of the aforementioned health insurance contracts or plans be legally impaired or invalidated in any manner by the making of a declaration or the withholding or withdrawal of life sustaining procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) The declaration of any qualified patient, substantially in the form set out in Section 4 of this Act and made prior to the effective date of this Act, shall be given effect as provided in this Act.

SECTION 10. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not affect an individual's right to consent or refuse to consent to medical treatment and shall not impair any existing rights or responsibilities which a health care provider, a patient, including a minor or incompetent patient, or a patient's family may have in regard to the withholding or withdrawal of life-prolonging medical procedures under the common law or statutes of the Commonwealth.

SECTION 11. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) Any person who willfully conceals, cancels, defaces, obliterates, or damages the declaration of another without the declarant's consent or who falsifies or forges a revocation of the declaration of another, thereby causing life-prolonging procedures to be utilized in contravention of the previously expressed intent of the patient shall be civilly liable.

(2) Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of the revocation of a declaration, with the intent to cause a withholding or withdrawal of life-prolonging procedures, contrary to the wishes of the declarant, and thereby, because of such act, directly causes life-prolonging procedures to be withheld or withdrawn and death to be hastened, shall be guilty of a Class C felony.

HCR 121, A CONCURRENT RESOLUTION requesting the Legislative Research Commission to study barriers to self-sufficiency in current public assistance programs in Kentucky.

WHEREAS, over 600,000 Kentuckians have incomes below the federal poverty guidelines; and

WHEREAS, only 59,000 families in Kentucky receive Aid to Families with Dependent Children (AFDC); and

WHEREAS, the basic AFDC grant has risen only eleven dollars ($11) in ten years, from $235 per month to $246 per month; and

WHEREAS, AFDC does not provide adequate financial resources to meet the minimal subsistence needs for a mother of two children; and

WHEREAS, the working poor require assistance with housing, medical care and child care in order to become self-sufficient; and

WHEREAS, current AFDC policies relating to earned income and eligibility for Medicaid discourage recipients from seeking employment and becoming self-sufficient.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission is directed to conduct a study to identify the barriers to self-sufficiency in current public assistance programs in Kentucky and recommend legislation to remove such barriers.

Section 2. The study shall include an analysis and recommendations in the following areas:

(1) Aspects of current public assistance programs, such as AFDC, which discourage employment through eligibility criteria;

(2) The minimum subsistence needs of indigent persons in Kentucky, including subsidized housing, medical care, child care and financial assistance;

(3) Programs in other states which eliminate disincentives for employment and encourage self-sufficiency; and

(4) Consideration of implementing an AFDC—Unemployed Parent Program in Kentucky to allow unemployed fathers to remain in the home while the family receives AFDC benefits.

Section 3. The report shall be submitted to the Legislative Research Commission no later than October 31, 1987.

Section 4. Staff services to be utilized in completing this study are estimated to cost $10,000. These staff services shall be provided from the regular Legislative Research Commission budget and are subject to the limitations and other research responsibilities of the Commission.

SB 210, AN ACT relating to health care reimbursement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section, a "pediatric teaching hospital" is defined as an acute care hospital as licensed under KRS Chapter 216B and which has designated and operates no less than one hundred and fifty (150) beds for pediatric services and which is either operated by one of the Commonwealth's schools of medicine and which has a pediatric teaching program or which has an affiliation agreement for pediatric services, teaching and research with a school of medicine for the Commonwealth.

(2) For purposes of inpatient hospital reimbursement under the Kentucky medical assistance program, the cabinet for human resources shall recognize the unique costs of any pediatric teaching hospital.

HB 868, AN ACT relating to youth employment and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

The purpose of this Act is to establish a demonstration program that shall provide part-time employment during the school year and full-time employment or part-time employment combined with training during the summer months to eligible youths who enter into a commitment to actively and diligently pursue further education and training.

SECTION 2. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) "Department" means department for employment services.

(2) "Qualified employment" means employment which meets the requirements of Section 4 of this Act and is in compliance with KRS Chapter 339.

(3) "Economically disadvantaged" means an individual who:

(a) Receives, or is a member of a family which receives, cash welfare payments or medical assistance under a federal, state, or local welfare program;

(b) Has, or is a member of a family which has, received a total family income during the six (6) month period prior to certification (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of:

1. The poverty level determined in accordance with criteria established by the federal director of the office of management and budget; or

2. Seventy percent (70%) of the lower living standard income level;

(c) Receives, or is a member of a family which receives, food stamps pursuant to the federal food stamp act of 1977;

(d) Is a foster child on behalf of whom state or local government payments are made; or

(e) Is a handicapped individual whose own income meets the requirements of paragraph (a) or (b) of this subsection, but who is a member of a family whose income does not meet such requirements.

(4) "Youths who are educationally at risk" means those youths who perform at least one (1) full grade below their expected level of performance on state standardized tests.

(5) "Local administrative entity" means the chief governing body of a city, county or urban county which has legislative powers whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, the fiscal court, or otherwise.

SECTION 3. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) An individual may qualify to be an eligible youth for purposes of participating in programs under this Act if such individual:

(a) Is sixteen (16) to nineteen (19) years of age, inclusive, at the time of assignment to a worksite;

(b) Is economically disadvantaged;

(c) Is not employed;

(d) Resides in the Commonwealth of Kentucky; and

(e) Has entered into a commitment to pursue further education or training under subsection (2) of this section.

(2) For the purpose of qualifying under subsection (1)(e), an individual shall sign a written commitment with the local administrative entity by which the individual agrees:

(a) To maintain or resume attendance:

1. In a secondary school for the purpose of obtaining a high school diploma;

2. In an alternative education program conducted by a local educational agency or community-based organization for the purpose of obtaining a certificate of high school equivalency;

3. In a program of remedial education which meets standards approved by the department of education; or

4. In a program of skill training approved by the department;

(b) To equal or exceed the attendance and performance standards of the program in which the individual is enrolled pursuant to subsection (2)(a) of this section; and

(c) To equal or exceed the attendance and performance standards at the worksite to which the individual is referred for employment under this Act.

(3) In establishing procedures for allocating priorities to eligible youth in its plan pursuant to Section 4 of this Act, the department shall allocate priority to youths who are educationally at risk.

(4) An individual's status as an eligible youth shall be terminated upon a finding by the local administrative entity, after an opportunity for a hearing, that the individual has failed to comply with the terms of the individual commitment under subsection (2) of this section.

SECTION 4. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) Funds provided under this Act shall be used for the purpose of providing eligible youth with:

(a) Part-time employment during the regular school year, not to exceed twenty (20) hours per week;

(b) Part-time employment, during the months between regular school years, which is combined with remediation, classroom instruction, or on-the-job or apprenticeship training; and

(c) Full-time employment for a period of at least eight (8) weeks during the months between regular school years, not to exceed forty (40) hours per week.

(2) Funds provided under this Act may be used:

(a) To pay up to seventy-five percent (75%) of:

1. The wages and benefits; and

2. The costs of any employer-provided instruction and training of an eligible youth during the first six (6) months of qualifying employment described in subsection (1) of this section;

(b) To pay up to fifty percent (50%) of:

1. The wages and benefits; and

2. The cost of any employer-provided instruction and training of an eligible youth during any succeeding months of such qualifying employment;

(c) Funds provided under this Act may not be used to pay any portion of the wages and benefits of any individual:

1. For full-time employment during the months between the regular school year with a for-profit institution or organization unless such employment is a continuation of employment with that employer during the regular school year; or

2. If the employer has failed to develop or to enforce attendance and performance standards consistent with the youth incentive plan provision adopted under this Act.

(3) Of the funds provided under this Act to the department for any program year:

(a) Not less than seventy percent (70%) shall be expended for:

1. Wages and benefits for qualifying employment;

2. Child care, transportation, or other supportive service expenses for individuals enrolled in programs under this Act; and

3. Worksite supervision, supplies, and training aids;

(b) Not less than twenty percent (20%) shall be expended for provision of basic education services, and of that amount not more than ten percent (10%) shall be expended for education supervision and administration.

SECTION 5. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

In order to provide eligible youth with qualifying employment, the local administrative entity shall develop and submit to the department a youth incentive plan which shall include:

(1) Procedures for selecting among and allocating priorities to eligible youth for participation in qualifying employment and for selecting employment, training, and education programs which will enable such youth to obtain meaningful unsubsidized employment upon completion of participation in the program;

(2) Provisions to ensure coordination with, and to avoid duplication of federal services and assistance made available under the job training partnership act, the vocational education act of 1963, and the adult education act;

(3) A description of arrangements made with local educational agencies:

(a) For the establishment and enforcement of attendance and performance standards with respect to education programs for eligible youth participating in qualifying employment; and

(b) For the development of flexible class schedules to permit such participation during the regular school year;

(4) A description of arrangements made with private nonprofit organizations, including community-based organizations, for the establishment and enforcement of attendance and performance standards with respect to alternative education programs for eligible youths conducted by such organizations;

(5) A description of arrangements for the development and enforcement of attendance and performance standards with respect to eligible youth on the worksites at which they are engaged in qualifying employment;

(6) A description of the specific outreach services and programs that will be established to ensure participation in qualifying employment by eligible youth who are school dropouts, as well as by inschool youths;

(7) Assurances that special efforts will be made to recruit youth from families receiving public assistance, including parents of dependent children who meet the age requirement of this Act; and

(8) A description of any arrangements made with labor organizations to enable youths to enter into apprenticeship training as part of employment provided under this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) The department shall review plans submitted pursuant to Section 5 of this Act and shall provide financial assistance based upon compliance with provisions of this Act and the availability of resources to fund such plans.

(2) No funds for employment under this Act shall be used to provide public services through a nonprofit organization, association, or institution, or nonprofit private institution of higher education or any other applicant, which were previously provided by a political subdivision or local educational agency in the area served by the project or where the employment and training takes place, and no funds will be used under this Act to provide such services through such an organization or institution which are customarily provided only by a political subdivision or local educational agency in the area served by such project or where the employment and training takes place.

(3) The department shall determine that the activities assisted under this Act:

(a) Will result in an increase in employment opportunities over those opportunities which would otherwise be available;

(b) Will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits);

(c) Will not impair existing contracts for services;

(d) Will not substitute jobs assisted under this Act for existing state assisted jobs;

(e) Will not employ any youth when any other person is on layoff from the same or any substantially equivalent job by the employer to whom the youth would be assigned; and

(f) Will not be used to employ any person to fill a job opening created by the act of an employer to whom a youth is assigned in laying off or terminating employment of any regular employe, or otherwise reducing the regular work force not supported under this Act, in anticipation of filling the vacancy so created with a youth to be supported under this Act.

(4) The jobs in each promotional line will in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public services not subsidized under this Act and no job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective bargaining agreements have been complied with.

(5) Where a labor organization represents employes who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission under this Act, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the department.

(6) Funds under this Act shall not be used to provide full-time employment opportunities:

(a) For any person who has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the Commonwealth of Kentucky except:

1. During periods when school is not in session; and

2. Where employment is undertaken in cooperation with school-related programs awarding academic credit for the work experience; or

(b) For any person who has not attained a high school degree or its equivalent if it is determined in accordance with procedures established by the department, that there is substantial evidence that such person left school in order to participate in any program under this Act.

(7) Appropriate efforts shall made to ensure that youths participating in programs, projects, and activities under this Act shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military service, those who are offenders, those who are handicapped, those with dependents, or those who have otherwise demonstrated special need, as determined by the secretary.

(8) All activities assisted under this Act, pursuant to such regulations as the department shall prescribe, shall provide appropriate counseling and placement services designed to facilitate the transition of youth from participating in the project to:

(a) Permanent jobs in the public or private sector; or

(b) Education or training programs.

(9) Earnings and allowances received by any youth under this Act shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any state or state assisted programs.

SECTION 7. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

Rates of pay under this Act shall be no less than the higher of:

(1) The minimum wage under section 6(a)(1) of the fair labor standards act of 1938; or

(2) The state or local minimum wage for the most nearly comparable employment.

SECTION 8. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) The local administrative entity shall report to the department quarterly concerning the youth incentive projects authorized under this Act. Included in such reports shall be findings with respect to:

(a) Characteristics of participants enrolled at the time of the report;

(b) The cost of providing employment opportunities to such youths;

(c) The degree to which such employment opportunities have caused out-of-school youths to return to school or others to remain in school;

(d) The number of youths provided employment in relation to the total which might have been eligible;

(e) The kinds of jobs provided such youths and a description of the employers—public and private—providing such employment; and

(f) The degree to which on-the-job or apprenticeship training has been offered as part of the employment.

(2) The department shall compile the reports submitted under subsection (1) of this section and shall submit a summary of the findings to the legislative research commission in an annual report for employment and training programs.

SECTION 9. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Kentucky Youth Incentive Employment Act."

Section 10. For the participation of at least 250 disadvantaged youth in this demonstration program, there is appropriated out of the general expenditure fund in the state treasury to the cabinet for human resources, the department of employment services five hundred thousand dollars ($500,000) for fiscal year 1986-87 and five hundred thousand dollars ($500,000) for fiscal year 1987-88.

The Committee Amendment No. 1 to HB 868 is as follows:

Amend printed copy of HB 868:

On page 1, line 14,

By deleting the word "*Qualified*" and inserting in lieu of the word "*Qualifying*";

On page 1, line 19,

After the phrase "*member of*" by deleting the word "*a family*" and by inserting in lieu thereof the word "*the household*";

On Page 2, between lines 1 and 2,

By adding a new paragraph (b) to read as follows:

"*(b) Is currently receiving free or reduced lunches in a public school system through a federal program;*"

and by relettering the subsequent paragraphs to conform;

On page 2, line 2,

After the phrase "*member of*" by deleting the word "*a family*" and by inserting in lieu thereof the word "*the household*"

On page 2, line 13,

By deleting the phrase "*a family*" and by inserting in lieu thereof the phrase "*the household*";

On page 2, line 20,

By deleting the phrase "*a family*" and by inserting in lieu thereof the phrase "*the household*";

On page 3, line 4,

By deleting the phrase "*otherwise*" and by inserting in lieu of "*local board of education*";

On page 3, line 10,

By deleting "*sixteen (16)*" and inserting in lieu thereof the word "*fifteen (15)*";

On page 3, line 14,

By deleting the word "*and*" after the words "*Kentucky;*" ;

On page 3, line 16,

By deleting the period "." after the word "*section*" and inserting in lieu thereof the following: "*; and*";

On page 3, between lines 16 and 17,

By inserting a new paragraph (f) to read as follows:

"*(f) complies with the provisions of KRS Chapter 339.*"

The Committee on Appropriations and Revenue reported HB 40 with Committee Substitute and Committee Amendment attached thereto, HB 535 with Committee Substitutes and Committee Amendment attached thereto, and HB 744 with Committee Substitute and Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to HB 40 is as follows:

HB 40, AN ACT relating to educational purposes and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

It is the intent of the general assembly to establish a method of providing direct state aid to local public libraries in order to assure their continued existence and to enhance their services for the benefit of the citizens of the Commonwealth.

Section 2. KRS 171.201 is amended to read as follows:

(1) For grants to public libraries for promoting, aiding and equalizing public library service in Kentucky, there may be funds appropriated out of the general expenditure fund of the state treasury.

(2) In addition to any other funds appropriated to the department for libraries and archives, there shall be appropriated annually to the department out of the general expenditure fund of the state treasury an amount sufficient to provide the following assistance to local public libraries:

(a) The department shall distribute to each county public library system a foundation grant based upon the county population using the last official census as follows:

1. Counties with a population of fifteen thousand (15,000) or less shall receive five thousand dollars ($5,000);

2. Counties with a population between fifteen thousand one (15,001) and thirty-five thousand (35,000) shall receive four thousand dollars ($4,000);

3. Counties with a population between thirty-five thousand one (35,001) and fifty thousand (50,000) shall receive two thousand five hundred dollars ($2,500); and

4. Counties with a population over fifty thousand (50,000) shall receive one thousand five hundred dollars ($1,500); and

(b) The department shall distribute to each county public library system, based on the county's share of the state population, twenty-two and seventy-five hundredths (22.75) cents per capita in 1986-87 and fifty-two and seventy-five hundredths (52.75) cents per capita in 1987-88 and each year thereafter to be used for the following purposes:

1. Purchase of library materials and equipment;

2. Maintenance and operation of bookmobiles and extension programs;

3. Staff training and compensation;

4. Building maintenance;

5. Debt service;

6. Resource-sharing;

7. Program development; and

8. All other local library needs and services.

For counties which do not have a public library, the department shall make the per capita distribution to a recognized library organization for the purpose of providing or establishing county-wide public library service under existing departmental guidelines. If there is no recognized library organization, the per capita distribution shall be made to the fiscal court of the county which shall distribute the funds to public education entities.

The Committee Title Amendment to HB 40 is as follows:

Amend printed copy of HB 40:

By amending the title to read as follows:

"AN ACT relating to educational purposes."

The Second Committee Substitute to HB 535 is as follows:

HB 535, AN ACT relating to sexual offenders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

The corrections cabinet shall operate a specialized treatment program for sexual offenders, hereinafter referred to as the "program."

SECTION 2. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

(1) A "sexual offender" as used in this chapter is an individual who has been adjudicated guilty of any felony described in KRS Chapter 510 or any other felony committed in conjunction with a misdemeanor described in KRS Chapter 510.

(2) A sexual offender becomes an "eligible sexual offender" when the sentencing court or cabinet officials, or both, determine that the offender:

(a) Has demonstrated evidence of a mental, emotional, or behavioral disorder, but not active psychosis or mental retardation; and

(b) Is likely to benefit from the program.

(3) "Cabinet" is the corrections cabinet.

SECTION 3. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

(1) The corrections cabinet shall have the sole authority and responsibility for establishing by regulation the design of the specialized program created in this Act.

(2) The program shall include diagnostic and treatment services in both in-patient and out-patient environments:

(a) "Diagnostic services" shall include social and family histories, medical history, educational development, interpersonal development, criminal history, psychological screening and pre-release evaluation;

(b) "Treatment services" shall include individualized treatment plans to include individual, group, marital, and family counseling; psychoeducational courses to include sex education and victim personalization; and social skills development to include assertiveness training, stress management and aggression management; and

(c) The cabinet shall have the authority and responsibility for establishing such other educational and work programs necessary to complement treatment program objectives.

(3) The corrections cabinet may transfer sexual offenders sentenced to its custody to the program and shall adopt rules and regulations concerning the transfer of sexual offenders.

(4) All sexual offenders participating in the program may be housed separately from all other incarcerated inmates but shall be housed in accordance with the cabinet's standard classification system.

(5) The treatment staff of the program shall minimumly consist of the following staff:

(a) A program director who has at least a master's degree in a recognized mental health field and six (6) years clinical experience or a doctoral degree in a recognized mental health field and four (4) years clinical experience. The director shall decide program policies and supervise all staff;

(b) A clinical psychologist or a masters degree level psychologist for each two hundred (200) participants, provided that at least one (1) clinical psychologist shall be a member of the staff at all times; and

(c) A counselor for each fifty (50) participants.

(6) The cabinet shall establish a system of data collection and program evaluation so as to allow study of participating sexual offenders and their offenses and to measure the impact of the program on recidivism.

SECTION 4. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

The cabinet may enter into agreements with public or private agencies in order to implement and operate the program created by this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

Communications relative to a sexual offender's diagnosis and treatment in the program, made between a sexual offender or member of the offender's family and any employe of the cabinet who is assigned to work in the program, shall be privileged from disclosure in any civil or criminal proceeding, unless the offender consents to the disclosure or the communication is related to an ongoing criminal investigation. The privilege created by this section shall not extend to disclosures made in an administrative hearing for the purpose of determining whether the offender should continue to participate in the program. The offender shall be informed in writing of the limits of the privilege created herein.

Section 6. KRS 439.340 is amended to read as follows:

(1) The board may release on parole such persons confined in any adult state penal or correctional institution of Kentucky as are eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as practicable after his admission and at such intervals thereafter as it may determine, the corrections cabinet shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. Such information shall include his criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. The corrections cabinet shall furnish the circumstances of his offense and his previous social history to the institution and the board. The corrections cabinet shall prepare a report on such information as it obtains. It shall be the duty of the corrections cabinet to supplement this report with such material as the board may request and submit such report to the board.

(2) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner and shall have him appear before it, or one (1) or more members for interview and hearing, except that the board in its discretion may request the parole board of another state confining prisoners pursuant to KRS 196.610 to interview eligible prisoners and make a parole recommendation to the board. A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes he is able and willing to fulfill the obligations of a law abiding citizen.

(3) The board shall adopt rules or regulations with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings, or conditions to be imposed upon parolees. Regulations governing the eligibility of prisoners for parole shall be in accordance with professionally accepted ideas of correction and reform and may utilize in part objective, performance-based criteria; however, nothing herein contained shall preclude the board from utilizing its present regulations in conjunction with such other factors involved that would relate to the inmate's needs and the safety of the public.

(4) *No eligible sexual offender within the meaning of this Act shall be granted parole unless he has successfully completed the sexual offender treatment program.*

(5) Any prisoner who is granted parole after completion of the sexual offender treatment program shall be required, as a condition of his parole, to participate in regular treatment in a mental health program approved or operated by the corrections cabinet.

(6) Whenever an order for parole is issued it shall recite the conditions thereof.

The Committee Substitute to HB 774 is as follows:

HB 774, AN ACT relating to criminal history records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

The Kentucky state police shall, in cooperation with the administrative office of the courts and the corrections cabinet, be responsible for the recording of those data elements that are needed for development of the centralized criminal history record information system:

(1) The data base shall at a minimum contain the information required in this Act;

(2) The Kentucky state police shall provide access to the administrative office of the courts and the corrections cabinet to its data base; and

(3) The Kentucky state police and the corrections cabinet shall assign the same identification number or other variable to each person whose name appears in the data base.

SECTION 2. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The administrative office of the courts shall, in cooperation with the Kentucky state police and the corrections cabinet, be responsible for the recording of those data elements that are needed for development of the centralized criminal history record information system:

(1) The data base shall at a minimum contain the information contained in this Act;

(2) The administrative office of the courts shall provide access to the Kentucky state police and the corrections cabinet to its data base; and

(3) The administrative office of the courts shall, where such number is known, assign the same identification number or other variable to each person whose name appears in the data base.

SECTION 3. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO READ AS FOLLOWS:

The corrections cabinet shall, in cooperation with the Kentucky state police and the administrative office of the courts be responsible for the recording of those data elements that are needed for the development of the centralized criminal history record information system:

(1) The data base shall at a minimum contain the information required in this Act;

(2) The corrections cabinet shall provide access to the Kentucky state police and the administrative office of the courts to its data base; and

(3) The corrections cabinet shall assign the same identification number or other variable to each person whose name appears in the data base.

SECTION 4. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky state police, corrections cabinet, and the administrative office of the courts shall provide access to their data bases and the centralized criminal history record information system and the data contained therein to other criminal justice agencies, including criminal justice statistical analysis centers, and to the legislative research commission. The right of access granted herein shall not include the right to add to, delete or alter data without permission of the agency holding the data.

(2) Criminal justice agencies and the legislative research commission shall not make public information on an individual person's criminal history record where such record is protected by state or federal law or regulation.

(3) The legislative research commission shall have access to information which does not identify an individual person when determined by the director of the legislative research commission to be necessary for a legislative purpose.

(4) The legislative research commission shall have access to individual persons' criminal history records subject to the following provisions:

(a) Access shall not include information on federal offenses or convictions;

(b) Access shall not include information on out-of-state convictions; and

(c) Requests for the release of the information shall be approved by the legislative research commission by vote at a meeting of the commission.

SECTION 5. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

All data supplied to the centralized criminal history record information system by the Kentucky state police, administrative office of the courts, and the corrections cabinet shall be compatible with the system and shall contain both citation and personal identification numbers.

SECTION 6. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

All data supplied to the centralized criminal history record information system by the administrative office of the courts shall include the uniform citation number applicable to the information reported.

SECTION 7. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The centralized criminal history record information system shall consist of a minimum of seven (7) levels of information as follows:

(1) Information relating to the offender;

(2) Information relating to the arrest;

(3) Information relating to the prosecution and action by the grand jury (when the case is brought before the grand jury) action upon the case;

(4) Information relating to the court disposition of the case;

(5) Information relating to sentencing;

(6) Information relating to the handling of the offender if he is received by a correctional or other institution; and

(7) Programs and information designed to enable the general assembly, executive branch agencies, and others to assess the efficiency, functioning, and other aspects of the operation of the criminal justice system.

SECTION 8. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The offender level of the system shall consist of at least the following information:

(1) Name of the offender, including other names by which he is known;

(2) Date of birth;

(3) Sex;

(4) Race;

(5) Ethnic origin;

(6) Residence address at time of arrest;

(7) Uniform citation number; and

(8) Personal identification number.

SECTION 9. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The arrest level of the system shall consist of at least the following information:

(1) Name of offender together with personal identification number (if known);

(2) Arresting agency;

(3) Date, place and time of offense;

(4) Number of arrest charges;

(5) Listing of arrest charges by name, KRS number and citation number;

(6) Charge sequence and incident number;

(7) Level of arrest charge or degree of offense charged;

(8) Date, time, and place of arrest;

(9) If a theft or criminal damage to property offense, the dollar amount of property damaged or stolen;

(10) Exact disposition of the case by police following arrest; and

(11) Date of disposition of the case by the police.

SECTION 10. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The prosecution/grand jury level of the system shall consist of at least the following information:

(1) Listing of each charged offense by name and KRS number;

(2) Level of offense charged or degree of offense charged for each offense in subsection (1) of this section;

(3) Number of charged offenses;

(4) If the case was disposed of by the prosecutor, the nature of such disposition and the date of such disposition;

(5) A listing of the charges disposed of in subsection (4) of this section;

(6) A correlation of the number of offenses charged at arrest and the number of offenses brought before the grand jury, offense by offense;

(7) Listing of each charged offense, and the level thereof, brought before the grand jury;

(8) Listing of the disposition of each charged offense brought before the grand jury;

(9) Date of indictment;

(10) Listing of each charged offense, and the level thereof, for which the offender was indicted;

(11) Listing of the number of criminal complaints brought before the prosecutor by written complaint, the offense alleged, and the disposition thereof; and

(12) Listing of the number of criminal complaints sought by citizens upon which no action was taken by the prosecutor, the offense alleged, and the date of disposition.

All data required by this section shall be supplied to the circuit clerk by each commonwealth's and county attorney, if it is not already in the possession of the clerk.

SECTION 11. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The court disposition level of the system shall consist of at least the following information as relates to the arraignment:

(1) The court which disposed of the offense;

(2) The name of the judge presiding at the time of disposition;

(3) Date of arraignment;

(4) Listing of each charged offense, and the level thereof, brought before the court at the arraignment;

(5) Listing of the disposition of each charged offense, and the level thereof disposed of by the court at the arraignment; and

(6) Defendant's plea to each offense at the arraignment.

SECTION 12. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The court disposition level of the system shall consist of at least the following information as relates to bond and pretrial release:

(1) Whether or not the defendant was released on bail or pretrial release;

(2) If released on bail:

(a) The amount of the bail;

(b) Whether the bail was cash, property, a percentage of cash bail, secured, unsecured, or otherwise;

(c) Whether the conditions of bail were satisfied; and

(d) Whether or not the bail was returned, forfeited, credited to the public advocate or otherwise.

(3) If released on any other form of pretrial release:

(a) Whether or not released on own recognizance;

(b) Whether release was upon conditions, if so what conditions; and

(c) Whether the conditions of release were satisfied.

SECTION 13. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The court disposition level of the system shall consist of at least the following information as relates to counsel:

(1) Did the defendant have counsel;

(2) Did the defendant retain private counsel;

(3) Was counsel provided by the public advocate;

(4) If counsel was provided by the public advocate:

(a) Was reimbursement sought;

(b) What was the amount of reimbursement sought;

(c) What was the amount of reimbursement paid; and

(d) What amount was recovered from bail money.

(5) Did the defendant have more than one (1) counsel; if so, the number of counsel.

SECTION 14. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The court disposition level of the system shall consist of at least the following information as relates to the type of trial:

(1) Jury trial; or

(2) Trial before the judge.

SECTION 15. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The court disposition level of the system shall consist of at least the following information as relates to the offenses charged and the offenses disposed of:

(1) The court which disposed of the offense;

(2) The name of the presiding judge;

(3) Date upon which the trial began;

(4) The final pleading, as to each charged offense and the level thereof;

(5) Listing of charged offenses disposed of by the court together with:

(a) Date of disposition;

(b) Listing of each offense and the KRS number, name and level;

(c) Whether the offense was dismissed in exchange for a guilty plea on another offense; and

(d) Number of offenses disposed of by the court.

(6) Listing of offenses for which the defendant was convicted by KRS number, name and level;

(7) Number of convicted offenses; and

(8) Date of conviction.

SECTION 16. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The sentencing level of the system shall consist of at least the following information as relates to the sentence imposed:

(1) Sentencing date;

(2) Sentence for each offense;

(3) If sentenced to imprisonment:

(a) Place of imprisonment;

(b) Sentence minimum for each offense;

(c) Sentence maximum for each offense;

(d) Consecutive multiple incarceration;

(e) Concurrent multiple incarceration;

(f) Was the defendant sentenced without privilege of parole for 25 years; and

(g) If answer to paragraph (f) of this subsection is yes, which aggravating circumstance or circumstances were found.

(4) If sentenced to a fine:

(a) The amount of the fine;

(b) Is the fine to be paid in installments;

(c) If answer to paragraph (b) of this subsection is yes, amount of each installment;

(d) Was the fine paid in full upon conviction;

(e) If not, what amount was paid; and

(f) How much of money held for bail was used in payment of the fine.

(5) If any other sentence was imposed:

(a) The nature of the sentence;

(b) Was conditional discharge imposed and what were the conditions of the discharge;

(c) Was restitution imposed;

(d) If restitution was imposed, what were the conditions of restitution;

(e) If monetary restitution was imposed, what was the amount;

(f) Was the amount paid in full upon conviction;

(g) If restitution was to be paid in installments, what is the amount of each installment and to whom is it to be paid; and

(h) List any other type of sentence imposed.

(6) Were court costs imposed:

(a) The amount of the costs;

(b) Are the costs to be paid in installments;

(c) If answer to paragraph (b) of this subsection is yes, the amount of each installment;

(d) Were the costs paid in full upon conviction; and

(e) If not, how much was paid.

(7) Was a crime victim compensation fund cost imposed:

(a) The amount imposed;

(b) Is this amount to be paid in installments;

(c) If answer to paragraph (b) of this subsection is yes, the amount of each installment;

(d) Was the crime victim compensation fund cost paid in full upon conviction; and

(e) If not, how much was paid.

(8) List all other fees, costs, and similar monetary penalties which were imposed but not listed above:

(a) List separately the amount of each;

(b) List separately each to be paid in installments;

(c) List separately the amount of each installment;

(d) Were these costs paid in full upon conviction; list each; and

(e) If not, list the amount paid on each.

SECTION 17. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The sentencing level of the system shall consist of at least the following information in regard to probation or other nonimposition of the sentence:

(1) List separately any conviction for which sentence was imposed but was probated, suspended, or otherwise not imposed;

(2) Was probation or nonimposition of the sentence conditioned in any manner:

(a) List the conditions; and

(b) What is the method of monitoring compliance with the conditions.

(3) If a portion of a fine or other cost was probated or otherwise not imposed:

(a) List for each offense the amount of the fine not imposed; and

(b) List for each offense the amount of court costs or other costs or fees not imposed.

(4) If a sentence of imprisonment was not imposed or a portion thereof was not imposed:

(a) List the offense, the sentence, and the amount not imposed; and

(b) If return to confinement or other imprisonment was a condition of nonimposition of a sentence, list the conditions thereof.

SECTION 18. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The sentencing level of the system shall consist of at least the following information in regard to plea bargaining:

(1) Did the defendant plead guilty to any offense in exchange for a lesser penalty or in exchange for dropping other charges against him;

(2) If the answer to subsection (1) of this section is yes:

(a) What offenses and levels of offense was a guilty plea accepted to; list each separately; and

(b) What offenses and levels of offense were dismissed in exchange for a plea of guilty; list each separately;

(2) What punishment was imposed for each offense for which a plea of guilty was accepted in exchange for a lesser penalty or in exchange for dropping charges:

(a) Imprisonment; list offense and term of imprisonment for each offense separately; and

(b) Fine; list offense, and amount of fine for each offense separately;

(3) Was probation, suspended sentence or any other nonimposition of sentence imposed for any offense where a plea of guilty was made in exchange for a lesser penalty or in exchange for dropping other charges:

(a) Describe each separately; and

(b) Describe any conditions placed upon each; list separately.

SECTION 19. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The institutional level of the system shall consist of at least the following information:

(1) Date of institutionalization;

(2) Type of incoming action;

(3) If defendant sentenced to death:

(a) First scheduled date of execution;

(b) Date defendant executed;

(c) Date sentence commuted in lieu of execution;

(d) Sentence to which sentence of death was commuted;

(3) Date defendant released from institution;

(4) Type of release from institution;

(5) If the offender is released on parole:

(a) Offense for which convicted;

(b) Maximum expiration date;

(c) Minimum expiration date;

(d) Was the parole supervision fee imposed;

(e) What was the amount actually imposed for the parole supervision fee;

(f) What amount of the parole supervision fee was actually collected;

(g) Was restitution ordered as part of conditions of the parole;

(h) What amount of restitution was ordered;

(i) What amount of restitution has been paid;

(j) Was a victim impact statement presented to the parole board; did it favor the release of the offender;

(k) Did the prosecutor present a statement to the parole board; did it favor the release of the offender; and

(l) Did the victim or a representative of the victim appear before the parole board; did he favor the release of the offender;

(6) If the offender released on parole violates parole or is rearrested:

(a) What was the specific parole violation;

(b) Was the offender arrested for the violation;

(c) What was the outcome of the parole violation hearing;

(d) Was the offender reinstitutionalized;

(e) If arrested for a new criminal offense, list the KRS number, name, and level of the offense;

(f) Was the offender subsequently convicted thereof;

(g) Was the offender reinstitutionalized for the offense; and

(h) Was the offender placed on probation for the offense.

SECTION 20. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The informational and evaluational level of the system shall consist of at least the following information:

(1) KRS numbers, names and levels of offenses;

(2) Updates of information on:

(a) Payment of fines;

(b) Payment of costs;

(c) Payment of restitution amounts;

(d) Payment of court ordered monetary penalties other than the above; and

(e) Satisfaction of other types of court ordered restitution;

(2) Cases in which shock probation has been granted:

(a) In such cases all information required for Sections 17 and 18 of this Act shall be entered for each case as an update to that person's file; and

(b) Extracted data on shock probation shall be placed in the annual report of the administrative office of the courts.

SECTION 21. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

Information submitted by the circuit clerk to the administrative office of the courts shall be a public record and shall be open to public inspection pursuant to KRS Chapter 61. KRS 17.150 excludes centralized criminal history records from public inspection; however, the subject of a record contained in that system shall have access to records relating to himself subject to limitations set forth in KRS Chapter 61 and federal regulations.

SECTION 22. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

The administrative office of the courts shall issue an annual report beginning calendar year 1987 with sufficient detail as to be able to identify, on a county by county basis as well as statewide totals, for felony arrest:

(1) Conviction percentages;

(2) Percentages of fines, imprisonment, or other penalty assessment;

(3) Percentage of acquittals;

(4) Percentage of dismissals;

(5) Percentage of pleas as charges;

(6) Percentage of pleas to reduce charges;

(7) Percentage of disposition to guilty as charged by trial;

(8) Percentage of those found guilty of lesser charge by trial;

(9) Percentage of cases where jury trial taken;

(10) Percentage of trials which are bench trials; and

(11) The number of juvenile offenders tried as an adult.

The information gathered shall be available to all agencies involved in the criminal justice system and the public.

SECTION 23. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

The Kentucky uniform crime report shall be issued annually. The administrative office of the courts may combine its annual report with the Kentucky uniform crime report.

SECTION 24. A NEW SECTION OF KRS CHAPTER 30A IS CREATED TO READ AS FOLLOWS:

Each circuit clerk shall submit to the administrative office of the courts, in a manner prescribed by the administrative office of the courts, the final court disposition. Said disposition shall be inclusive of regulatory violations and traffic cases which are not subject to prepayment. The administrative office of the courts shall update their data base within ninety (90) days of the disposition. The update shall include information from the:

(1) Offender level;

(2) Prosecution/grand jury level;

(3) Court disposition level;

(4) Sentencing level; and

(5) Informational and evaluational level.

SECTION 25. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

The Kentucky state police shall update the centralized criminal history record information system within thirty (30) days of receipt of information. The update shall include information from the:

(1) Offender level;

(2) Arrest level; and

(3) Informational and evaluational level.

SECTION 26. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO READ AS FOLLOWS:

The corrections cabinet shall update their own data base within thirty (30) days of receipt of information. The update shall include information from the:

(1) Offender level;

(2) Institutional level; and

(3) Informational and evaluational level.

Section 27. KRS 17.150 is amended to read as follows:

(1) Every sheriff, chief of police, coroner, jailer, prosecuting attorney, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the retarded; state police, state fire marshal, board of alcoholic beverage control; department for human resources; transportation cabinet; bureau of corrections; and every other person or criminal justice agency, except the court of justice, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the department, shall:

(a) Install and maintain records needed for reporting data required by the department.

(b) Report to the department as and when the department requests all data demanded by it except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity.

(c) Give the department or its accredited agent access for purpose of inspection.

(d) Cooperate with the department to the end that its duties may be properly performed.

(2) Intelligence and investigative reports maintained by criminal justice agencies are subject to public inspection providing prosecution is completed or a determination not to prosecute has been made. However, portions of such records may be withheld from inspection if such inspection would disclose:

(a) The name or identity of any confidential informant or information which may lead to the identity of any confidential informant;

(b) Information of a personal nature, the disclosure of which will not tend to advance a wholesome public interest or a legitimate private interest;

(c) Information which may endanger the life or physical safety of law enforcement personnel; or

(d) Information contained in such records to be used in a prospective law enforcement action.

(3) When a demand for the inspection of such records is refused by the custodian of the record, the burden shall be upon the custodian to justify the refusal of inspection with specificity. Exemptions provided by this section shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this section.

(4) Centralized criminal history records are not subject to public inspection. Centralized history records mean information on individuals collected and compiled by the department of justice from criminal justice agencies and maintained in a central location consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom to include sentencing, correctional supervision and release. Such information is restricted to that recorded as the result of the initiation of criminal proceedings or any proceeding related thereto. Nothing in this subsection shall apply to documents maintained by criminal justice agencies which are the source of information collected by the department of justice. Criminal justice agencies shall retain such documents and no official thereof shall willfully conceal or destroy any record with intent to violate the provisions of this section.

(5) The provisions of KRS Chapter 61 dealing with administrative and judicial remedies for inspection of public records and penalties for violations thereof shall be applicable to this section.

(6) The secretary of justice shall adopt such regulations as are necessary to carry out the provisions of the criminal history record information system and to insure the accuracy of such information based upon recommendations submitted by the commissioner, bureau of state police.

(7) The administrative office of the courts may, upon suitable agreement between the chief justice and the secretary of justice, supply criminal justice information and data to the cabinet. No information, *other than that required by this Act,* shall be solicited from a circuit clerk, justice or judge, court, or agency of the court of justice unless such solicitation or request for information is made pursuant to the agreement which may have been reached between the chief justice and the secretary of justice.

Section 28. KRS 431.450 is amended to read as follows:

(1) The department of state police in consultation with the department of transportation shall design, print, and distribute to all law enforcement agencies in the Commonwealth a uniform citation.

(2) The citation shall:

(a) Be approved by the supreme court;

(b) Consist of an original document and *five (5)* [~~four (4)~~] copies;

(c) Be serially numbered in such a manner that the year of issue and the individual citation number may be readily ascertained; and

(d) Contain such other information as may be required by the supreme court.

(3) The circuit court clerk shall maintain a system of accountability for all citations issued in accordance with rules and regulations issued by the supreme court to assure that citations are not wrongfully destroyed, tampered with, or otherwise compromised in any manner.

(4) All peace officers in the Commonwealth shall use the uniform citation for all violations of the traffic laws and for *all felonies* [~~such~~] misdemeanors and violations [~~as are listed in KRS 431.451~~].

Section 29. The implementation schedule for this Act shall be as follows:

(1) Initiation and use of uniform citation, January 1, 1987;

(2) Collection of all data required in this Act as relates to felony level offenses *in the fifty (50) counties with the highest caseload*, January 1, *1991* [~~1987~~];

(3) Initiation of common data elements by the administrative office of the courts, Kentucky state police, and corrections cabinet, January 1, 1988;

(4) Actual sharing of computer data among the administrative office of the courts, Kentucky state police, corrections cabinet, and the legislative research commission, January 1, *1988* [~~1987~~];

(5) Collection of all data required in this Act as relates to *felonies,* misdemeanors, violations, regulatory offenses, and traffic and other offenses, January 1, *1994* [~~1988~~];

(6) First annual report regarding felony level data, July 1, *1989* [~~1988~~];

(7) First annual report regarding felony and misdemeanor and other offense data, July 1, *1995* [~~1989~~].

Section 30. The corrections cabinet shall not be required to report the following data elements contained in Section 19 of this Act until July 15, 1988: (3)(a) and (b); (5)(d), (e), (f), (g), (h), (i), (j), (k), and (1); (6)(b), (c), and (h).

Section 31. All acts required herein shall be completed no later than the date specified but may be completed at any time prior to the dates specified herein.

The Committee Amendment No. 1 to the Committee Substitute to HB 774 is as follows:

Amend printed copy of Committee Substitute for HB 774:

on page 5, line 23, following "*arrest*" to add "*and*"

and on page 5, line 24, to delete the same

and on page 5, line 25, to delete "*(8)*" and to insert "*(7)*

and on page 18, line 19, to delete "*Chapter 61*" and to insert in lieu thereof "*17.150*"

and on page 19, line 20, to delete "17" and to insert "*27A*"

and on page 19, line 22, to delete the same

and on page 19, line 23, to delete "*annually.*"

The Committee on Appropriations and Revenue reported HB 828, HB 843, HB 938, SB 236, and SB 237 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 828, AN ACT relating to the judicial retirement plan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 21 IS CREATED TO READ AS FOLLOWS:

(1) The board of trustees of the judicial form retirement system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan for present and future recipients of a retirement allowance from the judicial retirement plan. For recipients having medicare coverage the board shall provide medicare supplement hospital and medical insurance coverage. For recipients not having medicare coverage the board shall provide the same hospital and medical insurance coverage as is provided under the state employes group insurance and the board may arrange for such recipients to be included in the state employes group.

(2) Depending upon the number of months of service credit upon which the retirement allowance was based, and upon there having been at least forty-eight (48) months of judicial service, all or a portion of the premium required to provide hospital and medical benefits under this section shall be paid from the judicial retirement fund, as follows:

Months of Judicial Service:	*Percentage of Premium:*
240 or more	*100%*
180 to 239, inclusive	*75%*
120 to 179, inclusive	*50%*
48 to 119, inclusive	*25%*

The foregoing payments shall be made by the fund only if the recipient agrees to pay the remaining (if any) percentage of the premium by deduction from his retirement allowance or by another method equally insuring such payment by him.

(3) In the case of a recipient who is a retired former member of the judicial retirement plan, the insurance to be provided shall be the family plan.

(4) Premiums paid for hospital and medical insurance procured under this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the judicial retirement fund shall not constitute income to the recipient. No commission shall be paid for hospital and medical insurance procured under this section.

(5) If, by reason of being a recipient of retirement benefits from any of the systems embraced in the Kentucky retirement systems, or the teachers retirement system, or the legislative retirement plan, a recipient of retirement benefits is entitled to have all or a portion of the premium for hospital and medical benefits paid through such other system or plan, in addition to the payment under this section, arrangements shall be made

between the judicial retirement plan and such other system or plan for but one (1) policy of insurance to be procured, through one (1) of the systems or plans, which shall pay the shares of the others and be reimbursed by inter-account charge. If the combined payments would exceed one hundred percent (100%) of the premium, the premium payments shall be apportioned between the other system or plan and the judicial retirement plan, in accordance with the respective years of service credit in each system or plan, so that the combined payments will not exceed one hundred percent (100%).

SECTION 2. A NEW SECTION OF KRS CHAPTER 21 IS CREATED TO READ AS FOLLOWS:

Present and future recipients of a retirement allowance from the judicial retirement plan, whose final compensation upon which the retirement allowance is computed includes no month after December 31, 1979, shall receive a five percent (5%) increase in annual benefits. Such increase shall be payable as of July 15, 1986 and shall be computed on the amount of benefit otherwise payable.

HB 843, AN ACT relating to oaths and affirmations contained in statutes on revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.220 is amended to read as follows:

(1) Deposits belonging to a resident of Kentucky in any national bank not of this state or in any bank, trust company, or combined bank and trust company not organized under the laws of this state, and unmanufactured tobacco insofar as it is subject to taxation by KRS 132.190 and 132.200, shall be listed, assessed and valued as of September 1 of each year. Money in hand shall be listed, assessed, and valued as of September 1 of each year. Shares of stock, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured, and all interest in such property, unless otherwise provided by law shall be listed, assessed, and valued as of the beginning of business on January 1 of each year. All other taxable property and all interest in other taxable property, unless otherwise specifically provided by law, shall be listed, assessed, and valued as of January 1, 1962, and January 1 of each year thereafter. It shall be the duty of all persons owning or having any interest in any property taxable in this state to list or have listed such property with the property valuation administrator of the county where it is located, between January 1 and March 1 in each year, except as otherwise provided by law. All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Any taxpayer who has a reasonable excuse for not listing his property before the property valuation administrator or his deputy may [~~appear before any person authorized to administer an oath and~~] make the necessary *report* [~~affidavit~~] required by the schedule as to the value of his property and may then return the schedule to the property valuation administrator. This shall be a compliance with the law in his particular case.

(3) Real property or any interest therein shall be listed in the taxing district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the property valuation administrator shall nevertheless assess it. The property valuation administrator may swear witnesses in order to ascertain the person in whose name to make the list.

(4) Real property shall be assessed in the name of the owner, if ascertainable by the property valuation administrator, otherwise in the name of the occupant, if ascertainable, and otherwise to "unknown owner." The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person without designating them by name.

(5) Beginning in the year 1951, all real property exempt from taxation by section 170 of the Constitution shall be listed with the property valuation administrator in the same manner and at the same time as taxable real property. The property valuation administrator shall maintain an inventory record of such tax-exempt property, but such property shall not be placed on the tax rolls. A copy of this tax-exempt inventory shall be filed annually with the revenue cabinet within thirty (30) days of the close of the taxing period. This inventory shall be in the form prescribed by the revenue cabinet. The revenue cabinet shall make an annual report itemizing all exempt properties to the governor and the legislative research commission within sixty (60) days of the close of the taxing period.

(6) Each property valuation administrator, under the direction of the revenue cabinet, shall review annually all real property listed with him under subsection (5) of this section and claimed to be exempt from taxation by section 170 of the Constitution. The property valuation administrator shall place on the tax rolls all such

property that is not exempt. Any property valuation administrator who fails to comply with this subsection shall be subject to the penalties prescribed in KRS 132.990 (2).

Section 2. KRS 136.020 is amended to read as follows:

(1) The property of all corporations, except where otherwise provided by law, shall be assessed in the name of the corporation in the same manner as that of a natural person, except that, when legally called on, the chief officer shall report [~~under oath~~] a full statement of the property of the corporation for taxation, and, for a failure, shall be subject to the penalties provided by law for a similar failure by a natural person in listing his property.

(2) Each county clerk shall furnish to the revenue cabinet, on blanks provided by the cabinet, a statement of the assessed value of the tangible property of all corporations paying a franchise or other tax under this chapter.

Section 3. KRS 136.030 is amended to read as follows:

(1) The individual stockholders of a corporation shall not be required to list their shares for ad valorem taxation so long as the corporation pays taxes to the state of Kentucky on at least seventy-five percent (75%) of its total property, wherever located, provided, however, that bonds and obligations of the United States of America and its possessions and bonds and obligations of the state of Kentucky, its instrumentalities and its political subdivisions and their instrumentalities shall not be considered in the computation of the total property of the corporation, wherever located, nor in the computation of the amount of property upon which the corporation pays ad valorem taxes to the state of Kentucky. In order to obtain this exemption the stockholder must furnish satisfactory proof to the revenue cabinet that at least seventy-five percent (75%) of the total property of the corporation as hereinabove specified is taxed in the state of Kentucky.

(2) Every corporation organized under the laws of this state, or doing business in this state, whose stock is liable to assessment and taxation under subsection (1) of this section, except banks, trust companies, or combined banks and trust companies doing business in this state and domestic life insurance companies, shall by February 15 of each year make a true and correct report to the revenue cabinet *signed* [~~, verified~~] by its president, secretary, treasurer or other chief officer, giving the names and addresses of residents of this state who hold its shares of stock and outstanding bonds as of January 1 previous thereto, and also the transfer of any of its stocks or bonds by residents of this state to nonresidents within thirty (30) days previous to January 1.

Section 4. KRS 136.090 is amended to read as follows:

(1) Corporations liable to taxation under KRS 136.070 shall file with the revenue cabinet each year, on forms prepared by the cabinet, a *return signed by the president, vice-president, secretary, treasurer, assistant secretary, assistant treasurer, or chief accounting officer* [~~written report, verified by the affidavit of the president or secretary of the corporation~~]. This report shall give the name of the corporation; the name of the state or government under the laws of which it is incorporated; the date of incorporation; the place of its principal office in and out of this state; the name and address of its president and secretary; the name and address of its authorized agent or attorney upon whom process may be executed in this state; the name and address of the officer or agent in charge of its business in this state; and the nature and kind of business in which it is engaged.

(2) The report shall also give the total value of all the property owned and used by the corporation; the value of the property owned and used by it in this state; the aggregate amount of business transacted by it during the preceding calendar year or fiscal year; the amount of such business transacted in this state; and such other facts as the cabinet requires.

Section 5. KRS 136.130 is amended to read as follows:

(1) Each corporation included in KRS 136.120 (1) shall annually, between December 31 and March 31 following, make and deliver to the revenue cabinet a report[~~, verified by an officer of the corporation~~] in such form as the cabinet may prescribe, showing such of the following facts as may be requested by the cabinet: The name and principal place of business of the corporation; the kind of business engaged in; the amount of capital stock, preferred and common, and the number of shares of each; the amount of stock paid up; the par and fair

cash value of the stock; the highest price at which such stock was sold at a bona fide sale within twelve (12) months next before December 31 of the year for which the report is required to be made; the amount of surplus funds and undivided profits; the total amount of indebtedness as principal; the cost and year acquired of all operating property owned, operated, or leased, including property under construction, property held for future use, and the depreciation attributable thereto as of December 31, the cost and year acquired of all nonoperating tangible property and the depreciation attributable thereto; the cost and market value as of December 31 of all intangible property; the value of all other assets; the operating and nonoperating revenues, the net utility operating income before and after depreciation and before and after income taxes, the net income from operations, the net income including income from investments, and income from all other sources for twelve (12) months next preceding December 31 of the year for which the report is required; the amount and kind of operating property in this state, and where situated in each county, city, and taxing district, assessed or liable to assessment in this state, and the fair cash value thereof, the length and description of all the lines operated, owned, or leased in this state and in each county, city, and taxing district; and such other facts as the cabinet may require.

(2) The report shall cover the period of twelve (12) months ending December 31. The cabinet may change the date of the reports to conform to any change in date established by federal regulations.

(3) If any corporation is in the hands or under the control of a receiver or other person, by order of a court, the receiver or other person shall make the reports required by this section and by KRS 136.140.

(4) All public service corporations included in KRS 136.120 shall file with the report required by subsection (1) of this section a copy of all reports to their stockholders and a complete copy of their report to the Kentucky regulating authority for the year ending December 31.

Section 6. KRS 136.310 is amended to read as follows:

(1) Every foreign savings and loan association authorized to transact business in this state shall, on January 1 of each year, file a report *signed by* [~~under~~ ~~the~~ ~~oath~~ ~~of~~] its president or secretary, certified to by at least three (3) directors, showing the gross amount of assessments, dues, fines, membership fees and all money collected by it from shareholders residing in this state during the previous year. This report shall also show the amount of money loaned by the association to any of its shareholders residing in this state during the previous year.

(2) Every such association shall pay to the commissioner of financial institutions, to be by him paid into the state treasury, the sum of three dollars ($3.00) on every one hundred dollars ($100) received by the association from shareholders residing in this state, less the amount actually loaned to shareholders residing in this state.

Section 7. KRS 136.330 is amended to read as follows:

(1) Every foreign life insurance company doing business in this state, other than fraternal assessment life insurance companies, shall, by March 1 of each year, return to the revenue cabinet a statement [~~under~~ ~~oath~~] of all premium receipts on business done in this state during the preceding calendar year or since the last return was made. "Premium receipts" includes single premiums, annuity premiums, premiums received for original insurance, premiums received for renewal, revival or reinstatement of the policies, annual and periodical premiums, dividends applied for premiums and additions, and all other premium payments received on policies that have been written in this state, or on the lives of residents of this state, or out of this state on business done in this state, less returned premiums. No deduction shall be made for dividends on life insurance or annuity policies, but dividends on accident and health insurance policies may be deducted.

(2) Every company shall, at the time of making the return, pay a tax of two dollars ($2) upon each one hundred dollars ($100) of such premium receipts.

(3) The 1962 amendment to this section shall be effective as of January 1, 1962, and shall apply to the premium taxes due and payable as shown on returns filed subsequent to that date.

(4) The health insurance contract or contracts for state employes as authorized by KRS 18A.225 shall not be subject to taxation under this section.

Section 8. KRS 136.340 is amended to read as follows:

(1) Every stock insurance company, other than life, doing business in this state shall, on or before the first day of March of each year, return to the revenue cabinet a statement [~~under oath~~] of all amounts paid to the company or its representative, whether designated as premiums or otherwise, for insurance or services incident thereto, on property or risks in this state during the preceding calendar year or since the last returns were made, including amounts received for reinsurance on Kentucky risks from unauthorized companies, and shall at the same time pay a tax of two dollars ($2) upon each one hundred dollars ($100) of such amounts paid to the company, less amounts returned on canceled policies and policies not taken.

(2) The health insurance contract or contracts for state employes as authorized by KRS 18A.225 shall not be subject to taxation under this section.

Section 9. KRS 136.410 is amended to read as follows:

(1) Every bail bondsman doing business in this Commonwealth shall, on or before the first day of March of each year, return to the revenue cabinet a statement[~~, under oath,~~] of all amounts paid to him or his representatives, as premiums for bail bonds written in the courts of this Commonwealth during the preceding calendar year, or since the last returns were made, and shall at the same time pay a tax of two dollars upon each one hundred dollars of such amounts paid to the bail bondsman or his representatives. Amounts received for reimbursement for expenses or court costs are not to be considered as premiums for the purposes of this section.

(2) In addition to the requirements of subsection (1), a copy of the [~~sworn~~] statement of all amounts paid to the bail bondsman or his representatives, whether designated as premiums or otherwise, shall be filed with the commissioner of insurance at the same time the bail bondsman files his report of assets and liabilities as required by KRS 304.34-050(1).

Section 10. KRS 136.990 is amended to read as follows:

(1) Any county clerk who fails to comply with the provisions of subsection (2) of KRS 136.020 shall be fined not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00).

(2) Any corporation that fails to pay its taxes, penalty and interest as provided in subsection (2) of KRS 136.050, after becoming delinquent, shall be fined fifty dollars ($50.00) for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin circuit court shall have jurisdiction.

(3) Any public service corporation, or officer thereof, that willfully fails or refuses to make reports as required by KRS 136.130 and 136.140 shall be fined one thousand dollars ($1,000), and fifty dollars ($50.00) for each day the reports are not made after March 31 of each year.

(4) Any superintendent of schools or county clerk who fails to report as required by KRS 136.190, or who makes a false report, shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100) for each offense.

(5) Any company or association that fails or refuses to return the statement or pay the taxes required by KRS 136.330 or 136.340 shall be fined one thousand dollars ($1,000) for each offense.

(6) Any insurance company that fails or refuses for thirty (30) days to return the statement required by KRS 136.330 or 136.340[~~, under the oath of some principal officer or general agent or manager of this state,~~] and to pay the tax required by KRS 136.330 or 136.340, shall forfeit one hundred dollars ($100) for each offense. The commissioner of insurance shall revoke the authority of the company or its agents to do business in this state, and shall publish the revocation pursuant to KRS chapter 424.

(7) Any person who violates subsection (3) of KRS 136.390 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

(8) Where no other penalty is mentioned for failing to do an act required, or for doing an act forbidden, by this chapter, the penalty shall be not less than ten dollars ($10.00) nor more than five hundred dollars ($500).

(9) The Franklin circuit court shall have jurisdiction of all prosecutions under subsections (5) to (7) of this section.

(10) If any taxpayer fails to make or file a return as required by KRS 136.090 on or before the due date of the return, then, unless it is shown to the satisfaction of the cabinet that the failure is due to reasonable cause, five percent (5%) of the tax found to be due by the cabinet shall be added to the tax for each thirty (30) days or fraction thereof elapsing between the due date of the return and the date on which it was filed, but the total penalty shall not exceed twenty-five percent (25%) of the tax provided, however, that in no case shall a penalty be less than ten dollars ($10.00).

(11) If the tax imposed by KRS 136.070, whether assessed by the cabinet or the taxpayer, or any instalment or portion of the tax, is not paid on or before the date prescribed for its payment, it shall be collected as a part of the tax, interest upon the nonpaid amount at the tax interest rate as defined in KRS 131.010(6) from the date prescribed for its payment until payment is actually made to the cabinet.

Section 11. KRS 137.180 is amended to read as follows:

(1) Each person engaged in the business of conducting a race track shall, on or before thirty (30) days following the close of each duly licensed race meeting, furnish the revenue cabinet a verified report of the number of days on which races were conducted on that race track during the race meeting, together with a *statement* [~~verified report~~] of its daily mutuel handle for each such day during the said meeting, and at the same time pay to the state the tentatively correct amount of the license tax apparently due it pursuant to KRS 137.170.

(2) On or before December 31 in each year each such person shall file a final [~~verified~~] report with the revenue cabinet giving in summary form a recapitulation of the information furnished by the previous tentative reports filed during the year, computing the final license tax due the state for the year ending November 30 and showing the amount of license tax actually paid during such year. Any balance of license tax due the state as shown on said final report shall be paid at the same time as the filing thereof. Any overpayment in license tax disclosed by said final report shall, at the option of the taxpayer, be promptly refunded by the state or credited against the license tax to be due from the taxpayer in the following year.

(3) Any person who fails to pay the tax due in the time specified shall pay a penalty equal to twenty percent (20%) of the amount of tax due and delinquent, together with interest at six percent (6%) per annum on both the original tax and the penalty.

Section 12. KRS 137.350 is amended to read as follows:

Applications for any license stamps or receipts provided for in KRS 137.340 to 137.400 shall be made in writing to the cabinet at its offices in Frankfort, Kentucky, on forms prescribed and furnished by the cabinet and shall be accompanied by a *statement* [~~sworn affidavit~~] that the operation of the coin machines for which license applications are being made is not otherwise prohibited by law.

Section 13. KRS 137.990 is amended to read as follows:

(1) (a) Any person who engages in any business or sells or offers to sell or has on hand for the purpose of sale any article or exercises any privilege for which a license is required or imposed by KRS 137.115 before procuring the license and paying the tax, shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200) for each offense, unless otherwise specifically provided.

(b) Any county clerk who violates any of the provisions of KRS 137.115, or any reasonable rule or regulation of the revenue cabinet thereunder, shall be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000) for each offense.

(c) Any person who makes [~~under oath~~] a false statement in securing a license under KRS 137.115 shall be deemed guilty of a misdemeanor.

(2) (a) Any person required to register, make reports, or collect and pay taxes under the provisions of KRS 137.120 to 137.160 who fails to pay taxes, penalty and interest after becoming delinquent, or fails for thirty (30) days after the required date to make a report or register, shall pay a penalty of ten percent (10%) on the amount of tax due, and shall pay an additional penalty of five percent (5%) on the first day of each month so long as the tax remains due and unpaid, except the total penalty paid shall not exceed twenty-five percent (25%) of tax due.

(b) Any person who violates any of the provisions of KRS 137.120 to 137.160 may be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for not less than thirty (30) days nor more than six (6) months or both.

(3) Any person who violates any of the provisions of KRS 137.170 or 137.180 shall be fined not more than one thousand dollars ($1,000) or imprisoned in the county jail not more than thirty (30) days, or both so fined and imprisoned. If the offender is a corporation, the principal officer or the officer or employe directly responsible for the violation, or both, shall be punished as provided in this subsection.

(4) Whoever violates any of the provisions of KRS 137.340 to 137.400 shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500). Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the cabinet, or a counterfeit thereof, shall upon conviction thereof be fined not less than one thousand dollars ($1,000), and each separate fictitious counterfeit license stamp or receipt so attached or used on a coin machine shall constitute a separate and distinct offense.

Section 14. KRS 138.240 is amended to read as follows:

(1) Every dealer or the treasurer or other proper officer or agent of every dealer shall, by the twenty-fifth day of each month, transmit to the revenue cabinet a report [~~under oath or affirmation,~~] on such forms as the cabinet may prescribe, of the total number of gallons of gasoline received in this state during the next preceding calendar month. This report shall include the following information:

(a) An itemized statement of the number of gallons received that have been produced, refined, manufactured or compounded by the dealer in this state during the next preceding calendar month.

(b) An itemized statement of the number of gallons of gasoline received by the dealer in this state from any source during the next preceding calendar month as shown by shippers' invoices, other than the gasoline falling within the provisions of paragraph (a) of this subsection, together with a statement showing the date of receipt of such gasoline, the name of the person from whom purchased, the date of receipt of each shipment, the point of origin and the point of destination, the quantity of each purchase or shipment, the name of the carrier, the initials and number of each tank car, the date of receipt and the number of gallons contained in each car if shipped by rail or the name and owner of the boat, ship, truck, transport, barge or vessel if shipped by water.

(2) The report required by subsection (1) of this section shall also contain an itemized statement of the number of gallons of received gasoline that the dealer has, during the preceding calendar month:

(a) Sold to the United States government in single deliveries of not less than two thousand (2,000) gallons each;

(b) Sold for delivery in this state in transport truck, tank car or cargo lots to licensed bonded dealers. The statement shall give a record of all such transport truck, tank car or cargo sales of gasoline, giving the date of shipment, the number of gallons contained in each shipment, the name of owner and license number of truck if shipped by transport truck, the initials and number of the tank car if shipped by rail, the name and owner of the boat, barge or vessel and the number of gallons contained therein if shipped by water, and the name of the person to whom sold, point of shipment and point of delivery;

(c) Lost through accountable losses;

(d) Exported or sold for export from this state to any other state.

Section 15. KRS 138.320 is amended to read as follows:

(1) To procure the license required by KRS 138.310, every dealer or transporter so required shall file with the revenue cabinet an application [~~under oath or affirmation,~~] in such form and containing such information as the cabinet may deem necessary.

(2) If the dealer or transporter is a corporation organized under the laws of another state, it shall file with its application a certified copy of the certificate or license issued by the secretary of state of this state showing that the corporation is authorized to transact business in this state.

(3) At the time of filing application for a license, a bond of the character stipulated and in the amount provided for in KRS 138.330 shall be filed with the cabinet. No license shall be issued upon any application unless accompanied by this bond.

(4) If application for such a license is filed by any person whose license has at any time previously been canceled for cause by the cabinet, or if the cabinet is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license or registration has previously been canceled for cause by the cabinet, the cabinet may, after a hearing of which the applicant has been given five (5) days' notice in writing, and in which the applicant shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) The application in proper form having been accepted for filing, and the bond having been accepted and approved, the cabinet shall issue to the applicant a license, subject to cancellation as provided by KRS 138.340. The license shall not be assignable, and shall be valid only for the person in whose name it is issued, and shall be displayed conspicuously in the principal place of business of the dealer in this state.

(6) The cabinet shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers or transporters. The cabinet shall publish and keep currently up to date a list of licensed dealers and transporters, and transmit a copy of list and all revisions thereof to all licensed dealers and transporters.

Section 16. KRS 138.342 is amended to read as follows:

(1) Applications for refund shall on or before the last day of each month be made to the revenue cabinet on forms and in the manner prescribed by it for the refund of tax paid on aviation motor fuel used during the preceding month. Each application for a refund shall show the number of gallons of aviation motor fuel purchased during the preceding month; the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the revenue cabinet may require. [~~The application shall be made under oath.~~]

(2) The revenue cabinet shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the revenue cabinet is satisfied that a refund is proper it shall authorize ninety-five percent (95%) of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current gasoline tax receipts.

(3) When the revenue cabinet finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the revenue cabinet shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two (2) years from the date of such finding.

Section 17. KRS 138.445 is amended to read as follows:

(1) Any person who buys and uses any liquid fuel for the purpose of operating or propelling motor boats shall be reimbursed and repaid ninety percent (90%) of the tax paid by him pursuant to the provisions of KRS 138.210 to 138.340 upon presenting to the revenue cabinet an application [~~made under oath,~~] accompanied by the original invoices showing the payment of such purchases, including the liquid fuel tax thereon. The application shall set forth the total amount of the liquid fuel purchased and used by the applicant in the operation or propulsion of motor boats.

(2) (a) When liquid fuel on which the tax has been paid pursuant to the provisions of KRS 138.210 to 138.340 has been used for the purpose of operating any motor boat and was delivered directly to the fuel tanks installed in or attached to the motor boat, the purchaser of the liquid fuel so used shall be reimbursed to the extent of ninety percent (90%) of the tax paid. No tax shall be refunded except that paid upon such fuel used exclusively in motor boat motors.

(b) No person shall be entitled to a refund hereunder unless he shall have first filed with the revenue cabinet a bond with approved surety in the amount of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) to be determined by the revenue cabinet and upon the payment to the commonwealth of any refunds to which he was not entitled.

(3) All refunds claims authorized by this section shall be filed with the revenue cabinet within four (4) months

after the date on which the liquid fuel shall have been purchased as shown by the invoice. Where the application for refund is mailed to the revenue cabinet, the date of mailing as shown by the postmark shall be taken as the time and date of filing with the cabinet.

(4) Refunds shall be made only on gasoline purchased from locations designated by the revenue cabinet.

Section 18. KRS 138.460 is amended to read as follows:

(1) On and after July 1, 1972 a tax levied upon its retail price at the rate of five percent (5%) shall be paid on the use in this state of every motor vehicle, except those exempted by KRS 138.470, at the time and in the manner provided in this section. In the case of trucks of gross weight in excess of ten thousand pounds (10,000 lbs.) the tax shall be levied upon ninety percent of the retail price of the vehicle.

(2) The tax shall be collected by the county clerk or other officer with whom the vehicle is required to be registered:

(a) When he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

(b) Or upon the transfer of ownership of any motor vehicle previously registered in this state.

(3) The tax collected by the county clerk under this section shall be reported and remitted to the revenue cabinet on forms provided by the cabinet and on such forms as the cabinet may prescribe. The county clerk shall for his services in collecting the tax be entitled to retain an amount equal to three percent (3%) of the tax collected and accounted for.

(4) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, or transfer the ownership of any motor vehicle previously registered in this state, unless the owner or his agent pays the tax levied under this section in addition to the transfer, registration and license fees.

(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.

(6) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostat copy to the copy of the certificate of registration and ownership mailed to the cabinet.

(7) Notwithstanding the provisions of KRS 138.450(4), in no case shall the tax be less than five dollars ($5.00) upon first registration of or any transfer of ownership of a motor vehicle in this state, except where such vehicle is exempt from tax under KRS 138.470.

(8) Where a motor vehicle is sold by a dealer in this state and the purchaser returns the vehicle for any reason to the same dealer within sixty (60) days for a vehicle replacement or a refund of the purchase price, the purchaser shall be entitled to a refund of the amount of usage tax received by the of revenue cabinet as a result of the registration of the returned vehicle. In the case of a new motor vehicle, the registration of the returned vehicle shall be cancelled and the vehicle shall be considered to have not been previously registered in Kentucky when resold by the dealer.

(9) When a manufacturer refunds the retail purchase price or replaces a new motor vehicle for the original purchaser within ninety (90) days because of malfunction or defect, the purchaser shall be entitled to a refund of the amount of motor vehicle usage tax received by the revenue cabinet as a result of the first registration. No person shall be entitled to a refund unless he shall have filed with the revenue cabinet *a report* [~~an affidavit~~] from the manufacturer identifying the vehicle that was replaced and stating the date of replacement.

(10) Notwithstanding the time limitations of subsections (8) and (9) of this section, when a dealer or manufacturer refunds the retail purchase price or replaces a motor vehicle for the purchaser as a result of formal arbitration or litigation, or, in the case of a manufacturer, because ordered to do so by a dispute resolution system established under KRS 367.865 or 16 C.F.R. 703, the purchaser shall be entitled to a refund of the amount of motor vehicle usage tax received by the revenue cabinet as a result of the registration. No person shall be entitled to a refund unless he shall have filed with the revenue cabinet *a report* [~~an affidavit~~] from the dealer or manufacturer identifying the vehicle that was replaced.

Section 19. KRS 138.490 is amended to read as follows:

(1) Each person engaged in the business of conducting a race track shall furnish the revenue cabinet, within thirty (30) days after the end of each race meeting, a [~~verified~~] report of the number of persons subject to the tax levied in KRS 138.480 who enter the grounds or inclosure during the race meeting. At the same time, the person shall pay to the state the correct amount due by reason of the collection of the tax from persons entering the grounds or inclosure of the race track.

(2) Any person who fails to pay the tax due in the time specified in this section shall pay a penalty equal to twenty percent (20%) of the amount of tax due and delinquent, together with interest at the tax interest rate as defined in KRS 131.010(6) on both the original tax and the penalty.

Section 20. KRS 138.662 is amended to read as follows:

(1) City and suburban bus companies and taxicab companies operating under a certificate of convenience and necessity issued pursuant to KRS Chapter 281, holders of a nonprofit bus certificate as provided by KRS 281.619, and senior citizen programs which utilize title III funds of the Older Americans Act in the provision of transportation services shall be entitled to a refund of seven-ninths of the amount of KRS Chapter 138 taxes paid on motor fuels used in their regularly scheduled operations in Kentucky.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the revenue cabinet a bond issued by a surety company authorized to do business in Kentucky in an amount of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) to be determined by the revenue cabinet, conditioned upon faithful compliance with this section and upon the payment to the Commonwealth of any refunds to which he was not entitled.

(3) Applications for refund shall on or before the last day of each month following the quarter, September 30, December 31, March 31, and June 30, be made to the revenue cabinet on forms and in the manner prescribed by it for the refund of tax paid on motor fuel used by buses or taxicabs during the quarter; except that a taxicab company may file an application within ninety (90) days after the close of the fiscal year in which the purchases were made. Each application for a refund shall show the number of gallons of motor fuel purchased during the quarter for use in buses or taxicabs; the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the revenue cabinet may require. [~~The application shall be made under oath.~~] Invoices shall be attached to applications from taxicab companies.

(4) The cabinet may require any gasoline dealer or any dealer's authorized agent to identify gasoline sold by him for taxicab use by adding thereto any chemical or substance, which shall be furnished by the cabinet and used in the manner as prescribed by the cabinet. The cabinet also may require that the dealer keep a complete record of all such gasoline sold by him, which records shall give the date of each such sale, the number of gallons sold, the name of the person to whom sold, and the sale price.

(5) The revenue cabinet shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the revenue cabinet is satisfied that a refund is proper it shall authorize seven-ninths of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current motor fuel tax receipts.

(6) When the revenue cabinet finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the revenue cabinet shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two (2) years from the date of such findings.

(7) The revenue cabinet may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(8) The refund provided herein shall be effective on motor fuel purchased July 1, 1978 and thereafter.

Section 21. KRS 140.250 is amended to read as follows:

(1) No safe deposit company, trust company, bank or other institution or person engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify the safe depository, bailee or lessor, from whom the box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person. All persons having the right of access to any such safe deposit box or receptacle, before seeking access to the box or receptacle after the death of any other person having access thereto, must notify the depository, bailee or lessor, from whom the box or receptacle is rented, of the death of such person.

(2) No safe deposit company, trust company, bank or other institution or person having in possession or under control, custody or partial custody any safe deposit box or similar receptacle shall permit access thereto by anyone after the death of any person who, at the time of his death, had the right or privilege of access thereto either as principal, deputy, agent or cotenant, without the consent of the revenue cabinet or a person authorized by it to issue such consent.

(3) No safe deposit company, trust company, bank or other institution or person having in possession or under full or partial control or custody securities, deposits or other property, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, bank or other institution, belonging to or standing in the name of a decedent or in the joint name of a decedent and another person, shall deliver or transfer the property to personal representatives, agents, deputies, attorneys, trustees, legatees, heirs or successors in interest of the decedent or to any other person, or to the survivor when held in the joint names of the decedent and another person, or upon their order or request, without retaining a sufficient portion thereof to pay any tax and interest that may thereafter be assessed thereon under this chapter, nor unless notice of the time and place of such delivery or transfer is served upon the revenue cabinet at least thirty (30) days prior to the proposed delivery or transfer. The cabinet or a person authorized by the secretary of revenue in writing may consent in writing to the delivery or transfer, and such consent shall relieve the safe deposit company, trust company, bank or other institution or person from the obligation under this section to give notice or to retain any portion of the property of the decedent in its lawful possession or control.

(4) The cabinet may examine the property at the time of delivery or otherwise.

(5) Any safe deposit company, trust company, bank or other institution or person failing to comply with the provisions of this section shall be liable for the amount of taxes, interest and penalties due under this chapter on the property mentioned in this section. The penalties and liabilities for the violation of this section may be enforced in an action brought by the cabinet in any court of competent jurisdiction.

(6) (a) Notwithstanding the foregoing provisions, securities owned by a nonresident decedent, or in which a nonresident decedent has an interest, may be transferred as permitted by law upon the filing with the transfer agent of the *statement* [~~affidavit~~] prescribed by paragraph (b) of this subsection.

(b) The *statement* [~~affidavit~~] required by paragraph (a) of this subsection prior to the transfer of stock owned by, or in which an interest is held by, a nonresident shall state that the nonresident decedent had no property subject to the Kentucky inheritance and estate tax, the reason therefor, and shall be in such form as the cabinet may prescribe.

(c) The *statement* [~~affidavit~~] shall be filed by the personal representative of the nonresident decedent and a copy thereof shall be furnished to the revenue cabinet by the transfer agent.

Section 22. KRS 141.150 is amended to read as follows:

(1) Every corporation subject to the jurisdiction of this state, unless excused by the cabinet, shall render a correct report[~~, duly verified under oath,~~] of its payments of dividends to residents of this state, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him.

(2) Every person subject to the jurisdiction of this state, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries and employers, making payment to another person, domiciled in this state, of interest, rent, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income not subject to withholding provisions contained in KRS 141.310 of six hundred dollars ($600) or more in any taxable year, shall render a true and accurate report to the cabinet of the payments made. Every person subject to the jurisdiction of this state, in whatever capacity acting, making payment to another person, domiciled in this state, of wages shall render a true and accurate report to the cabinet of the payments made. In the case of such payments made by the state and its political subdivisions, the officers or employes having information as to such payments designated by the cabinet by the regulations hereinafter provided for shall make such reports. The reports shall be made under the regulations and in the form and manner and to the extent prescribed by the cabinet, shall set forth the amount of the gains, wages, profits and income, and the name and address of the recipient of the payments. The cabinet may also require any person to make information reports respecting nonresidents it believes to be subject to income tax.

(3) The reports contemplated by this section may be required, regardless of amounts, in the case of payments of dividends or interest upon bonds, mortgages, deeds of trust or other similar obligations of corporations. When necessary to make effective the provisions of this section the name and address of the recipient of the income shall be furnished upon demand of the person paying the income. The provisions of this section shall not apply to the payment of interest on obligations of the United States or of this state, or the political subdivisions thereof.

Section 23. KRS 141.200 is amended to read as follows:

(1) Every corporation doing business in this state, except those exempt from taxation under KRS 141.040, shall make a return stating specifically the items of income and the items claimed as deductions allowed by this chapter. Corporations that are affiliated must each make a separate return.

(2) Every corporation return or report required by this chapter shall *be* [~~have annexed thereto an affidavit to the effect that the statements contained therein are true,~~] executed by one (1) of the following officers of the corporation: the president, vice-president, secretary, treasurer, assistant secretary, assistant treasurer, or chief accounting officer. [~~Every partnership return or report shall have a like affidavit of one (1) of its members.~~] The revenue cabinet may require a further or supplemental report of further information and data necessary for computation of the tax.

(3) In the case of a corporation doing business in this state that carries on transactions with stockholders or with other corporations related by stock ownership, by interlocking directorates, or by some other method, the cabinet shall require information necessary to make possible accurate assessment of the income derived by the corporation from sources within this state. To make possible such assessment, the cabinet may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one or more of these methods to the corporation. The cabinet may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

Section 24. KRS 243.850 is amended to read as follows:

For the purpose of assisting in the enforcement of KRS 243.720 to 243.850 and KRS 243.884 or any amendments thereof, every licensee, except retailers, whether subject to the payment of taxes imposed by said sections or any amendments thereof, shall, on or before the twentieth day of each month, render to the revenue cabinet a [~~sworn or affirmed~~] statement, in writing, of all his trafficking in alcoholic beverages during the preceding month. Such statement shall be taken directly from the records of the reporting licensee, and shall set forth on forms furnished by the revenue cabinet such information as shall be required by it. Such statement shall include alcohol destined for sale outside the state, as well as alcoholic beverages subject to the tax imposed by KRS 243.720 to 243.850 and KRS 243.884 or any amendments thereof. Provided, that the revenue cabinet shall have authority to require from retail licensees and other licensees, other reports and statements at such times as are necessary for the enforcement of KRS 243.720 to 243.850 and KRS 243.884 or any amendments thereof.

Section 25. KRS 342.450 is amended to read as follows:

(1) Every insurance carrier including the parties to any inter-indemnity contract or reciprocal plan or scheme, insuring employes in this state against liability for personal injuries to their employes, or death caused thereby

under this chapter, shall pay a tax upon the premium received, whether in cash or notes, in this state or on account of business done in this state, for such insurance in this state at the rate of two percent (2%) of the amount of such premium and any additional assessment made pursuant to subsection (2) of this section. Such insurance carriers shall be credited with all cancelled or returned premiums, including dividends paid or credited to policyholders, and the premiums received for reinsurance assumed from companies authorized and licensed to transact business in this state.

(2) If the secretary of finance and administration and the secretary of labor find that the tax on premiums levied pursuant to KRS 342.475 and subsection (1) of this section, are insufficient to meet the maintenance fund level of appropriations and expenditures for all programs in the labor cabinet, the Kentucky occupational safety and health review commission and the uninsured employers' fund as reflected in the enacted budget of the Commonwealth and the joint budget bill enacted by the general assembly, they shall advise the secretary of revenue in writing of such fact prior to the end of each fiscal year. The secretary of revenue may then levy one (1) additional assessment per fiscal year against all insurance companies writing workers' compensation insurance in Kentucky, all self-insurance groups operating under this chapter, and every employer carrying his own risk. The amount of each assessment shall be in the proportion that each assessment payers' "adjusted cost" bears to the total "adjusted cost" of all assessment payers.

(3) Every such insurance carrier shall make an annual return [~~verified by the affidavit~~] of its president and secretary, or other chief officer or agents, to the revenue cabinet, stating the amount of all such premiums and credits during the period covered by that return. Every insurance carrier required to make such return shall file it by March 1, and shall at the same time pay the tax of two dollars ($2.00) on each one hundred dollars ($100) of such premiums ascertained as provided in subsection (1) of this section hereof, less returned premiums, including dividends paid or credited to policyholders, and reinsurance received from other companies licensed to transact business in this state, and shall thereafter pay any additional assessment made pursuant to subsection (2) of this section, at the time and in the manner prescribed by the secretary of revenue.

Section 26. KRS 342.475 is amended to read as follows:

Every employer carrying his own risk under KRS 342.340 shall[~~, under oath,~~] report to the revenue cabinet his "adjusted cost" of operating under the provisions of this chapter during the period covered by such report. Such report shall be made in form prescribed by the revenue cabinet and at the time provided for premium reports by the insurance carriers. The revenue cabinet shall assess against such "adjusted costs" so reported a maintenance fund tax of two percent (2%), and shall make an additional assessment if required by KRS 342.450. Such amount shall not exceed the maintenance fund level of appropriations and expenditures for all programs in the labor cabinet, the Kentucky occupational safety and health review commission and the uninsured employers' fund as reflected in the enacted budget of the Commonwealth enacted by the general assembly.

Section 27. KRS 393.110 is amended to read as follows:

(1) Every person holding funds or other property, tangible or intangible, presumed abandoned under this chapter shall report to the cabinet with respect to the property annually as of July 1. The report shall be filed in the office of the cabinet on or before September 1 of each year for the preceding July 1. The report [~~shall be verified and~~] shall include:

(a) Except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of twenty-five dollars ($25.00) or more presumed abandoned under this chapter and in the case of unclaimed funds of life insurance corporations the full name of the insured or annuitant and his last known address according to the records of the life insurance corporation;

(b) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under twenty-five dollars ($25.00) each may be reported in the aggregate. The holder of abandoned property shall maintain its records for a period of five (5) years from the date of its report for items reported in the aggregate. If the owner of property reported in the aggregate makes a valid claim therefor within five (5) years, the holder shall refund the property and deduct the amount refunded from the next report due to the cabinet;

(c) The date when the property became payable, demandable, or returnable, and the date of the last known transaction with the owner with respect to the property if readily available; and

(d) Any other information which the cabinet prescribes by *administrative* [~~rules and~~] regulations necessary for the administration of this chapter. The report shall be made in duplicate; the original shall be retained by the cabinet, and the copy shall be mailed to the sheriff of the county where the property is located or held. It shall be the duty of the sheriff to post for not less than twenty (20) consecutive days said copy on the courthouse door or the courthouse bulletin board, and also to publish said copy pursuant to KRS Chapter 424; except the sheriff shall not be required to publish any item with a fair cash value of twenty-five dollars ($25.00) or less. The list shall be published within thirty (30) days of its receipt by the sheriff and this publication shall constitute compliance with the requirements of KRS Chapter 424. The cost of the publication shall be paid by the state. The sheriff shall immediately certify in writing to the cabinet the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made, and such posting and publishing shall be constructive notice to all interested parties.

(2) Within sixty (60) days after the receipt of the report required by subsection (1) of this section, the cabinet shall mail notice to each person having an address listed therein who appears to be entitled to property presumed abandoned under this chapter; except the cabinet shall not be required to mail a notice to any person whose name appears on the abandoned property list where the fair cash value of the property is twenty-five dollars ($25.00) or less. The notice shall contain:

(a) A statement that according to a report filed with the cabinet properties being held to which the addressee appears entitled;

(b) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder;

(c) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the cabinet to whom all further claims must be directed.

(3) Any person who has made a report of any estate or property presumed abandoned, as required by this chapter, shall, between November 1 and November 15 of each year, turn over to the cabinet all property so reported; but if the person making the report or the owner of the property shall certify to the cabinet [~~by sworn statement~~] that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exist or never did exist, or shall *report* [~~certify~~] the existence of any fact or circumstance which has a substantial tendency to rebut such presumption, then, the person reporting or holding the property shall not be required to turn the property over to the cabinet except on order of court. If a person files an action in court claiming any property which has been reported under the provisions of this chapter, the person reporting or holding such property shall be under no duty while any such action is pending to turn the property over to the cabinet, but shall have the duty of notifying the cabinet of the pendency of such action.

(4) The person reporting or holding the property or any claimant thereof shall always have the right to a judicial determination of his rights under this chapter and nothing therein shall be construed otherwise; and the Commonwealth may institute an action to recover such property as is presumed abandoned whether it has been reported or not and may include in one (1) petition all such property within the jurisdiction of the court in which the action is brought provided the property of different persons is set out in separate paragraphs.

Section 28. The provisions of this Act shall be effective August 1, 1986.

HB 938, AN ACT relating to the sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

It is the intent and purpose of the General Assembly in enacting this Act, to encourage the motion picture industry to choose locations in the Commonwealth of Kentucky for the filming or producing of motion pictures, by providing an exemption from sales and use taxes. The exemption is accomplished by granting a refundable credit for sales and use taxes paid on purchases made in connection with the filming or producing of motion pictures in Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context requires otherwise:

(1) "Cabinet" means the Kentucky revenue cabinet.

(2) "Motion picture production company" means a company engaged in the business of producing motion pictures intended for a theatrical release or for exhibition on national television either by a network or for national syndication, or television programs which will serve as a pilot for or a segment of a nationally televised dramatic series, either by a network or for national syndication.

(3) "Financial institution" means any bank or savings and loan institution in the Commonwealth which carries FDIC or FSLIC insurance.

(4) "Secretary" means the secretary of the Kentucky finance and administration cabinet.

SECTION 3. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

Any motion picture production company which films or produces one or more motion pictures in the Commonwealth of Kentucky during any twelve (12) month period, shall, upon making application therefor and meeting the other requirements prescribed herein, be entitled to a refundable tax credit equal to the amount of Kentucky sales and use tax paid for purchases made in connection with the filming or production of a motion picture.

SECTION 4. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) Any motion picture production company that intends to film all, or parts of, a motion picture in Kentucky and desires to receive the credit provided for in this Act shall, prior to the commencement of filming:

(a) Provide the revenue cabinet with the address of a Kentucky location at which records of expenditures qualifying for the tax credit will be maintained, and with the name of the individual maintaining such records; and

(b) File an application for the tax credit provided for in this Act within sixty (60) days after the completion of filming or production in Kentucky. The application shall include a final expenditure report providing documentation for expenditures in accordance with regulations promulgated by the revenue cabinet.

(2) To qualify as a basis for the financial incentive, expenditures must be made by check drawn upon any Kentucky financial institution.

(3) The twelve (12) month period, during which expenditures may qualify for the tax credit provided by this Act, shall begin on the date of the earliest expenditure reported.

SECTION 5. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) The revenue cabinet shall, within sixty (60) days following the receipt of an application for a credit for sales and use tax paid, calculate the total expenditures of the motion picture production company for which there is documentation for funds expended in the Commonwealth, calculate the amount of credit to which the applicant is entitled, and certify the same to the secretary of the finance and administration cabinet. In the case of an audit, as provided for in Section 7 of this Act, the revenue cabinet shall certify the amount of the credit due to the secretary within 180 days following the receipt of the motion picture production company's application.

(2) Upon receipt of the certification of the amount thereof from the revenue cabinet, the secretary shall cause the refund of sales taxes paid to be remitted to the motion picture production company. For purposes of payment and funding thereof, the credit provided in this Act shall be paid in the same manner as other claims on the state treasury are paid. They shall not be charged against any appropriation, but shall be deducted from tax receipts for the current fiscal year.

(3) The sales and use taxes paid by the motion picture production company for which a refundable tax credit is granted shall be deemed not to have been legally paid into the state treasury, and the refund of the credit shall not be in violation of Section 59 of the Kentucky Constitution.

SECTION 6. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) Any person, business or motion picture production company falsifying expenditure reports, applications, or any other statements made in securing the tax credit afforded by this Act shall be guilty of a felony and, upon conviction thereof, shall be fined not more than five thousand dollars ($5,000), or imprisoned not more than three (3) years, or both, together with the costs of prosecution. Such motion picture production companies shall be denied any tax credit to which they would otherwise be entitled, and shall be prohibited from applying for any future credit afforded by this Act.

(2) Any tax credit, or part thereof, paid to a motion picture production company as a result of error by the revenue cabinet shall be repaid by such company to the secretary of the finance and administration cabinet.

(3) Any tax credit, or part thereof, paid to a motion picture production company as a result of error or fraudulent statements made by the motion picture production company, shall be repaid by such company to the secretary of the finance and administration cabinet, together with interest, at the tax interest rate provided for in KRS 131.010(6).

SECTION 7. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

(1) The revenue cabinet may require that reported expenditures and the application for the tax credit from a motion picture production company be subjected to an audit by the revenue cabinet auditors to verify expenditures.

(2) For companies in the business of producing films or television shows other than those which would qualify them for the credit under the definition of "motion picture production company" in Section 2 of this Act, the cabinet may require separate accounting records for the reporting of expenditures made in connection with the application for a refundable tax credit.

(3) The revenue cabinet shall promulgate appropriate administrative regulations to carry out the intent and purposes of this Act.

SB 236, AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute

food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations;

(10) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(11) Tombstones and other memorial grave markers; [~~and~~]

(12) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of such facilities;

(13) Gasoline, special fuels, and liquefied petroleum gas used to operate or propel stationary engines or tractors for agricultural purposes. As used in this subsection:

(a) "Gasoline" is defined as in KRS 138.210(4);

(b) "Special fuels" is defined as in KRS 138.560(3);

(c) "Liquefied petroleum gas" is defined as in KRS 234.100(1); and

(d) "Agricultural purposes" is defined as in KRS 138.343(4);

(14) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but does not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;

(15) Any property which has been certified as an alcohol production facility as defined in KRS 247.910; [~~and~~]

(16) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property for hire. Nominal intrastate use will not subject the property to the taxes imposed by this chapter*; and*

(17) Any property to be incorporated into the construction, rebuilding, modification or expansion of a blast furnance or any of its components or appurtenant equipment or structures. The exemption provided in this subsection shall be effective for sales made through June 30, 1991.

SB 237, AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations;

(10) Property which has been certified as a pollution control facility as defined in KRS 224.850, *and all materials, supplies and repair and replacement parts purchased for use in the operation or maintenance of such facilities used specifically in the steel making process. The exemption provided in this subsection for materials, supplies and repair and replacement parts purchased for use in the operation of pollution control facilities shall be effective for sales made through June 30, 1991*;

(11) Tombstones and other memorial grave markers; and

(12) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of such facilities;

(13) Gasoline, special fuels, and liquefied petroleum gas used to operate or propel stationary engines or tractors for agricultural purposes. As used in this subsection:

(a) "Gasoline" is defined as in KRS 138.210(4);

(b) "Special fuels" is defined as in KRS 138.560(3);

(c) "Liquefied petroleum gas" is defined as in KRS 234.100(1); and

(d) "Agricultural purposes" is defined as in KRS 138.343(4);

(14) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but does not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;

(15) Any property which has been certified as an alcohol production facility as defined in KRS 247.910; and

(16) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property for hire. Nominal intrastate use will not subject the property to the taxes imposed by this chapter.

The Committee on Energy reported HB 406 with Committee Amendment attached thereto, HB 810 with Committee Amendment attached thereto, HB 861, HB 968 with Committee Substitute attached thereto, and SB 204 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 406, AN ACT relating to water.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 151.110 is amended to read as follows:

The conservation, development and proper use of the water resources of the Commonwealth of Kentucky have become of vital importance as a result of population expansion and concentration, industrial growth, technological advances and an ever increasing demand for water for varied industrial, municipal and recreational uses. It is recognized by the general assembly that excessive rainfall during certain seasons of the year causes damage from overflowing streams. However, prolonged droughts at other seasons curtail industrial, municipal, agricultural and recreational uses of water and seriously threaten the continued growth and economic well-being of the Commonwealth. The advancement of the safety, happiness and welfare of the people and the protection of property require that the power inherent in the people be utilized to promote and to regulate the conservation, development and most beneficial use of the water resources. *Ground and surface waters are interrelated and part of a single hydrologic resource. Uncoordinated development and use of the resource fosters conflicts between competing users, discourages investment and economic development, and prevents the optimal utilization of valuable water resources. Multiple uses of the resource for municipal, industrial, commercial, and rural water supply; navigation; agriculture; hydroelectric power and energy production; recreation; water quality maintenance; and conservation of fish and wildlife are interdependent.* It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to the beneficial use to the fullest extent of which they are capable, that the waste or nonbeneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. Therefore, it is declared the policy of the Commonwealth to actively encourage and to provide financial, technical or other support for projects that will control and store our water resources in order that the continued growth and development of the Commonwealth might be assured. To that end, it is declared to be the purpose of KRS chapters 146, 149, 151, *224,* 262 and 350.029 and 433.750 to 433.757 for the Commonwealth to permit, regulate, and participate in the construction or financing of facilities to store surplus surface water for future use; to conserve and develop the ground water resources of the Commonwealth; to protect the rights of all persons equitably and reasonably interested in the use and availability of water; to prohibit the pollution of water resources and to maintain the normal flow of all streams so that the proper quantity and quality of water will be available at all times to the people of the Commonwealth; to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe droughts or times of emergency; to prevent harmful overflows and flooding; to regulate the construction, maintenance and operation of all dams and other barriers of streams; to prevent the obstruction of streams and floodways by the dumping of substances therein; to keep accurate records on the amount of water withdrawal from streams and watercourses and reasonably regulate the amount of withdrawal of public water; and to engage in other activities as may be necessary to conserve and develop the water resources of the Commonwealth of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 151.110 TO 151.330 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet shall develop a comprehensive and systematic planning process for the long-range management and orderly development of the Commonwealth's surface and groundwater resources. The

planning process shall generate over each biennium a plan for the implementation of specific goals and management objectives for the cabinet to achieve in meeting the Commonwealth's water needs. The biennial plan shall serve as the basis for the cabinet's budgeting process in allocating resources to the state's water resource programs. The planning process shall be developed to:

(a) Provide for the conjunctive management of ground and surface waters;

(b) Protect, conserve, develop, and utilize the water resource in a manner consistent with the Commonwealth's duties for management of natural resources, the public's right to unpolluted water, and the preservation of the natural, scenic, cultural, historic, and aesthetic values of the environment;

(c) Provide a coordinated framework for cooperation among federal, interstate, state, and local government agencies in the planning and management of water resources, in a manner consistent with KRS Chapter 147 and KRS 224.033(13);

(d) Be both anticipatory of future needs and reactive to problems;

(e) Provide for public involvement in the establishment of the comprehensive and systematic planning process, in plan development and implementation, and the allocation and prioritizing of resources for water resource management and development; and

(f) Establish a process for the collection and coordination of data regarding surface and ground water availability and quality including the presence of point and non-point sources of pollution, instream flow information, withdrawal and use information, an assessment of flood damage and storm water management problems, and an identification and assessment of future data needs.

(2) The continuous planning process shall include goals and objectives for ground and surface water quantity and quality management in order to assess and formulate a combination of regulations, policies, programs, and projects which shall address the comprehensive water needs of the Commonwealth in the most effective manner.

The Committee Amendment No. 1 to HB 406 is as follows:

Amend printed copy of HB 406:

On page 1, line 18, by deleting "*Ground*";

and by deleting lines 19, 20, and 21 in their entirety; and

On page 2, by deleting in their entirety, lines 1 through 6, and on line 7, by deleting everything except the last word, "It"; and

On page 3, line 21, by deleting "*surface and*";

and by adding, in lieu thereof "*water*"; and

on line 22 by deleting "*groundwater*"; and

On page 4, by deleting lines 4 and 5 in their entirety; and

on line 6, by deleting "*(b)*" and adding in lieu thereof "*(a)*"; and

on line 9, be deleting "*unpolluted*" and by adding in lieu thereof "*clean*"; and

on line 12, by deleting "*(c)*" and adding in lieu thereof "*(b)*"; and

on line 17, by deleting "*(d)*" and adding in lieu thereof "*(c)*"; and

on line 19, by deleting "*(e)*" and adding in lieu thereof "*(d)*"; and

On page 4, line 24, by deleting "*(f)*" and adding in lieu thereof "*(e)*"; and

On page 5, line 7, by deleting "*and formulate a*"; and

on line 8, by deleting line 8 and by adding in lieu thereof "*the effectiveness of current programs in addressing*"; and

on line 9, by deleting "*projects which shall address*"; and

on line 10, by deleting "*in the most effective manner*" and by adding in lieu thereof "*and to gauge the need for new or different programs to recommend to the General Assembly for legislation*"

HB 810, AN ACT relating to a public utility.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 278.012 is amended to read as follows:

Notwithstanding any other provisions of the Kentucky Revised Statutes, any water association formed for the purpose of furnishing water services to the general public pursuant to KRS Chapter 273 is deemed to be and shall be a public utility and shall be subject to the jurisdiction of the public service commission in the same manner and to the same extent as any other utility as defined in KRS 278.010, *except when a municipality selling water to a water association increases its rates, the water association shall have the authority to increase its rates commensurate with the municipality.*

Section 2. KRS 278.015 is amended to read as follows:

Notwithstanding any of the provisions of KRS chapter 74 any water district, combined water, gas or sewer district, or water commission shall be a public utility and shall be subject to the jurisdiction of the public service commission in the same manner and to the same extent as any other utility as defined in KRS 278.010, *except when a municipality selling water to a water district, combined water, gas or sewer district, or water commission increases its rates, the water district, combined water, gas or sewer district shall have the authority to increase its rates commensurate with the municipality.*

The Committee Amendment No. 1 to HB 810 is as follows:

Amend printed copy of HB 810:

page 1, line 9, by deleting "*municipality*" and substituting therefor "*wholesale supplier*" and

on page 1, line 12, by deleting "*municipality*" and substituting therefor "*wholesale supplier*" and

on page 1, line 20, by deleting "*municipality*" and substituting therefor "*wholesale supplier*" and

on page 2, line 4, by deleting "*municipality*" and substituting therefor "*wholesale supplier*"

HB 861, AN ACT relating to public utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

No utility shall require, as a condition for providing service to any premise, that the owner or tenant requesting service first pay amounts owed to the utility by a previous customer at that location or premise, unless it is established that the applicant for service is a member of the same household or otherwise is legally responsible for debts incurred by the person or persons who failed to pay for the prior service.

HB 968, AN ACT relating to sanitation districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 220.285 is amended to read as follows:

(1) The board of directors of a sanitation district may make contracts or other arrangements to provide for the collection, disposal and treatment of sewage and other liquid wastes produced outside of the district, as the board of directors may determine; Provided, however, That this does not authorize a sanitation district to provide sewer service within a city of the first class except with permission of the board of aldermen of such city.

(2) A sanitation district which includes territory in two (2) counties shall be responsible for the maintenance of all sewerage facilities throughout both counties and for the collection, disposal and treatment of all sewage produced in both counties.

Section 2. KRS 220.536 is amended to read as follows:

(1) When a petition for annexation of territory to a district is filed with the commissioner, he shall investigate at once the boundary of the territory proposed to be annexed, and may, at the cost of the district, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by annexation of the territory in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the district.

(2) Should it be found desirable to include in the territory to be annexed by a district all or a portion of a city of the second, third, fourth, fifth or sixth class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area*, except that districts which include territory in two (2) counties shall maintain all sewerage facilities throughout both counties and shall be responsible for collection, disposal and treatment of all sewage produced in both counties, and cities within each county shall pay the charges for services of the district.*

(3) When the boundaries of the territory proposed to be annexed have been fixed by the commissioner as prescribed in subsection (1) of this section, he shall give notice of the application for annexation of the territory by publication pursuant to KRS chapter 424.

The Committee Substitute to HB 968 is as follows:

HB 968, AN ACT relating to sanitation districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 220 IS CREATED TO READ AS FOLLOWS:

(1) A sanitation district which includes territory in two (2) counties shall be responsible for the maintenance, construction and reconstruction of all sewers and sewerage facilities located within the district, and for the collection, disposal and treatment of all sewage produced in the district, except as provided in subsection (4) of this section.

(2) All rates, fees, charges and surcharges levied by the district for the collection, disposal and treatment of waste generated by residential customers, and for the maintenance or reconstruction of sewers and such appurtenant collection facilities serving residential customers within the district, shall be uniform throughout the district.

(3) No city located within a two-county sanitation district shall levy any user fee or tax for purposes of sewer maintenance or reconstruction.

(4) A sanitation district under this section is not required to assume responsibility for sewers and facilities owned or operated by private persons, nor for sewage collected and treated by package sewage treatment plants. The provisions of this section shall not apply if the governing bodies of at least eighty percent (80%) of the cities within the district elect by ordinance to continue to maintain and operate their own sewers and related facilities.

SB 204, AN ACT relating to the organization of the public service commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 278.115 is amended to read as follows:

The commission *shall establish the internal organization of its offices and shall divide the commission into such offices or divisions as the commission may deem necessary to perform the functions, powers and duties of the commission, subject to the provisions of KRS Chapter 12* [~~by regulation shall organize its offices for administration and management under the executive director to reflect its functions. The organization may be changed from time to time and may include division directors subject to the exemption from the classified service as provided in KRS 18A.115(1)(i)~~].

The Committee on Natural Resources and Environment reported HB 476 with Committee Substitute attached thereto, HB 798, HB 839 with Committee Amendment attached thereto, HB 869, HB 878, HB 985, and SB 256 with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 476, AN ACT relating to steel snares.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 150.400 is amended to read as follows:

(1) No person shall set, use or maintain, for the purpose of taking wild animals, any steel trap unless the size and type of the trap has been approved by the commissioner and the commission by regulation.

(2) The commissioner may approve, by regulation, any commercially manufactured trap which is designed to take animals alive and unhurt or to kill instantly.

(3) *Steel snares are prohibited, however,* subject to the provisions of KRS 150.410 it shall be lawful to use *other* snares, deadfalls, wire cage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.

(4) Any manufacturer designing a new trap may send a sample to the commissioner for approval or disapproval.

The Committee Substitute to HB 476 is as follows:

HB 476, AN ACT relating to steel snares.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 150.993 is amended to read as follows:

(1) As used in this section, "enclosed lands" means lands whose boundaries are clearly identified.

(2) Any person who enters upon the enclosed lands of another to shoot, hunt, or fish without the oral or written consent of the owner or tenant shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00).

(3) Any person who enters upon the enclosed lands of another to shoot or hunt with a rifle chambered for center fire cartridges of a caliber of .240 and greater without first obtaining the written consent of the owner or tenant shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00). This subsection shall not apply to unoccupied land.

(4) Any person who enters upon the enclosed lands of another to shoot, hunt, trap or fish without first obtaining the appropriate oral or written consent of the owner or occupant as required under the provisions of this section, and who, through his actions, causes damage to any buildings, fences, crops, livestock or domestic animals, machinery, or other property of the owner or occupant upon those lands shall be fined not less than one hundred dollars ($100), nor more than one thousand dollars ($1,000), or be imprisoned for not less than thirty (30) days nor more than six (6) months, or both, and in addition to such penalties shall be liable to the

landowner or occupant for reasonable compensation for damages in an amount not to exceed one thousand dollars ($1,000).

HB 798, AN ACT relating to wild rivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 146.241 is amended to read as follows:

The streams or segments of streams to be included in this system, being classified by *KRS 146.230* [~~the above stated criteria~~], are as follows:

(1) The Cumberland River from Summer Shoals to the backwater of Lake Cumberland.

(2) The Red River from the Ky. 746 bridge to the mouth of Swift Camp Creek. Nothing in KRS 146.200 to 146.360 shall be construed to prohibit that portion of the Red River between Peck's Branch and Swift Camp Creek from being used to temporarily contain flood waters that may be impounded above the normal sustained pool level of any lake which may be created in the event a dam is constructed on the Red River near Bowen, Kentucky.

(3) The Rockcastle River from the Ky. 80 bridge to the backwater of Lake Cumberland. Nothing in KRS 146.200 to 146.360 shall be construed to prohibit or interfere with the relocating of Ky. 80, including the construction of a bridge at a point approximately 2.35 miles downstream from the existing Ky. 80 bridge.

(4) The Green River from the eastern boundary of Mammoth Cave National Park extending downstream and including only that portion of the river within the Mammoth Cave National Park.

(5) The Big South Fork of the Cumberland River from the Tennessee border to Blue Herron.

(6) Martins Fork, Cumberland River from Ky. Highway 987 bridge to the eastern boundary of Cumberland Gap National Park.

(7) Rock Creek from the White Oak Junction bridge to the Kentucky-Tennessee border.

(8) Little South Fork, Cumberland River from the backwater of Lake Cumberland (mile 4.1) to the Kentucky Highway 92 bridge (mile 14.5) in Wayne and McCreary counties.

(9) Bad Branch of Poor Fork, Cumberland River from the headwaters on Pine Mountain to the Ky. 932 bridge, including the entire watershed drained by all stream segments, except for that portion above a point 0.1 mile below the existing lake on the easternmost fork.

HB 839, AN ACT relating to violations of surface coal mining laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.990 is amended to read as follows:

(1) Any person or operator who violates any of the provisions of this chapter or regulations adopted pursuant thereto or who fails to perform the duties imposed by these provisions, except the refusal or failure to obtain a permit or other authorization as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this chapter, may be liable to a civil penalty of not more than five thousand dollars ($5,000) for said violation, and an additional civil penalty of not more than five thousand dollars ($5,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section; provided, however, that any operator or person who fails to abate a violation noted in a notice of noncompliance or an order for immediate compliance and cessation within the time period prescribed for such abatement shall be assessed a civil penalty of not less than seven hundred fifty dollars ($750) for each day during which such violation continues. A civil penalty of not more than five thousand dollars ($5,000) for each day shall be assessed against any person issued an order pursuant to KRS 350.130(4). Each day of continuing violation may be deemed a separate violation for purposes of penalty assessment. The cabinet shall develop a method for calculating monetary penalties and shall promulgate it as a regulation. The secretary or a designated representative, upon his or her own initiative or

upon written request received within fifteen (15) days after the cabinet mails its proposed penalty assessment, may waive the use of such method for calculating monetary penalties if he or she determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. The basis for every waiver shall be fully explained and documented in the records of the case. If the secretary or his or her designated representative waives the use of the formula, he or she shall determine the appropriate penalty upon consideration of the permittee's history of previous violations at the particular surface coal mining operation, the seriousness of the violation, whether the permittee was negligent, and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the cabinet's office of general counsel, or upon the secretary's request, by the attorney general. The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil and injunctive actions instituted by the cabinet or by the attorney general on its behalf for the enforcement of the provisions of this chapter or the orders, rules, and regulations of the cabinet promulgated pursuant thereto. All sums recovered shall be placed in the state treasury, except those monies collected in excess of eight hundred thousand dollars ($800,000) in any fiscal year shall be deposited in a trust and agency account, entitled the abandoned mine land enhancement fund, for the purposes set forth in KRS 355.595. The fund shall be administered by the secretary in accordance with accounting practices as established by the finance and administration cabinet.

(2) Any person who engages in surface coal mining operations without first securing a permit, as provided in KRS 350.060, or any person who engages in coal exploration operations, exclusive of core drilling, without proper authorization, as required by the cabinet pursuant to KRS 350.057 or regulations promulgated pursuant thereto, or any person who engages in mining operations, without proper authorization as required by the cabinet pursuant to KRS 350.029 or regulations promulgated pursuant thereto, shall be liable to a civil penalty for damages to the Commonwealth of not less than five thousand dollars ($5,000) nor more than twenty-five thousand dollars ($25,000) and in addition, may be enjoined from continuing such violations as hereinafter provided. Each day shall constitute a separate violation. However, the penalties provided for in subsection (1) of this section shall apply in lieu of the penalties provided for in this subsection where an operator through inadvertence has exceeded the boundaries or expiration date of the permit in effect at that time.

(3) It shall be the duty of the cabinet's office of general counsel or, upon the secretary's request, of the attorney general to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this chapter. The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil and injunctive actions instituted by the cabinet or by the attorney general on its behalf for the enforcement of the provisions of this chapter or the orders, rules, and regulations of the cabinet promulgated pursuant thereto.

(4) Any person who shall knowingly and willfully violate any of the provisions of this chapter, except as provided in subsection (5) of this chapter or any determination or order promulgated pursuant to the sections of this chapter which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars ($10,000) or by imprisonment for not more than one (1) year, or both. Each day on which such violation occurs may constitute a separate offense.

(5) Any person who, in violation of KRS 350.060, willfully and knowingly engages in surface coal mining operations without first obtaining a permit from the cabinet or any person who willfully and knowingly engages in coal exploration operations, exclusive of core drilling, without proper authorization, as required by the cabinet pursuant to KRS 350.057 or regulations promulgated pursuant thereto, or any person who willfully and knowingly engages in mining operations without proper authorization as required by the cabinet pursuant to KRS 350.029 or regulations promulgated pursuant thereto, with the intent to violate such laws shall be guilty of a Class D felony and upon conviction thereof shall be imprisoned for at least one (1) but not more than five (5) years and may be fined an amount not to exceed ten thousand dollars ($10,000).

(6) Any person who violates any of the provisions of KRS 350.600 or regulations promulgated pursuant thereto shall be subject to civil penalties of not more than twenty-five thousand dollars ($25,000). Each day of continuing violation shall be deemed a separate violation.

(7) Any person who knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained by the cabinet, shall upon conviction be guilty of a misdemeanor

and shall be imprisoned for a term of up to one (1) year, or be fined not more than ten thousand dollars ($10,000), or both.

(8) Except as permitted by law, any person who shall willfully resist, prevent, impede, or interfere with the secretary or other personnel of the cabinet in the performance of duties pursuant to this chapter shall, upon conviction, be fined not more than five thousand dollars ($5,000) or imprisoned for not more than one (1) year, or both.

(9) Whenever a corporate permittee violates any provision of this chapter or regulation issued pursuant thereto or fails or refuses to comply with any final order issued by the secretary, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure or refusal shall be subject to the same civil penalties, fines, and imprisonment as may be imposed upon a person pursuant to this section.

(10) Any person found in violation of KRS 350.060(11) shall be fined not more than five hundred dollars ($500) for each violation, nor less than fifty dollars ($50).

(12) The cabinet, upon written request by any person or operator subject to any penalty assessment under this section and pursuant to procedures, if any, set forth by regulation and in conjunction with the local county fiscal court, may allow as an alternative to the payment of any assessed penalty under this section the performance of in-kind reclamation, environmental rehabilitation, or similar action to correct environmental pollution. The in-kind work shall not substitute for those remedial measures mandated by the cabinet for the correction of any violations. The estimated cost of the in-kind work shall be greater than the penalty assessment.

The Committee Amendment No. 1 to HB 839 is as follows:

Amend printed copy of HB 839:

page 7, line 10, by deleting "*in conjunction*" and substituting therefor "*after consultation*" and

on page 7, line 18, after "*assessment.*" add the following:

"*The cabinet division of abandoned lands shall have the authority to approve proposed in-kind projects and to recommend such projects to the cabinet, and shall determine whether the estimated cost of the in-kind work exceeds the penalty assessment. For the purposes of this subsection, the cost of the in-kind work shall include only those expenditures for actual on-site reclamation or rehabilitation work, including direct equipment, personnel and material cost, but excluding administrative overhead or transportation costs. Failure to perform the in-kind work as agreed upon by the person or operator subject to the penalty assessment shall reinstate the liability of the person or operator for the full amount of the assessed penalty. The cabinet is authorized to prepare and promulgate such regulations as are necessary to implement and administer the provisions of this subsection.*"

HB 869, AN ACT relating to coal mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.032 is amended to read as follows:

(1) In case of refusal to obey a subpoena issued to any person, any circuit court of competent jurisdiction, upon application by any party, may issue to that person an order requiring him to appear before the cabinet, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(2) Any person aggrieved by a final order of the cabinet may obtain a review of the order by filing in the [~~Franklin~~] circuit court *of the county within which the alleged violation occurred*, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part, provided that a surety on a performance bond shall not file such petition until it has complied with subsection (3) of this section. A copy of the petition shall be forthwith served upon the cabinet, and thereupon the cabinet shall certify and file in court a copy of the record before the cabinet, including therein all pleadings, orders,

documentary exhibits and the stenographic transcript of the testimony taken before the cabinet. When these have been filed, the court shall have exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the cabinet or there were reasonable grounds for failure to do so. The findings of the cabinet as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearings before the cabinet, the court may order that additional evidence be taken before the cabinet in such manner and upon such condition as the court may consider proper. The cabinet may modify its findings as to the facts, by reason of the additional evidence so taken; and it shall file any modified or new findings with the court, which if supported by substantial evidence shall be conclusive, and any recommendation for the modification or setting aside of the original order. The commencement of the proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the cabinet's order. An appeal may be taken from the judgment of the [~~Franklin~~] circuit court to the court of appeals on the same terms and conditions as an appeal is taken in any civil action.

(3) Where the cabinet has ordered forfeiture of a performance bond, the surety shall forward to the cabinet by certified mail a cashier's check for the required amount within seven (7) business days from the effective date of the order. The cabinet shall establish an interest-bearing escrow account and shall deposit therein the full amount of the forfeiture rendered by the surety. The amount shall continue to be held by the cabinet until completion of judicial review as authorized in subsection (2) of this section. If the final decision following the review reverses the order of the secretary of the cabinet, the cabinet shall within thirty (30) days of receipt of such order, refund to the surety the appropriate amount plus all interest accrued from the date of deposit to the date of the final order.

(4) In the case of a proceeding to review any order or decision issued by the secretary under this chapter pertaining to surface coal mining operations, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if:

(a) All parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(b) The person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(c) Such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

HB 878, AN ACT relating to privatization of drinking water, water and wastewater facilities by cities and other political subdivisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

The general assembly declares that the policy of this Commonwealth is to assure its citizens adequate public services, at reasonable cost, and that such services are essential to the maintenance and general welfare of the citizens of this Commonwealth and to the continued expansion of the Commonwealth's economy, job market, and industrial base. However, the cost of constructing, owning, and operating capital facilities to meet the demand for those public services is becoming increasingly burdensome to cities, counties, urban counties and improvement districts and it is desirable that innovative financing mechanisms be made available to assist the communities of this Commonwealth in developing drinking water, water and wastewater projects at reasonable cost. Private sector ownership and operation of capital facilities providing public services can result in cost savings to communities contracting for those public services. It is therefore in the best public interest of the Commonwealth and its citizens that cities, counties, urban counties and improvement districts be authorized to cause such services to be provided by private enterprise, and to contract with private owners or private owner/operators for providing the service to the public.

SECTION 2. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Agreement" means a short-term agreement or a long-term agreement;

(2) "Bonds" means industrial revenue bonds issued by a city, county or urban county pursuant to KRS 103.200 et seq;

(3) "Cost" means with respect to any privatization project or facility related thereto:

(a) All costs of designing, planning, acquiring, constructing, reconstructing, modifying, improving, maintaining, equipping, extending, furnishing and placing in service any privatization project, including architectural, planning, engineering, legal and fiscal advisors' fees or costs and any costs incident to the acquisition of any necessary property, easement of right-of-way;

(b) Any costs incurred for preliminary planning to determine the economic or engineering feasibility of a proposed privatization project, including, without limitation, costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and inspection and supervision of the construction of any facility;

(c) All costs incident to the purchase, installation, or financing of equipment, machinery, and other personal property required by a privatization project;

(d) All costs incident to the authorization and issuance of bonds, including accountants' fees, attorneys' fees, financial advisors' fees, underwriting fees (including bond discount) and other professional services and printing costs;

(e) All costs incident to the establishment and funding of appropriate reserve funds; and

(f) Interest estimated to accrue on any bonds issued to finance a privatization project for a reasonable time prior to construction, during construction and for a reasonable period of time after construction;

(4) "Drinking water project" means any work or facility necessary or desirable to provide water for human consumption and other domestic uses, including collection, treatment, storage, distribution facilities, and any related structures and facilities;

(5) "Facility" means any structure, building, machinery, system, land, water right, or other property necessary or desirable to provide the services contemplated by a privatization project, including, without limitation, all related and appurtenant easements and rights-of-way, improvements, utilities, landscaping, sidewalks, roads, curbs and gutters, and equipment and furnishings;

(6) "Governing authority" means the persons, board, body or entity in which the legislative powers of a political subdivision are vested;

(7) "Legislative body" means the board or body in which the general legislative powers of a city, county or urban county are vested;

(8) "Long-term agreement" means an agreement or contract having a term of more than five (5) years and less than fifty (50) years;

(9) "Political subdivision" means the state or any city, county, urban county, improvement district, water conservancy district, special district, special taxing district, drainage district, metropolitan water district, irrigation district, separate legal or administrative entity constituting a political subdivision under the laws of the state;

(10) "Private owner or private owner/operator" means a person or entity that is not a political subdivision and which owns or owns and operates a privatization project;

(11) "Privatization project" means all or part of any drinking water, water, or wastewater project which is owned or operated by a private owner or private owner/operator, and provides the related services to political subdivisions;

(12) "Short-term agreement" means any contract or agreement having a term of five (5) years or less;

(13) "Wastewater project" means sewage collection systems and treatment plants, including, without limitations, intercepting sewers, outfall sewers, force mains, pumping stations, instrumentation and control systems, and other appurtenances necessary or useful for the collection, removal, reduction, treatment, purification, disposal, and handling of liquid and solid waste, sewage and industrial waste and refuse;

(14) "Water project" means any work or facility necessary or desirable to conserve, develop, protect, or treat the waters of this state including, without limitation, any reservoir, diversion dam, irrigation dam and system, culinary water system, water work, water treatment facility, canal, ditch, artesian well, aqueduct, pipeline, conduit, drain, tunnel, and related structures and facilities; and

(15) "Waters of this state" means any stream, lake, pond, marsh, watercourse, waterway, well spring, irrigation system, drainage system, or other body or accumulation of water, whether surface, underground, natural, artificial, public or private, or other water resource of the state which is contained within or flows in or through the state.

SECTION 3. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

(1) Any political subdivision may enter into a privatization contract with a private owner or private owner/operator to accomplish the transfer of any political subdivision owned drinking water, water or wastewater project or the designing, construction, operation, maintenance, financing of cost or any combination thereof, of a drinking water, water or wastewater project pursuant to the provisions of this Act.

(2) Prior to a political subdivision entering into a privatization contract pertaining to its drinking water, water or wastewater project, or any portion thereof, the governing authority shall cause notice of its intention to adopt an ordinance to accomplish such privatization to be published pursuant to KRS Chapter 424. The notice shall set forth a brief summary of the privatization contract provisions, and set a time and place for a public hearing to be conducted by the executive authority of the political subdivision. The notice shall be published each week for a period of two (2) weeks, the first publication being not less than fourteen (14) days prior to the adoption of the ordinance approving the execution of the privatization contract. The hearing may be held in conjunction with any hearing on the question of issuing bonds to finance the cost of the privatization project, or on the question of adoption of the service agreement, or any other question. A copy of the proposed privatization contract shall be filed as a public record with the clerk of the political subdivision not less than two (2) weeks prior to the adoption of the aforesaid ordinance.

(3) Notwithstanding whether the political subdivision has adopted the provisions of KRS 45A.345 to 45A.460, the privatization contract, the service agreement or any other purchase by the local government in connection with a privatization contract under this Act may be made or awarded by competitive bidding, competitive negotiation, or negotiation.

(4) The privatization contract or the service agreement may be assigned by either party to secure the performance of any obligation in connection with the financing of construction or operation of a drinking water, water or wastewater project.

SECTION 4. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

(1) In connection with a privatization contract, a political subdivision, if authorized by its governing body, may enter into one (1) or more service agreements with a private owner or private owner/operator pursuant to which the private owner or private owner/operator will provide one (1) or more services to or for the benefit of such political subdivisions. The service agreement shall provide for the purchase by the political subdivision of all or any part of the capacity, capability, or output of the facilities used to provide the applicable service, and shall contain such other terms and conditions as the political subdivision and the private owner or private owner/operator may agree including, without limitation, the charges or rates for such services, and a convenant by the political subdivision to maintain rates sufficient to pay debt service incurred in connection with the financing of construction of a drinking water, water or wastewater project. The service agreement, the privatization contract, the charges and rates for services, and private owner or private owner/operator shall not be subject to the jurisdiction of the Kentucky public service commission or any successor regulatory agency unless and only to the extent that the private owner or private owner/operator sells any part of the services or output of the facility to a person or entity other than the political subdivision which is a party to the service agreement.

(2) Prior to the execution of a service agreement, the governing body of the political subdivision shall cause

notice of its intention to adopt an ordinance to accomplish such service agreement to be published pursuant to KRS Chapter 424. The notice shall set forth a brief summary of the service agreement provisions, and set a time and place for a public hearing to be conducted by the executive authority of the local government. The notice shall be published each week for a period of two (2) weeks, the first publication being not less than fourteen (14) days prior to the adoption of the ordinance approving the execution of the service agreement. The hearing may be held in conjunction with any hearing on the question of issuing bonds to finance the cost of the privatization project, or on the question of adoption of the service agreement, or any other question. A copy of the proposed service agreement shall be filed as a public record with the clerk of the political subdivision not less than two (2) weeks prior to its adoption.

SECTION 5. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

(1) No income, sales, use, ad valorem, or other tax, assessment, or license shall be levied upon or collected with respect to any property which is held by, or purchased by, a private owner or private owner/operator for the public purpose of performing a privatization contract or a service agreement, since such property benefits the public.

SECTION 6. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

(1) This Act shall be construed liberally to effect its purposes and shall not be construed as a restriction or limitation upon any powers which any political subdivision, private owner or private owner/operator might otherwise have under any laws of the Commonwealth; and the provisions of this Act are cumulative to any such powers. This Act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws.

(2) Any city, county or urban county may issue negotiable revenue bonds pursuant to KRS 103.200 et seq. in order to finance the costs associated with a privatization project entered into pursuant to this Act.

(3) Bonds issued pursuant to this Act do not constitute a debt or liability of this Commonwealth or of any legislative body, or any other political subdivision of the Commonwealth. Those bonds do not constitute the loaning of the credit of the Commonwealth or of any legislative body, or of any other political subdivision of the Commonwealth.

SECTION 7. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

(1) Nothing in this Act shall be construed to limit a political subdivision's ability to own, operate, maintain or finance the acquisition, construction, operation or maintenance of drinking water, water or wastewater treatment systems whether or not a privatization project comprises a portion of or is otherwise connected to any such system.

SECTION 8. A NEW SECTION OF KRS CHAPTER 107 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Kentucky Privatization Act."

HB 985, AN ACT relating to coal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 152 IS CREATED TO READ AS FOLLOWS:

Any building, structure or facility that is financed by economic development bonds, industrial revenue bonds or receives any tax preferential treatment shall be designed to burn coal.

SECTION 2. A NEW SECTION OF KRS CHAPTER 56 IS CREATED TO READ AS FOLLOWS:

Any building project constructed by the Commonwealth of Kentucky shall be designed to burn coal.

SB 256, AN ACT relating to beverage containers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context requires otherwise:

(1) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption; and

(2) "Beverage container" means the individual, separate and sealed metal or plastic bottle, can, jar or carton containing a beverage.

SECTION 2. A NEW SECTION OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

No person shall sell or offer for sale in this Commonwealth:

(1) Any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener; or

(2) Any plastic beverage container the volume of which is less than twenty-eight (28) fluid ounces that cannot be or is not intended to be refilled and remarketed several times with the same type of beverage.

The Committee Amendment No. 1 to SB 256 is as follows:

Amend printed copy of SB 256:

on page 1, line 7, by inserting after the word "*consumption*" the following: "*but shall not include non-carbonated water*"

The Committee Amendment No. 2 to SB 256 is as follows:

Amend printed copy of SB 256:

on page 1, line 6, by deleting after the first "*and*" the following: "*mineral waters*"; and

on page 1, lines 19, 20, and 21, by deleting after the "*(2)*" all the language on lines 19, 20, and 21; and

on page 2, by deleting all the language on line 1; and

on page 1, line 19, by inserting after the "*(2)*" the following:

"*Any beverage company doing business in the Commonwealth of Kentucky shall not introduce to the marketplace any new type plastic can until the beverage industry achieves the recyclability and the economic retrieval value comparable to the aluminum can.*

(3) Any violation of this section shall be subject to the penalties as set forth in KRS Chapter 224."

The Committee on State Government reported HB 50, HB 170 with Committee Amendment attached thereto, HB 310 with Committee Substitute and Committee Title Amendment attached thereto, HB 558, HB 678 with Committee Amendments attached thereto, HB 681, HB 823 with Committee Amendment attached thereto, HB 841, HB 882 with Committee Amendment attached thereto, HB 885, HB 886, HB 908, HB 919, HB 947, HB 964, HB 967, HB 973, HR 56, HCR 117, HCR 131 with Committee Substitute attached thereto, HCR 135 and SB 255 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 50, AN ACT relating to personal service contracts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.700 is amended to read as follows:

(1) As used in KRS 45.705 to 45.720;

(a) "Contracting body" means each state board, bureau, commission, department, division, authority, university, college, officer, or other entity, except the legislature, authorized by law to contract for personal services;

(b) "Governmental emergency" means an unforeseen event or set of circumstances which creates an immediate need for services, which is necessary for maintenance of governmental operations or to prevent or minimize injury or damage;

(c) "Subcommittee" means personal service contract review subcommittee;

(d) "Personal service contract" means an agreement whereby an individual, firm, partnership or corporation is to perform certain duties, professional or otherwise for a specified period of time for a price agreed upon, which are exempted from competitive bidding pursuant to KRS 45.360. This definition does not apply to agreements with public utilities, foster care parents, medicaid providers, individuals performing homemaker services, transit authorities, agreements between a state agency and a state college or university, agreements between a state agency and an area development district, agreements between a state agency and a community action agency, agreements between a state agency and a mental health/mental retardation board, agreements between a state agency and another state agency, agreements between a state agency and a political subdivision, [~~and~~] agreements between state universities and employers of students in the Commonwealth work study program sponsored by the Kentucky higher education assistance authority, *and agreements between a state agency and a spouse abuse program provided for under KRS 209.030(1) and (7) and 209.160.*

(2) Compliance with the provisions of KRS 45.705 to 45.720 does not dispense with the requirements of any other law necessary to make the personal service contract valid.

HB 170, AN ACT relating to establishment of an electrical advisory committee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created an electrical advisory committee which shall be attached to the department of housing, buildings and construction for administrative purposes. The committee shall be constituted as follows:

(a) Two (2) members chosen from public utility companies;

(b) Two (2) members who are electricians or engaged in the business of electrical contracting;

(c) Two (2) members who are certified electrical inspectors engaged in the business of electrical inspection; and

(d) Two (2) members who are licensed professional electrical engineers.

(2) Committee members shall be appointed by the governor for four (4) year terms, except that initially two (2) shall be appointed for two (2) year terms; two (2) shall be appointed for three (3) year terms; and four (4) shall be appointed for four (4) year terms. No committee member shall be appointed for more than one (1) successive term.

(3) The committee shall meet at least quarterly or upon request of the department for the purpose of considering matters relating to electrical installations and electrical inspections. The committee shall make recommendations to and otherwise advise the department on these matters.

(4) All committee members shall be compensated for expenses incurred in the conduct of Commonwealth business.

The Committee Amendment No. 1 to HB 170 is as follows:

Amend printed copy of HB 170:

On page 1, line 13, by inserting after "*inspection*" and before the semicolon, the words:

", one (1) of whom shall be employed by a governmental entity".

HB 310, AN ACT relating to the Kentucky State Police.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

(1) The department of state police shall secure such liability and indemnity insurance as will reasonably protect members of the state police against any tort liability arising from incidents occurring in the conduct of official business. The policy limit shall not exceed one million dollars ($1,000,000).

(2) The insurance policies so purchased by the department of state police shall be purchased only from insurance companies authorized to transact business in this state.

(3) Any such policy shall bind the insurer to pay, subject to the terms and conditions of the policy, any final judgment, not in excess of one million dollars ($1,000,000), arising from the death or injury of any person, or damage to the property of any person resulting from the negligence of any member of the state police.

(4) Policies authorized by this section shall be purchased only in accordance with regulations prescribed by the commissioner of insurance and the secretary of the finance and administration cabinet.

(5) In addition to the liability insurance authorized by this section, the members of the state police shall also receive legal counsel provided by the Commonwealth, as well as payment of court costs.

The Committee Substitute to HB 310 is as follows:

HB 310, AN ACT relating to the Kentucky State Police.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 44 IS CREATED TO READ AS FOLLOWS:

It is the intention of the general assembly to provide the means to enable a person negligently injured by the Commonwealth, any of its cabinets, departments, bureaus or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies to be able to assert their just claims as herein provided. The Commonwealth thereby waives the sovereign immunity defense only in the limited situations as herein set forth. It is further the intention of the general assembly to otherwise expressly preserve the sovereign immunity of the Commonwealth, any of its cabinets, departments, bureaus or agencies or any of its officers, agents or employes while acting in the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies in all other situations except where sovereign immunity is specifically waived as set forth by statute. The board of claims shall have exclusive jurisdiction to hear claims for damages, except as otherwise specifically set forth by statute, against the Commonwealth, its cabinets, departments, bureaus, agencies or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth, its cabinets, departments, bureaus or agencies.

SECTION 2. A NEW SECTION OF KRS CHAPTER 44 IS CREATED TO READ AS FOLLOWS:

(1) The board of claims shall have primary and exclusive jurisdiction over all negligence claims for the negligent performance of ministerial acts against the Commonwealth, any of its cabinets, departments, bureaus or agencies, or any officers, agents or employes thereof while acting within the scope of their employment by the Commonwealth, or any of its cabinets, departments, bureaus or agencies.

(2) The board of claims shall have primary and exclusive jurisdiction to make findings of fact, conclusions of law and legal determinations with regard to whether the alleged negligent act was on the part of the Commonwealth, or any of its cabinets, departments, bureaus or agencies, or any officers, agents or employes thereof.

(3) The board of claims shall have primary and exclusive jurisdiction to make findings of fact, conclusions of

law and legal determinations with regard to whether the alleged negligent act was on the part of the Commonwealth or any of its cabinets, departments, bureaus or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies.

(4) No action for negligence against the Commonwealth, any of its cabinets, departments, bureaus or agencies, or any officers, agents or employes thereof may be brought initially in any other court or forum in the Commonwealth except the board of claims until the board of claims makes a determination, that has become final, that the board of claims has or does not have primary and exclusive jurisdiction over the claim.

(5) The determination by the board of claims becomes final only after all appellate rights have been finalized or waived.

(6) Any applicable statute of limitations for bringing negligence actions in any court or forum other than the board of claims shall be tolled pending the final determination that the board of claims does not have primary and exclusive jurisdiction of the negligence claim.

(7) No action for negligence may be brought in any court or forum other than the board of claims against the Commonwealth, any of its cabinets, departments, bureaus or agencies or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth, or any of its cabinets, departments, bureaus or agencies.

(8) Negligence as used herein includes negligence, gross negligence, or wanton negligence.

(9) The defense of contributory negligence is a complete bar to recovery of plaintiff's claim in the board of claims.

(10) Except as otherwise provided by KRS Chapter 44, nothing contained herein shall be construed to be a waiver of sovereign immunity or any other immunity or privilege maintained by the Commonwealth, its cabinets, departments, bureaus and agencies and its officers, agents and employes.

(11) Except as otherwise specifically set forth by statute and in reference to subsection (10) of this section, no action for damages may be maintained in any court or forum against the Commonwealth, any of its cabinets, departments, bureaus or agencies or any of its officers, agents or employes while acting within their official capacity and scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies.

(12) The preservation of sovereign immunity referred to in subsections (10) and (11) of this section includes, but is not limited to, the following:

(a) Discretionary acts or decisions;

(b) Executive decisions;

(c) Ministerial acts;

(d) Actions in the performance of obligations running to the public as a whole; and

(e) Governmental performance of a self-imposed protective function to the public or citizens.

(13) The filing of an action in court or any other forum or the purchase of liability insurance by the Commonwealth, its cabinets, departments, bureaus, or agencies or its agents, officers or employes thereof for a government related purpose or duty shall not be construed as a waiver of sovereign immunity or any other immunity or privilege thereby held. Except as specifically set forth by statute, no counterclaim, set off, recoupment or other form of avoidance of the claim for damages may be asserted by any person when suit is brought against said person by the Commonwealth or any of its cabinets, departments, bureaus or agencies thereof.

(14) Neither the Commonwealth nor any of its cabinets, departments, bureaus or agencies or any officers, agents or employes thereof shall be liable under a respondeat superior theory or any other similar theory for the

acts of independent contractors, contractors or subcontractors thereof or anyone else doing work or providing services for the state on a volunteer basis or pursuant to a contract therewith.

Section 3. KRS 44.070 is amended to read as follows:

(1) A board of claims, composed of the members of the crime victims compensation board as hereinafter provided, is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its *cabinets,* departments, *bureaus* or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its *cabinets,* departments, *bureaus* or agencies; provided, however, regardless of any provision of law to the contrary, the Commonwealth, its *cabinets,* departments, *bureaus* and agencies, and its officers, agents and employes, while acting within the scope of their employment by the Commonwealth or any of its *cabinets,* departments, *bureaus* or agencies, shall not be liable for *collateral or dependent claims which are dependent on loss to another and not the claimant, damages for mental distress or* pain or suffering, and compensation shall not be allowed, awarded, or paid for *said claims for damages* [~~pain or suffering~~]. *Furthermore, any damage claim awarded shall be reduced by the amount of payments received or right to receive payment from workers' compensation insurance, social security programs, unemployment insurance programs, medical, disability or life insurance programs or other federal or state or private program designed to supplement income or pay claimant's expenses or damages incurred.* Except as herein provided the board shall be independent of all agencies, *cabinets* and departments of the Commonwealth except as provided in KRS 44.070 to 44.160.

(2) The board shall be composed of the members of the crime victims compensation board. The members shall not be entitled to additional compensation for their services on the board of claims.

(3) The governor shall designate a member of the board to serve as chairman for a term of four (4) years. Any vacancy in the chairmanship shall be filled by the governor. No member shall, at the same time, serve as chairman of the crime victims compensation board and as chairman of the board of claims.

(4) The employes of the crime victims compensation board, without additional compensation, shall be ex-officio employes of the board of claims.

(5) Regardless of any provision of law to the contrary, the jurisdiction of the board is exclusive, and a single claim for the recovery of money or a single award of money shall not exceed *one hundred thousand dollars ($100,000)* [~~fifty thousand dollars ($50,000)~~], exclusive of interest and costs. *However, if a single act of negligence results in multiple claims, the total award may not exceed two hundred fifty thousand dollars ($250,000) to be equitably divided among the claimants but in no case may any claimant individually receive more than one hundred thousand dollars ($100,000).*

(6) The governor shall appoint the necessary number of hearing officers each of whom shall be an attorney admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. These officers, upon the direction of the chairman or the board shall conduct hearings, and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the chairman or the board except that such hearing officers shall not render final decisions, orders, or awards. However, such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.

(7) The board may at any time recommend the removal of any hearing officer upon filing with the governor a full written statement of its reasons for such removal.

(8) Upon recommendation to the board by the attorney for the Commonwealth, its cabinet, department, bureau, agency or employe thereof, that a settlement has been reached between the parties to the claim, and upon approval by the board that the settlement is reasonable for all parties concerned, the agreed judgment or dismissal may be entered accordingly, even without a party's admission to liability.

Section 4. KRS 44.090 is amended to read as follows:

The attorneys appointed by the governor to represent the Commonwealth's cabinets, departments, bureaus, agencies or officers, agents or employes thereof may present any opposition the Commonwealth or any of its *cabinets, departments, bureaus, agencies, or officers, agents or employes thereof may have to the allowance of any claim filed with the board. If such cabinet attorney is unavailable to represent his respective cabinet, department, bureau, agency or employe thereof, then* the attorney general, either by regular or special assignment, shall designate one (1) of his assistants to present any opposition the Commonwealth or any of its *cabinets,* departments, *bureaus* [~~or~~] agencies *or officers, agents or employes thereof* may have to the allowance of any claim filed with the board.

Section 5. KRS 44.100 is amended to read as follows:

The assistant attorneys general *or attorneys, appointed by the governor to represent the Commonwealth's cabinets, departments, agencies or employes, agents or officers thereof,* assigned to defend claims filed with the board shall receive no additional compensation for the performance of their duties before the board; provided, however, members of the board, assistant attorneys general and all employes acting for the board shall be recompensed for all necessary and actual expenses they may incur incident to their duties for or before the board. All awards and cost of operation assessed by the board against the department of highways shall be paid out of state road fund, upon warrants drawn by the secretary of the finance and administration cabinet upon the state treasurer. All awards and cost of operation assessed by the board against other *cabinets* [~~departments~~] or agencies of the state, which are not maintained by appropriations out of the general fund, shall be paid out of the funds created or collected for the maintenance and operation of such *cabinets* [~~department~~] or agencies respectively, upon warrants drawn by the secretary of the finance and administration cabinet upon the state treasurer. All amounts necessary to pay awards and cost of operation assessed by the board against all other *cabinets* [~~departments~~] or agencies of the Commonwealth shall be paid out of the general fund of the Commonwealth, upon warrants drawn by the secretary of the finance and administration cabinet upon the state treasurer. The executive secretary of the board shall maintain accurate records reflecting the costs incident to the operation of the board. At the close of each quarter year period he shall summarize the cost and shall bill each *cabinet* [~~department~~], commission, board or agency which have had cases before the board for a pro rata share of the cost of operation for the appropriate calendar quarter computed in a manner deemed just and equitable by the board. Each *cabinet* [~~department~~], commission, board or agency shall remit quarterly their share of the cost of operation to the board in the manner provided by law. The board of claims shall have the power and authority to determine the right of any *successful* party to an action before it to recover *from* [~~of~~] the opposing party the costs incurred by him or it in such action; and such decision shall not be subject to appeal. *Costs shall not include attorneys' fees.*

Section 6. KRS 44.110 is amended to read as follows:

(1) All claims [~~A claim~~] must be *filed with* [~~presented to~~] the board *of claims* within one (1) year from the time *the claim for relief* [~~it has~~] accrued.

(2) The claim for relief shall be deemed to accrue at the time of the negligent act with regard to property damage.

(3) The claim for relief for personal injury shall be deemed to accrue at the time the personal injury is first discovered by the claimant or in the exercise of reasonable care should have been discovered; however, no action for personal injury shall be commenced beyond two (2) years from the date on which the alleged negligent act or omission actually occurred.

(4) Notwithstanding subsection (3) of this section, the claim for relief for medical malpractice shall be deemed to accrue at the time the personal injury is first discovered by the claimant or in the exercise of reasonable care should have been discovered; however, no action for personal injury as a result of medical malpractice shall be commenced beyond three (3) years from the date on which the alleged negligent act or omission of malpractice actually occurred.

(5) If at the time the alleged negligent act or omission occurred or if at the time the claim for relief accrued or thereafter, the claimant is an infant or of unsound mind or under any other legal disability to file suit, a guardian or next friend or committee or other qualified representative shall bring such action in the board of claims on behalf of such person within the same time limitation set forth herein or the claim is barred, notwithstanding KRS 413.310, 413.170 and 413.280.

Section 7. KRS 44.160 is amended to read as follows:

(1) Any action prosecuted to award, [~~or~~] judgment *or final decision, including dismissal,* under the

provisions of KRS 44.070 to 44.160 shall preclude the right of a claimant to sue the Commonwealth, its cabinets, departments, *bureaus* or agencies, or its officers, agents or employes in *the board of claims* or any other forum, *except as provided in subsection (6) of Section 2 of this Act when the board determines that it has no jurisdiction over the claim.*

(2) The final determination of the board shall be given the same res judicata and collateral estoppel effect as any other judicial determination; and, if entered as provided in KRS 44.130, it shall be granted the full faith and credit given to judgments from the Commonwealth's courts in this state and the courts of the United States.

The Committee Title Amendment No. 1 to the Committee Substitute to HB 310 is as follows:

Amend printed copy of Committee Substitute to HB 310:

Amend title to read as follows:

"An Act relating to claims against the Commonwealth, its cabinets, departments, bureaus, agencies or any officers, agents or employes thereof.".

HB 558, AN ACT relating to the state treasury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 41.350 is amended to read as follows:

(1) Cancelled checks of the state treasurer upon state depository banks *shall be microfilmed. The original check shall be preserved for a period of two (2) years* [~~and permanent records of paperless entries debiting state accounts transmitted to the state treasurer by state depositories shall be preserved by the state treasurer for a period of seven (7) years~~]. At the expiration of that period, unless required for the purpose of an action then pending, the checks shall be sold as waste paper or destroyed. *Microfilm reproductions of treasury checks shall be preserved for a period of five (5) years.*

(2) Electronic fund transfer entries debiting state accounts transmitted to the state treasurer by state depositories shall be preserved for a period of five (5) years. At the expiration of that period, unless required for the purpose of an action then pending, microfilm reproductions and records of electronic fund transfer entries may be destroyed.

HB 678, AN ACT relating to investments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) As used in this Act, "state funds" means sums actually received in cash or negotiable instruments from all sources, unless otherwise described, by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of any form of state organizations, authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form or organization whether or not the money has ever been paid into the treasury and whether or not the money is still in the treasury, if the money is controlled by any form of state organization, including the Kentucky employes retirement fund, state police retirement fund, county employes retirement fund, Kentucky retirement systems insurance fund, funds controlled by the teachers retirement system of Kentucky, judicial retirement fund, legislators retirement fund and the Kentucky state public employes deferred compensation trust fund.

(2) After July 15, 1986, no state funds shall be invested in any company, bank or financial institution, which directly or through its subsidiaries, maintains operations in or has outstanding loans with the Republic of South Africa.

(3) Notwithstanding subsection (2) of this section, if sound investment policy so requires, the sale of such investments may be spread over no more than three (3) years so that no less than one-third (1/3) the value of said investments is sold in any one (1) year. So long as any funds remain invested in any bank, financial institution or firm referred to in subsection (2) of this section, a report listing all South African related

investments and their book value as of December thirty-first shall be filed with the governor and the legislative research commission no later than February 1, of the year following.

The Committee Amendment No. 1 to HB 678 is as follows:

Amend printed copy of HB 678:

On page 2, after line 16, by inserting the following:

Section 2. KRS 45.990 is amended to read as follows:

(1) Any officer, agent or employe of any budget unit who wilfully fails or refuses to comply with any of the provisions of KRS 45.011 to 45.031, 45.121, 45.142, 45.151, 45.242, 45.244, 45.251, 45.253, 45.305, or 45.313, or who expends any money in violation of any of the provisions of those sections, shall be subject to indictment in the Franklin Circuit Court, and upon conviction shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense.

(2) If any person incurs, or orders or votes for the incurrence of, any obligations in violation of any of the provisions of KRS 45.244 , he and his sureties shall be jointly and severally liable therefor.

(3) Any violation of KRS 45.360 shall be punished by a fine of not more than five thousand dollars ($5,000) or by a prison sentence of not less than one (1) year, nor more than five (5) years, or by both fine and imprisonment in the discretion of the jury.

(4) Any employe of the division of purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other things of value, as an inducement or intended inducement in the procurement of business, or the giving of business, including but not limited to personal service contracts, for, or to, or from, any person, partnership, firm or corporation, offering, bidding for, or in open market seeking to make sales to the Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars ($5,000) or by imprisonment in the penitentiary for not less than one (1) year, nor more than ten (10) years, or both so fined and imprisoned in the discretion of the jury.

(5) Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, including but not limited to personal service contracts, to any employe of the division of purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars ($5,000) or by imprisonment in the penitentiary for not less than one (1) year nor more than ten (10) years, or both so fined and imprisoned in the discretion of the jury.

(6) Any person who violates section 1 of this Act shall be guilty of a class d felony.

The Committee Amendment No. 2 to HB 678 is as follows:

Amend printed copy of HB 678:

On page 1, line 21, after "*1986,*" by inserting the following: *state funds shall be divested of any company, bank or financial institution, which directly or through its subsidiaries, maintains operations in or has outstanding loans with the Republic of South Africa, subject to the investment criteria set forth in this section. State funds shall be divested:*

(a) Phase One: During the period July 1, 1986, to June 30, 1987, in any corporation doing business in South Africa which has not adopted the "Statement of Principles of U.S. Firms with affiliates in the Republic of South Africa" articulated by Reverend Leon H. Sullivan (the so-called "Sullivan Principles" which promote decency and fairness only in the workplace environment of the United States corporations operating in South Africa) and set forth in the most recent amplification thereof.

(b) Phase Two: During the period July 1, 1987, to June 30, 1988, in any corporation doing business in South Africa which has adopted the so-called "Sullivan Principles" referred to in (2) (b), but which does not have a

performance rating in categories I, II or V of the "Sullivan Principles" rating system prepared by Arthur D. Little, Inc.

(c) Phase Three: During the period July 1, 1988, to June 30, 1989, in any corporation doing business in South Africa which has adopted the so-called "Sullivan Principles" referred to in (2) and (b) but which does not have a performance rating in category I or II of the "Sullivan Principles" rating system prepared by Arthur D. Little, Inc.

(3) The investment officers responsible for investing the state funds shall within three (3) months of July 15, 1986, notify each corporation doing business in South Africa of the passage of this act, giving a summary account of its content.

(4) The investment officers responsible for investing the state funds shall make quarterly reports to the legislative research commission concerning the progress in meeting the directive of subsection (2) of this section.; and

on page 1, line 21, by deleting "*no state funds shall be*"; and

on page 2, by deleting page 2 in its entirety.

HB 681, AN ACT relating to the model procurement code.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45A.010 is amended to read as follows:

(1) This code shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this code shall be:

(a) To simplify, clarify, and modernize the law governing purchasing by the Commonwealth;

(b) To permit the continued development of purchasing policies and practices;

(c) To make as consistent as possible the purchasing laws among the various states;

(d) To provide for increased public confidence in the procedures followed in public procurement;

(e) To insure the fair and equitable treatment of all persons who deal with the procurement system of the Commonwealth;

(f) To provide increased economy in state procurement activities by fostering effective competition; [~~and~~]

(g) To provide safeguards for the maintenance of a procurement system of quality and integrity*; and*

(h) To insure the preference of American coal.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

(1) Every governmental body and local public agency shall require that every contract which is bid in accordance with KRS Chapter 45A contain a provision that if coal is to be supplied in the performance of the contract, only American coal shall be supplied, unless the chief purchasing officer determines, after the receipt of all offers or bids, that the cost of American coal is unreasonable, or that American coal is not produced in sufficient quantities or is not sufficiently available to meet the contract requirements.

(2) The offered or bid price of American coal is not unreasonable unless it is more than ten percent (10%) higher than the offered or bid price of foreign coal, including any applicable duty.

Section 3. KRS 45A.030 is amended to read as follows:

The words defined in this section shall have the meanings set forth below whenever they appear in this code, unless the context in which they are used clearly requires a different meaning; or a different definition is prescribed for a particular section, group of sections or provision.

(1) "Business" shall mean any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity through which business is conducted.

(2) "Change order" shall mean a written order signed by the purchasing officer, directing the contractor to make changes which the changes clause of the contract authorizes the purchasing officer to order without the consent of the contractor.

(3) "Chief purchasing officer" shall mean the secretary of the finance and administration cabinet, who shall be responsible for all procurement of the Commonwealth except as provided by KRS Chapters 175, 176, 177 and 180.

(4) "Construction" shall mean the process of building, altering, repairing, improving or demolishing any public structures or buildings, or other public improvements of any kind to any public real property. It does not include the routine maintenance of existing structures, buildings, or real property.

(5) "Contract" shall mean all types of state agreements, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item. It shall include awards; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; purchase orders; and insurance contracts except as provided in KRS 45A.022. It also includes supplemental agreements with respect to any of the foregoing.

(6) "Contract modification" shall mean any written alteration in the specifications, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision, or by mutual action of the parties to the contract. It shall include bilateral actions, such as supplemental agreements, and unilateral actions, such as change orders, administrative changes, notices of termination, and notices of the exercise of a contract option.

(7) "Contractor" shall mean any person having a contract with a governmental body.

(8) "Data" shall mean recorded information, regardless of form or characteristic.

(9) "Designee" shall mean a duly authorized representative of a person holding a superior position.

(10) "Employe" shall mean an individual drawing a salary from a governmental body, whether elected or not, and any non-salaried individual performing personal services for any governmental body.

(11) "Governmental body" shall mean any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment of the executive or legislative branch of the state government.

(12) "May" shall mean permissive.

(13) "Negotiation" shall mean contracting by either the method set forth in KRS 45A.085, 45A.090 or 45A.095.

(14) "Person" shall mean any business, individual, organization or group of individuals.

(15) "Procurement" shall mean the purchasing, buying, renting, leasing, or otherwise obtaining of any supplies, services, or construction. It shall also include all functions that pertain to the obtaining of any supply, service, or construction item, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

(16) "Purchase request" or "purchase requisition" shall mean that document whereby a using agency requests that a contract be obtained for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation of solicitees, suggested sources of supply, and information supplied for the making of any written determination and finding required by KRS 45A.025.

(17) "Purchasing agency" shall mean any governmental body which is authorized by this code or its implementing regulations or by way of delegation from the chief purchasing officer to contract on its own behalf rather than through the central contracting authority of the chief purchasing officer.

(18) "Purchasing officer" shall mean any person authorized by a governmental body in accordance with procedures prescribed by regulations, to enter into and administer contracts and make written determinations and findings with respect thereto. The term shall also include an authorized representative acting within the limits of authority.

(19) "Services" shall mean the rendering, by a contractor, of its time and effort rather than the furnishing of a specific end product, other than reports which are merely incidental to the required performance of services.

(20) "Shall" shall mean imperative.

(21) "Supplemental agreement" shall mean any contract modification which is accomplished by the mutual action of the parties.

(22) "Supplies" shall mean all property, including but not limited to leases of real property, printing and insurance, except land or a permanent interest in land.

(23) "Using agency" shall mean any governmental body of the state which utilizes any supplies, services, or construction purchased under this code.

(24) "American coal" shall mean coal mined, processed and transported in the United States of America.

HB 823, AN ACT relating to investments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) As used in this Act "state funds" shall mean sums actually received in cash or negotiable instruments from all sources, unless otherwise described, by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of the form of state organizations, authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form or organization whether or not the money has ever been paid into the treasury and whether or not the money is still in the treasury if they money is controlled by any form of state organization, including the Kentucky employes retirement fund, state police retirement fund, county employes retirement fund, Kentucky retirement systems insurance fund, funds controlled by the teachers retirement system of Kentucky, judicial retirement fund, legislators retirement fund and the Kentucky state public employes deferred compensation trust fund.

(2) After the effective date of this Act, no state funds shall be invested in any company, bank or financial institution, which directly or through its subsidiaries, maintains operations in or has outstanding loans with the Republic of South Africa or Angola.

(3) Notwithstanding subsection (2) of this section, if sound investment policy so requires, the sale of such investments may be spread over no more than three (3) years so that no less than one-third (1/3) the value of said investments is sold in any one (1) year. So long as any funds remain invested in any bank, financial institution or firm referred to in subsection (2) of this section, a report listing all South African and Angolan related investments and their book value as of December thirty-first (31) shall be filed with the governor and the legislative research commission no later than February 1, of the year following.

Section 2. KRS 45.990 is amended to read as follows:

(1) Any officer, agent or employe of any budget unit who wilfully fails or refuses to comply with any of the provisions of KRS 45.011 to 45.031, 45.121, 45.142, 45.151, 45.242, 45.244, 45.251, 45.253, 45.305, or 45.313, or who expends any money in violation of any of the provisions of those sections, shall be subject to indictment in the Franklin Circuit Court, and upon conviction shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense.

(2) If any person incurs, or orders or votes for the incurrence of, any obligations in violation of any of the provisions of KRS 45.244 , he and his sureties shall be jointly and severally liable therefor.

(3) Any violation of KRS 45.360 shall be punished by a fine of not more than five thousand dollars ($5,000) or by a prison sentence of not less than one (1) year, nor more than five (5) years, or by both fine and imprisonment in the discretion of the jury.

(4) Any employe of the division of purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other things of value, as an inducement or intended inducement in the procurement of business, or the giving of business, including but not limited to personal service contracts, for, or to, or from, any person, partnership, firm or corporation, offering, bidding for, or in open market seeking to make sales to the Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars ($5,000) or by imprisonment in the penitentiary for not less than one (1) year, nor more than ten (10) years, or both so fined and imprisoned in the discretion of the jury.

(5) Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, including but not limited to personal service contracts, to any employe of the division of purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars ($5,000) or by imprisonment in the penitentiary for not less than one (1) year nor more than ten (10) years, or both so fined and imprisoned in the discretion of the jury.

(6) Any person who violates Section 1 of this Act shall be guilty of a class D felony.

The Committee Amendment No. 1 to HB 823 is as follows:

Amend printed copy of HB 823:

On page 1, line 21, after the word "*Act,*" by inserting the following: "*state funds shall be divested of any company, bank or financial institution, which directly or through its subsidiaries, maintains operations in or has outstanding loans with the Republic of South Africa, subject to the investment criteria set forth in this section. State funds shall be divested:*

(a) Phase One: During the period July 1, 1986, to June 30, 1987, in any corporation doing business in South Africa which has not adopted the "Statement of Principles of U.S. Firms with affiliates in the Republic of South Africa" articulated by Reverend Leon H. Sullivan (the so-called "Sullivan Principles" which promote decency and fairness only in the workplace environment of the United States corporations operating in South Africa) and set forth in the most recent amplification thereof.

(b) Phase Two: During the period July 1, 1987, to June 30, 1988, in any corporation doing business in South Africa which has adopted the so-called "Sullivan Principles" referred to in (2) (b), but which does not have a performance rating in categories I, II or V of the "Sullivan Principles" rating system prepared by Arthur D. Little, Inc.

(c) Phase Three: During the period July 1, 1988, to June 30, 1989, in any corporation doing business in South Africa which has adopted the so-called "Sullivan Principles" referred to in (2) and (b) but which does not have a performance rating in category I or II of the "Sullivan Principles" rating system prepared by Arthur D. Little, Inc.

(3) The investment officers responsible for investing the state funds shall within three (3) months of July 15, 1986, notify each corporation doing business in South Africa of the passage of this act, giving a summary account of its content.

(4) The investment officers responsible for investing the state funds shall make quarterly reports to the legislative research commission concerning the progress in meeting the directive of subsection (2) of this section."; and

on page 1, line 21, by deleting "*no state*"; and

on page 2, by deleting lines 1 thru 16 in their entirety.

HB 841, AN ACT relating to trust and agency accounts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.253 is amended to read as follows:

(1) Revolving accounts may be established by appropriation in a joint budget resolution to finance activities which are self-supporting in whole or in part.

(2) Trust and agency accounts may be established by a joint budget resolution to receive and disburse contributions, gifts, donations, devises and federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other miscellaneous receipts of budget units.

(3) The head of the budget unit or other responsible fiscal agent of the unit for which a revolving, trust or agency account has been established shall deposit with the state treasury all receipts of the character above described, and the finance and administration cabinet shall credit all such receipts to the budget unit and shall keep separate accounting for each account so established.

(4) The amounts credited to any revolving, trust or agency account so provided, shall be held available for disbursement for the purpose provided by law and shall not be diverted to any other purpose. Revolving, trust or agency accounts shall be subject to withdrawal from the state treasury by the head of each budget unit when actually needed, on requisition to the finance and administration cabinet in the same manner provided by law as other state funds are withdrawn. Funds received from the federal government in the form of grants or otherwise may be expended for the purpose intended even though received in a fiscal year other than that in which the related original encumbrance or expenditure was incurred. Trust and agency funds shall be allotted before an expenditure is made; and the secretary of the finance and administration cabinet may withhold allotment of general fund appropriations to the extent trust and agency funds are available.

(5) Subject to prior approval by the secretary of the finance and administration cabinet, the chief justice and the legislative research commission for their respective branches any budget unit which, as an incident to its authorized duties and functions, furnishes requested services or materials to any persons outside state government, where such services or materials are not required by law to be furnished gratuitously, may charge such persons an amount not to exceed the total expense to the budget unit of the services or materials furnished. The receipts from such approved charges shall be credited to the surplus account of the general fund.

(6) The department of information systems may charge any agency of local government an amount, not to exceed the total expense to the department, for services rendered or materials furnished unless such services or materials are required by law to be furnished gratuitously. The receipts from such authorized charges shall be deposited in the state treasury and credited to the trust and agency fund, department of information systems' operating account.

HB 882, AN ACT relating to the Lieutenant Governor.

WHEREAS, the office of lieutenant governor has only in recent history been assumed to be a full-time position requiring increasingly larger office staffs, extensive travel, and provision of a home, domestic staff, and entertainment budget; and

WHEREAS, neither the Constitution of the Commonwealth of Kentucky, nor the General Assembly, by statute, have expressed the desire or intent that the office of lieutenant governor should be a full-time position, or that the people of Kentucky should provide the lieutenant governor with an extensive staff, residence, and funds for promoting the individual elected to the office.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO READ AS FOLLOWS:

(1) The lieutenant governor, while holding the office to which he was elected, may engage in the practice of any profession, business, or other private activity that does not conflict with his official duties.

(2) To the extent the lieutenant goveror does engage in the activities permitted by subsection (1) of this section, he shall be subject to all the provisions of the Constitution of the Commonwealth of Kentucky and the Kentucky Revised Statutes relating to ethics and conflicts of interest, including, but not limited to, KRS 6.755 to 6.825 and 6.990, and KRS 45A.330 to 45A.340 and 45A.990.

(3) While performing the duties of the office to which he was elected, the lieutenant governor shall not receive a salary, but shall be compensated in accordance with the provision of Section 86 of the Constitution of the Commonwealth of Kentucky for actual time spent in the conduct of the duties set out in Sections 83 and 84 of the Constitution of the Commonwealth of Kentucky. While performing the duties prescribed by statute, the lieutenant governor shall be compensated pursuant to the provisions of the appropriate statute. He shall not receive any other compensation or emolument of public office.

Section 2. KRS 11.120 is amended to read as follows:

The governor [~~and the lieutenant governor~~] shall not engage in the practice of law during *his term* [~~their terms~~] of office.

Section 3. KRS 42.037 is amended to read as follows:

(1) The finance and administration cabinet shall be responsible for the management, maintenance, and operation[~~, including the purchase for all purposes of all food and related supplies, of the old governor's mansion. Such personnel, including domestic and household servants, as are necessary for the operation and maintenance~~] of the old governor's mansion [~~shall be employed by the finance and administration cabinet~~]. The provisions of KRS Chapter 42 shall apply to all purchases made for the maintenance and operation of the old governor's mansion. [~~None of the provisions of KRS 18A.110 and 18A.155 shall apply to the personnel employed for the maintenance and operation of the old governor's mansion.~~

~~(2) A reasonable amount shall be deducted from the salary or other allowance of the lieutenant governor for the consumption by the lieutenant governor and his family of such food and supplies.~~

~~(3) A reasonable amount shall be deducted from the salaries of personnel employed in operational and maintenance functions, including domestic and household servants, for the consumption by such personnel of such food and supplies.~~]

(2)[~~(4)~~] The finance and administration cabinet shall maintain such records relative to the management, maintenance, and operation of the *old* [~~lieutenant~~] governor's mansion as may be dictated by sound accounting practices.

Section 4. KRS 44.045 is amended to read as follows:

(1) A passenger motor vehicle or vehicles may be purchased by the finance and administration cabinet for the use of the governor [~~and the lieutenant governor~~].

(2) Motor vehicles, including passenger motor vehicles, may be purchased by the finance and administration cabinet as are deemed necessary by the secretary of the finance and administration cabinet for the discharge of the authorized duties and functions of the various agencies of the state. Said vehicles shall be used for official purposes only, and for no other purposes. The assignment of passenger motor vehicles to specific individuals shall be discouraged, but may be made upon approval by the secretary of the finance and administration cabinet of a written request to make such assignment by the head of the agency involved.

(3) All motor vehicles purchased pursuant to this section shall be issued official license plates and shall bear on one (1) door on each side the great seal of the Commonwealth, and the words "For official use only"; provided, however, that the vehicles purchased pursuant to subsections (1) and (4) of this section need not bear the said seal and the said words.

(4) The [~~departments of~~] revenue *and* [~~,~~] justice *cabinets*, and *the department of* law and the crime commission may, upon approval by the secretary of the finance and administration cabinet of a written request by the head of the agency involved, be authorized to register a vehicle or vehicles under KRS 186.020 and be

issued regular license plates. Such vehicles shall be used for investigatory purposes only, and for no other purposes.

(5) The secretary of the finance and administration cabinet may adopt, *pursuant to the provision of KRS Chapter 13A,* such *administrative* regulations as may be necessary to govern the use of those state owned vehicles acquired pursuant to the provision of this section.

(6) Any person violating subsections (2) and (4) of this section shall, on conviction thereof, be subject to the penalties prescribed in KRS 44.990.

Section 5. KRS 64.480 is amended to read as follows:

(1) Effective, with respect to the offices of governor on December 11, 1979, [~~and lieutenant governor on the fifth Tuesday following the regular November election in 1975~~] and with respect to the other offices named in this section, on the first Monday in January, 1976, the compensation of the following named officers, payable monthly out of the state treasury, shall be the sum per annum designated for the respective offices, as follows: governor, forty-five thousand dollars ($45,000) until December 11, 1981, then fifty thousand dollars ($50,000) until December 13, 1983, and then sixty thousand dollars ($60,000) until January 1, 1985; [~~lieutenant governor, an amount sufficient, when added to any per diem received during sessions of the general assembly while serving in the capacity of president of the senate, to equal twenty-seven thousand nine hundred dollars ($27,900) per annum, plus any compensation received while acting in the place of the governor;~~] attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky elected in November, 1975, as clerk of the Court of Appeals, twenty-seven thousand nine hundred dollars ($27,900).

(2) In order to equate or adjust the compensation of the [~~lieutenant governor,~~] attorney general, superintendent of public instruction, commissioner of agriculture, secretary of state, state treasurer, auditor of public accounts, and clerk of the Supreme Court of Kentucky with the purchasing power of the 1949 dollar, the finance and administration cabinet of Kentucky shall compute by the second Friday in February of every year, beginning in 1977, the maximum permissible compensation of the officials mentioned in subsection (2) hereof based precisely upon the consumer price index formula approved in Matthews v. Allen, Kentucky, 360 S.W. 2d 139 (1962). Thus the maximum permissible compensation effective for the entire year of 1977 and subsequent years will be the actual compensation to be paid said officials. The year of adjustment will be the particular full calendar year involved.

(3) It is the intention of the legislature that the constitutionally permissible adjustment of salaries of these officials be framed around equating current salaries with the purchasing power of the dollar in 1949 when section 246 of the Kentucky Constitution was amended. Section 246 of the Constitution, as amended, established a monetary level of twelve thousand dollars ($12,000) per annum for said officials. The formula merely effects an adjustment of the constitutional monetary level in terms of the current consumer price index.

(4) In order to adjust the compensation of the governor to reflect changes in the purchasing power of the dollar, the finance and administration cabinet shall compute by the second Friday in February of every year, beginning in 1985, an adjusted salary of the governor by multiplying sixty thousand dollars ($60,000) by the increase in the consumer price index during the period from January 1, 1984 to the beginning of the then-current calendar year. The actual compensation paid to the governor for the entire calendar year of 1985 and subsequent years shall be the adjusted salary.

The Committee Amendment No. 1 to HB 882 is as follows:

Amend printed copy of HB 882:

On page 2, lines 7 and 8, by deleting the words "*shall not receive a salary, but*"; and

On page 2, line 12, by deleting the word "*while*" and inserting in lieu thereof the words "*Notwithstanding the provisions of any other statute, while*"; and

On page 2, lines 14 and 15, by deleting the words "*be compensated pursuant to the provisions of the appropriate statute*" and inserting in lieu thereof the words "*receive the same compensation he would receive if he were presiding over the state senate*"; and

On page 7, after line 22, by adding a new section which shall read as follows:

"Section 6. The provisions of this Act shall become effective when the lieutenant governor, who is elected at the November 1987 general election, assumes office."

HB 885, AN ACT authorizing the procurement of liability insurance for the protection of state officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 62 IS CREATED TO READ AS FOLLOWS:

(1) The secretary of the finance and administration cabinet may procure in accordance with the provisions of KRS Chapter 45A, liability insurance in such amounts and providing such coverages as the secretary determines necessary to reasonably protect the Commonwealth's officers and selected employes, or groups of employes, who, by virtue of their official duties and responsibilities may be exposed to:

(a) Claims of personal liability for acts, errors, or omissions in the performance of their official duties;

(b) Claims brought or asserted against them in their personal capacities as a result of or arising from any act, error, or omission by them within the scope of their official duties, or while acting in accordance with or under color of the laws of the Commonwealth of Kentucky.

(2) The premiums for such insurance coverages shall be paid out of the budgets of the agencies for whose benefit the insurance is procured.

HB 886, AN ACT relating to reorganization of the department of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 156.010 is amended to read as follows:

(1) The department of education shall consist of the superintendent of public instruction, who shall be the executive officer of the department, the office of instruction, the office of education for exceptional children, the office of local services, the office of vocational education, the office of vocational rehabilitation, the office of budget management, the office of legal services, the office of personnel management, the office of administrative services, the office of resource management, [~~the office of federal programs,~~] the office of research and planning, and the state board of education.

(2) The superintendent of public instruction shall appoint a deputy superintendent for programs who is authorized to act in the absence of the superintendent of public instruction. The superintendent shall also appoint a deputy superintendent for administration, a deputy superintendent who shall be secretary to the state board of education, a chief executive assistant to the superintendent, a special assistant for public affairs responsible for press relations, [~~and~~] an ombudsman responsible for coordination and referral of correspondence from the public as it relates to departmental services and functions *and a principal assistant for federal and state liaison.*

(3) The superintendent of public instruction shall have general supervision of all assistants, agents and employes. He shall be responsible for implementing policies promulgated by the state board of education. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

(4) All employes shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.

(5) The department of education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, vocational education, vocational rehabilitation, the Kentucky school for the blind and the Kentucky school for the deaf, and may exercise the general powers and functions relating to state vocational schools and area vocational educational centers for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed. The department of education shall exercise also those powers relating to television in aid of education and other proper public functions, as provided in KRS 156.070.

(6) The Kentucky school for the blind advisory board, the Kentucky school for the deaf advisory board, the state board of education, the Kentucky council on teacher education and certification, the state advisory committee for educational improvement and the state textbook commission are administratively attached to the office of superintendent, but each shall continue to exercise all the functions conferred upon it by law.

(7) The state department of education in the operation and management of its schools and the programs at these schools shall meet all required federal and state standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by the state department of education.

(8) The department of education is hereby designated as the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for elementary and secondary education, vocational education, vocational rehabilitation and adult education.

Section 2. The General Assembly hereby confirms Executive Order 85-DOE-01 to the extent it is not otherwise confirmed by this Act.

HB 908, AN ACT relating to voter registration information.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 116.155 is amended to read as follows:

All forms pertaining to registration and purgation shall be prescribed and furnished by the state board of elections. The registration form shall include the voter's name; date of birth; social security number, if any; address; *telephone number;* and such other information as the state board of elections may deem necessary. All forms which require a voter's signature shall provide for verification by the signer thereof.

Section 2. KRS 117.025 is amended to read as follows:

(1) The state board of elections shall appoint an executive director, who shall be the chief administrative officer for the board. The board shall also appoint an assistant to the director, who shall be of a different political party than the director. The salaries of the director and his assistant shall be set by the board.

(2) The state board of elections shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board, including such legal counsel as is deemed necessary by the board.

(3) The state board shall:

(a) Maintain a complete roster of all qualified registered voters within the state by county and precinct;

(b) Delete the name of any voter whose name is included in those purged by a county board of elections by reason of death and furnished to it by the county boards of elections. It shall further delete the name of any voter who is deceased or who is no longer qualified to vote in the precinct where currently registered as may be provided by law, or who has failed to vote at any primary or regular election for four (4) consecutive years. Such names shall be deleted between the dates of the general and primary elections. The state board of elections shall notify the county boards of elections and the voter of such action and the reason therefor, by the tenth (10th) of the month following such action, except when the voter was purged by reason of death;

(c) Enter names on the various registration rosters as they are reported by the county boards of elections;

(d) Furnish each county clerk with a master list of all registered voters in the county, together with three (3) lists of all registered voters in each precinct of the county, at least five (5) days prior to each election;

(e) Maintain all information furnished to the state board relating to the inclusion or deletion of names from the rosters for four (4) years;

(f) Furnish the state central executive committee of each political party at a reasonable cost qualifying under KRS 118.015 monthly data of all additions, deletions and changes of registration in each precinct of each county and the state central executive committee shall furnish a county listing to each of the county executive committees of each political party;

(g) Purchase, lease or contract for the use of such equipment as may be necessary to properly carry out its duties under the provisions of this chapter and KRS chapters 116 and 118;

(h) Secure information from any source which may assist the board in carrying out the purposes of this section;

(i) Furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question. The state board of elections may also furnish the precinct lists to other persons at the board's discretion, at a reasonable cost, provided, however the board shall not furnish precinct lists to persons who intend to use such lists for commercial use.

(4) All voter registration lists furnished by the state board shall include all voter telephone numbers included in the records of the state board.

HB 919, AN ACT to revise and correct the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.190 is amended to read as follows:

[~~Beginning as of January 1, 1978, the members of the general assembly, other than the speaker of the house of representatives,the president pro-tempore of the senate and the majority and minority leadership of each house of the general assembly, shall each receive as compensation fifty dollars ($50.00) per day, the president of the senate, the president pro-tempore of the senate and the speaker of the house of representatives shall each receive as compensation seventy-five dollars ($75.00) per day, the majority and minority floor leaders of each house of the general assembly shall each receive as compensation seventy dollars ($70.00) per day, and the assistant president pro-tempore of the senate, the speaker pro-tempore and the majority and minority caucus chairmen and whips of each house of the general assembly shall each receive as compensation sixty-five dollars ($65.00) per day, during the session of the general assembly.~~] Beginning as of January 1, 1984, the members of the general assembly, other than the speaker of the house of representatives, the president pro tempore of the senate and the majority and minority leadership of each house of the general assembly, shall each receive as compensation one hundred dollars ($100) per day, the president of the senate, the president pro tempore of the senate and the speaker of the house of representatives shall each receive as compensation one hundred twenty-five dollars ($125) per day, the majority and minority floor leaders of each house of the general assembly shall each receive as compensation one hundred twenty dollars ($120) per day, and the assistant president pro tempore of the senate, the speaker pro tempore and the majority and minority caucus chairmen and whips of each house of the general assembly shall each receive as compensation one hundred fifteen dollars ($115) per day, during the session of the general assembly. In addition to his compensation as a member of the general assembly, each chairman of a standing committee of the house of representatives or the senate shall receive compensation of ten dollars ($10.00) for each regularly scheduled meeting of the standing committee which he chairs during sessions of the general assembly. *Beginning as of July 1, 1980* [~~Effective January 1, 1976~~], each member of the general assembly, and the president *pro tempore* of the senate, shall receive *mileage* [~~sixteen (16) cents per mile~~] and reimbursement of road tolls for one (1) round trip for each week of the session between his home and the state capitol during regular sessions and extraordinary sessions of the general assembly and the necessary travel in going to and returning from the sessions of their respective houses. *The* [~~Beginning as of July 1, 1980 each member of the general assembly, and the president of the senate shall receive a~~] mileage allowance *under this section shall be* equal to the maximum mileage allowance permitted by the federal government, to be increased as federal mileage allowance is increased.

Section 2. KRS 6.226 is amended to read as follows:

There is hereby created a legislative compensation commission to be composed of the following members:

(1) Two (2) persons appointed by the speaker of the house;

(2) Two (2) persons appointed by the president pro tempore of the senate;

(3) Three (3) persons appointed by the governor. [~~;~~

~~(4)~~] In making the selections the governor, president pro tempore and the speaker shall not appoint current members of the general assembly.

Section 3. KRS 6.765 is amended to read as follows:

(1) A legislator has an interest which is in conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state, arising from any situation, if he has reason to believe or expect that because of his personal or private interest he or any member of his family or persons with whom the legislator maintains a close economic association will derive a direct monetary gain or suffer a direct monetary loss as a direct result of his legislative vote on proposed legislation in committee or on the floor.

(2) A personal or private interest may be presumed to exist when a legislator:

(a)[~~(1)~~] Has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent (5%) of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which could be affected by proposed or pending legislation; or is an officer, director, or agent for any such corporation, company, association or firm, partnership, proprietorship, or any other business entity of any kind or character which could be affected by proposed or pending legislation; [~~or~~]

(b)[~~(2)~~] Has or acquires a close economic association with, or is a member of the family of, a person who is a lobbyist or who employs or has employed a lobbyist to propose legislation or to influence proposed legislation on which the legislator has or may be expected to vote; or

(c)[~~(3)~~] Accepts or solicits or agrees to accept a gift, loan, gratuity, discount, favor, service, or economic opportunity of significant value or having aggregate value of two hundred dollars ($200) or more during a biennial period and twelve (12) months thereafter from a person who could be affected by or who has an interest in an enterprise which would be affected by proposed legislation or under circumstances from which it could reasonably be inferred that the purpose of the donor is to influence him in the performance of his official duties. This provision shall likewise apply where such gifts, loans, gratuities, discounts, favors, services, or opportunities are accepted by a member of a legislator's family.

(3) The provisions of subsection (2) of this section do [~~This subsection does~~] not apply to the following:

(a) A usual and customary loan made in the ordinary course of business by a person, or institution authorized by law to engage in the business of making loans; [~~or~~]

(b) An occasional nonpecuniary award publicly presented by a nonprofit organization for performance of public service; [~~or~~]

(c) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for a legislator's personal attendance at a convention or other meeting at which he is scheduled to participate and for which attendance no reimbursement is made by the Commonwealth of Kentucky; or

(d) Any political contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if such contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the donor is to substantially influence the legislator in the performance of his official duties.

(4) A personal or private interest may not exist if any benefit or detriment which accrues to the legislator, as a member of a business, profession, occupation or other group, or to a member of his family or business associate is of no greater extent than the benefit which accrues generally to other members of such business, profession, occupation or other group.

Section 4. KRS 6.770 is amended to read as follows:

In the consideration of a legislator's abstention from voting because of a possible conflict of interest, the following guidelines should be considered:

(1) Whether a substantial threat to his independence of judgment has been created by his personal or private interest;

(2) The effect of his participation on public confidence in the integrity of the legislature;

(3) Whether his participation is likely to have any significant effect on the disposition of the matter;

(4) The need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature; or

(5) Whether the proposed or pending legislation will affect him in a manner differently from the public or will affect him as a member of a business, profession, occupation, or group to no greater extent generally than other members of such business, profession, occupation, or group.

[~~(6)~~] A legislator may request an advisory opinion from the board of ethics in accordance with the board's rules of procedure.

Section 5. KRS 6.810 is amended to read as follows:

(1) The board of ethics of the Kentucky general assembly is established. The members of this board shall be persons of outstanding reputation and unquestioned integrity who previously have shown an interest in the ethical conduct of public business.

(2) The board shall be composed of nine (9) members, not less than three (3) of whom shall be members of the minority party. The members shall be appointed in the following manner: two (2) members from the senate and one (1) public member appointed by the lieutenant governor; two (2) members of the house of representatives and one (1) public member appointed by the speaker of the house; and three (3) public members appointed by the legislative research commission. All members of the board shall serve for a term of four (4) years. Vacancies in the membership shall be filled in the same manner as the original appointments. A vacancy exists when a term expires, when a person appointed from the senate or house of representatives ceases to be a member of such body or when a letter of resignation is received by the board.

(3) Of the new members appointed as provided in this section, the speaker of the house shall appoint a public member for an initial term of one (1) year, the lieutenant governor shall appoint a public member for an initial term of two (2) years, and the legislative research commission shall appoint a public member for an initial term of three (3) years. Thereafter all appointments shall be for a full four (4) years.

(4) The board shall elect from its membership a chairman and such other officers as it deems necessary. For attending meetings members of the board shall be paid their necessary traveling expenses and in addition thereto shall receive compensation commensurate with the provisions of KRS 7.090*(3)*[~~(2)~~].

Section 6. KRS 6A.020 is amended to read as follows:

[~~Beginning as of January 1, 1983, the members of the general assembly, other than the speaker of the house of representatives, the president pro tempore of the senate and the majority and minority leadership of each house of the general assembly, shall each receive as compensation fifty dollars ($50.00) per day, the president of the senate, the president pro tempore of the senate and the speaker of the house of representatives shall each receive as compensation seventy-five dollars ($75.00) per day, the majority and minority floor leaders of each house of the general assembly shall each receive as compensation seventy dollars ($70.00) per day, and the assistant president pro tempore of the senate, the speaker pro tempore and the majority and minority caucus chairmen and whips of each house of the general assembly shall each receive as compensation sixty-five dollars ($65.00) per day, during the organizational session of the general assembly for each day on which the general assembly convenes.~~] Beginning as of January 1, 1985, the members of the general assembly, other than the speaker of the house of representatives, the president pro tempore of the senate and the majority and minority leadership of each house of the general assembly, shall each receive as compensation one hundred dollars ($100) per day, the president of the senate, the president pro tempore of the senate and the speaker of the house of representatives shall each receive as compensation one hundred twenty-five dollars ($125) per day, the majority and minority floor leaders of each house of the general assembly shall each receive as compensation one hundred twenty dollars ($120) per day, and the assistant president pro tempore of the senate, the speaker pro tempore and the majority and minority caucus chairmen and whips of each house of the general assembly shall each receive as compensation one hundred fifteen dollars ($115) per day, during the organizational session of the general assembly for each day on which the general assembly convenes. Effective January 1, 1983, each member of the general assembly and the president of the senate shall receive mileage and reimbursement of road tolls for one (1) round trip for each week of the organizational session during which the general assembly convenes for at least one (1) day, between his home and the state capitol and the necessary travel in going to and returning from the sessions of their respective houses. No member of the general assembly shall receive such travel expenses for more than ten (10) round trips during an organizational session. The mileage allowance under this section shall be equal to the maximum mileage allowance permitted by the federal government, to be increased as the mileage allowance is increased by the federal government.

Section 7. KRS 11.400 is amended to read as follows:

(1) In addition to the duties prescribed for the office by the constitution of the Commonwealth of Kentucky and by the rules of the senate, the duties of the lieutenant governor shall be as follows:

(a) To serve as vice-chairman of the state property and buildings commission as prescribed by KRS 56.450;

(b) To serve as vice-chairman of the Kentucky turnpike authority as prescribed in KRS 175.430;

(c) To serve as a member of the Kentucky council on agriculture in accordance with KRS 247.417;

(d) To serve as vice-chairman of the county debt commission as provided in KRS 66.300;

(e) To appoint three (3) members of the board of ethics of the Kentucky general assembly in accordance with KRS 6.810;

(f) To appoint one (1) member of the public officials' compensation commission as provided in KRS 64.742;

(g) [~~To serve as a member of the economic development commission;~~

~~(h)~~] To serve as a member of the Kentucky port and river development authority pursuant to KRS 154.320;

(h)[~~(i)~~] To serve as a member of the board of the Kentucky housing corporation in accordance with KRS 198A.030;

(i)[~~(j)~~] To serve as a member of the appalachian development council as provided in KRS 154.600;

(j)[~~(k)~~] To serve as a member of Kentucky delegations on the following interstate compact commissions or boards:

1. The southern growth policies board as prescribed by KRS 147.585;

2. The breaks interstate park commission as provided in KRS 148.225;

3. The falls of the Ohio interstate park commission pursuant to KRS 148.242;

4. The Tennessee-Tombigbee waterway development authority pursuant to KRS 182.305;

5. The interstate water sanitation control commissions as prescribed by KRS 224.205; and

6. The Kentucky mining advisory council for the interstate mining compact as provided by KRS 350.310.

(2) Nothing in this section shall prohibit the governor and lieutenant governor from agreeing upon additional duties within the executive branch of the state government to be performed by the lieutenant governor.

Section 8. KRS 12.023 is amended to read as follows:

The following organizational units and administrative bodies shall be attached to the office of the governor:

(1) Council on higher education (The state universities and colleges shall report through the council on higher education)*;* [~~.~~]

(2) Department of military affairs*;* [~~.~~]

(3) [~~Department of revenue.~~

~~(4)~~] Department of local government*;* [~~.~~]

(4)[~~(5)~~] Kentucky commission on human rights*; and* [~~,~~]

(5)[~~(6)~~] Kentucky commission on women.

Section 9. KRS 15.255 is amended to read as follows:

(1) The division of general legal services and environmental law shall have the following powers, duties and functions:

(a)[~~(1)~~] To prevent or remedy damage to the environment caused by any person, group, partnership, association, body corporate or politic, or any agency, department, board, commission, division or authority, whether state or federal, or by commencing or intervening in any suit or action in state or federal courts, whether civil or criminal, to enforce any statute, ordinance, bylaw or regulation, or to secure any common law right or remedy*;* [~~,~~]

(b)[~~(2)~~] To counsel state agencies and commissions given the responsibility over environmental concerns including but not limited to the [~~department for~~] natural resources and environmental protection *cabinet*, department of mines and minerals, and the public service commission*;* [~~,~~]

(c)[~~(3)~~] To exercise the common law powers of the attorney general in protecting the environment*; and* [~~,~~]

(d)[~~(4)~~] To bring public nuisance and other actions in circuit courts in the name of the Commonwealth upon complaint by private citizens, when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the Commonwealth.

(2)[~~(5)~~] Nothing in this section shall be interpreted to derogate from any existing common law or statutory right or remedy against damage to the environment.

Section 10. KRS 16.505 is amended to read as follows:

As used in KRS 16.510 to 16.652, unless the context otherwise requires:

(1) "System" means the state police retirement system created by KRS 16.510 to 16.652;

(2) "Board" means the board of trustees of the Kentucky retirement systems;

(3) "Employer" or "state police" means the department of state police, or its successor;

(4) "Current service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation was paid by the employer and employe contributions deducted, except as otherwise provided in KRS 16.541;

(5) "Prior service" means the number of years and completed months of employment as an employe prior to July 1, 1958, for which creditable compensation was paid to the employe by the Commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, including employe contributions picked up after August 1, 1982 pursuant to KRS 16.545(4), together with interest credited on such amounts as provided in KRS 16.510 to 16.652, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(8) "Creditable compensation" means all salary and wages paid to the employe as a result of services performed for the employer, including employe contributions picked up after August 1, 1982 pursuant to KRS 16.545(4)*;*[~~,~~] living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(9) "Final compensation" at any time means the creditable compensation of a member during the five (5) fiscal years he was paid at the highest average monthly rate, divided by the number of months of service credit during such five (5) year period, multiplied by twelve (12); such five (5) years may be fractional, and need not

be consecutive. In the event the number of months of service credit during such five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;

(10) "Final rate of pay" means the actual rate upon which earnings of a member were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employe contributions picked up after August 1, 1982 pursuant to KRS 16.545(4). Such rate shall be certified to the board by the employer and the following equivalents shall be used to convert said rate to an annual rate: one thousand nine hundred fifty (1,950) hours, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, or one (1) year;

(11) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;

(12) "Retirement allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially equivalent benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board; except in case of disability retirement the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, provided however, that no disability retirement option shall be less than the same option computed under early retirement;

(14) "Authorized leave of absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the department of state police;

(15) "Normal retirement date" means the first day of the month following a member's fifty-fifth birthday, except that for members over age fifty-five (55) on July 1, 1958, it shall mean January 1, 1959. A member of the state police retirement system, a member of the county employes retirement system or a member of the Kentucky employes retirement system covered by this section with twenty (20) or more years of service credit, at least fifteen (15) of which are current may declare his "normal retirement date" to be some date prior to his fifty-fifth birthday;

(16) "Disability retirement date" means the first day of the month following total and permanent disability or partial disability;

(17) "Dependent child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student, as defined in the federal social security act, who has not attained age twenty-two (22);

(18) "Optional allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.510 to 16.652;

(19) "Disability ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(20) "Act in line of duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty;

(21) "Early retirement date" means the retirement date declared by a member who is not less than fifty (50) years of age and has fifteen (15) years of service;

(22) "Member" means any officer included in the membership of the system as provided under KRS 16.520 whose membership has not been terminated under KRS 61.535; and

(23) "Regular full-time officers" means the occupants of positions as set forth in KRS Chapter *18A* [~~18~~] as provisional full-time, probationary full-time and permanent full-time.

Section 11. KRS 17.150 is amended to read as follows:

(1) Every sheriff, chief of police, coroner, jailer, prosecuting attorney, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the

retarded; state police, state fire marshal, board of alcoholic beverage control; *cabinet* [~~department~~] for human resources; transportation cabinet; [~~bureau of~~] corrections *cabinet*; and every other person or criminal justice agency, except the court of justice, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the *cabinet* [~~department~~], shall:

(a) Install and maintain records needed for reporting data required by the *cabinet* [~~department~~].

(b) Report to the *cabinet* [~~department~~] as and when the *cabinet* [~~department~~] requests all data demanded by it, except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity.

(c) Give the *cabinet* [~~department~~] or its accredited agent access for purpose of inspection.

(d) Cooperate with the *cabinet* [~~department~~] to the end that its duties may be properly performed.

(2) Intelligence and investigative reports maintained by criminal justice agencies are subject to public inspection providing prosecution is completed or a determination not to prosecute has been made. However, portions of such records may be withheld from inspection if such inspection would disclose:

(a) The name or identity of any confidential informant or information which may lead to the identity of any confidential informant;

(b) Information of a personal nature, the disclosure of which will not tend to advance a wholesome public interest or a legitimate private interest;

(c) Information which may endanger the life or physical safety of law enforcement personnel; or

(d) Information contained in such records to be used in a prospective law enforcement action.

(3) When a demand for the inspection of such records is refused by the custodian of the record, the burden shall be upon the custodian to justify the refusal of inspection with specificity. Exemptions provided by this section shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this section.

(4) Centralized criminal history records are not subject to public inspection. Centralized history records mean information on individuals collected and compiled by the [~~department of~~] justice *cabinet* from criminal justice agencies and maintained in a central location consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom, *including* [~~to include~~] sentencing, correctional supervision and release. Such information is restricted to that recorded as the result of the initiation of criminal proceedings or any proceeding related thereto. Nothing in this subsection shall apply to documents maintained by criminal justice agencies which are the source of information collected by the [~~department of~~] justice *cabinet*. Criminal justice agencies shall retain such documents and no official thereof shall willfully conceal or destroy any record with intent to violate the provisions of this section.

(5) The provisions of KRS Chapter 61 dealing with administrative and judicial remedies for inspection of public records and penalties for violations thereof shall be applicable to this section.

(6) The secretary of justice shall adopt such regulations as are necessary to carry out the provisions of the criminal history record information system and to insure the accuracy of such information based upon recommendations submitted by the commissioner, *department* [~~bureau~~] of state police.

(7) The administrative office of the courts may, upon suitable agreement between the chief justice and the secretary of justice, supply criminal justice information and data to the *cabinet* [~~department~~]. No information shall be solicited from a circuit clerk, justice or judge, court, or agency of the court of justice unless such solicitation or request for information is made pursuant to *an* [~~the~~] agreement which may have been reached between the chief justice and the secretary of justice.

Section 12. KRS 45.570 is amended to read as follows:

(1) Except in contracts exempted in accordance with KRS *45.590* [~~45.490~~], all government contracting agencies of the Commonwealth of Kentucky, any county, city, town, school district, water district, hospital

district, or other political subdivision of the state shall include in every directly or indirectly publicly funded contract for supplies, materials, services, or equipment hereinafter entered into the following provisions:

(2) During the performance of this contract, the contractor agrees as follows:

(a)[~~(1)~~] The contractor will not discriminate against any employe or applicant for employment because of race, color, religion, sex, age, or national origin;

(b)[~~(2)~~] The contractor will take affirmative action in regard to employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, so as to ensure that applicants are employed and that employes during employment are treated without regard to their race, color, religion, sex, age, or national origin; however, when layoffs occur, employes shall be laid off according to seniority with the youngest employe being laid off first. When employes are recalled, this shall be done in the reverse of the way the employes were laid off;

(c)[~~(3)~~] The contractor will state in all solicitations or advertisements for employes placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin;

(d)[~~(4)~~] The contractor will post notices in conspicuous places, available to employes and applicants for employment, setting forth the provisions of the nondiscrimination clauses required by this section; and

(e)[~~(5)~~] The contractor will send a notice to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding advising the labor union or workers' representative of the contractor's commitments under the nondiscrimination clauses.

Section 13. KRS 45A.470 is amended to read as follows:

(1) All governmental bodies and political subdivisions of this state shall, when purchasing commodities or services, give first preference to the products made by the [~~department of~~] corrections *cabinet*, division of prison industries, as required by KRS 197.210. Second preference shall be given to the Kentucky industries for the blind as described in KRS 163.450 to 163.470 and agencies of the severely handicapped as described in KRS 45A.465.

(2) The [~~department of~~] finance *and administration cabinet* shall make a list of commodities and services provided by these agencies and organizations available to all governmental bodies and political subdivisions. The list shall identify in detail the commodity or service the agency or organization may supply and the price.

(3) The [~~department of~~] finance *and administration cabinet* shall annually determine the current price range for the commodities and services offered from its experience in purchasing these commodities or services on the open market. In no case shall the prices quoted by these agencies or organizations exceed the current price range.

(4) The *department* [~~bureau~~] for the blind within the education and the humanities cabinet and qualified agencies for the severely handicapped shall annually cause to be made available to the [~~department of~~] finance *and administration cabinet*, lists of the products or services available.

(5) In the event two (2) or more of the agencies or qualified nonprofit organizations wish to supply identical commodities or services, the [~~department of~~] finance *and administration cabinet* shall conduct negotiations with the parties to determine which shall be awarded the contract. The decision of the [~~department of~~] finance *and administration cabinet* shall be based upon quality of the commodity or service and the ability of the respective agencies to supply the commodity or service within the requested delivery time.

Section 14. KRS 56.491 is amended to read as follows:

(1) No state agency shall have power or authority to make plans and specifications, advertise for bids, let contracts or incur any financing commitments, either in the way of a charge against public funds or in the way of negotiations for issuance of revenue bonds, for any capital construction projects involving the improvement of lands or the construction, alteration, reconstruction, or major repair of any building or other structure, or sewage disposal or water supply system, requiring the expenditure of more than seventy-five thousand dollars ($75,000) without first securing the approval of the [~~department of~~] finance *and administration cabinet*.

(2) The state agency seeking such approval shall submit to the [~~department of~~] finance *and administration cabinet* a general description of the proposed project, with such detailed information as the *cabinet* [~~department~~] may require. Review of construction plans for conformance with the uniform state building code shall be conducted by the department of housing, buildings and construction. The [~~department of~~] finance *and administration cabinet* shall not approve any such project requiring its approval in any instance where it finds that the project is not needed, or that the proposed method of financing is not sound, or in cases where the project will exceed the amount of the funds available therefor, or the work contemplated will be insufficient to accomplish the purpose of the project, or that after providing for the ordinary recurring expenses of government and debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the state treasury to promptly pay for the work during the biennium, or except as provided in subsection (5) of this section that the work is to be done by employes of the agency.

(3) The finding of the [~~department of~~] finance *and administration cabinet* shall be final, except in cases where the issuance and sale of bonds is proposed, in which cases the *cabinet* [~~department~~] shall submit its findings to the commission for final approval, modification, or disapproval.

(4) Any capital construction project, the total cost of completion of which the [~~department of~~] finance *and administration cabinet* determines will exceed seventy-five thousand dollars ($75,000), shall be contracted for on a competitive bid basis, and the execution of such contracts must be approved and authorized by the *cabinet* [~~department~~]. When a capital construction project has been approved as provided in this section, in whole or in part, the *cabinet* [~~department~~] shall prepare the plans and specifications, advertise for bids, award the contracts, supervise the construction and handle the financial negotiations on behalf of the requesting state agency, or with prior written approval, the *cabinet* [~~department~~] may authorize a state agency to do so with delegated authority of the *cabinet* [~~department~~].

(5) A capital construction project, the total cost of completion of which the [~~department of~~] finance *and administration cabinet* determines will not exceed seventy-five thousand dollars ($75,000), may be performed by the employes of the requesting agency or by individuals hired specifically for the project who shall be exempt from the requirements of KRS Chapter *18A* [~~18~~]; provided, however, that the project must be approved and authorized by the *cabinet* [~~department~~]. Necessary materials and supplies shall be procured in accordance with the standard purchasing procedures and policies of the *cabinet* [~~department~~] as defined in KRS Chapter 45.

(6) This section does not apply to capital outlays to the *department* [~~bureau~~] of highways for roads and bridges.

(7) This section shall not apply to capital outlays by the [~~bureau of~~] corrections *cabinet* for repair, maintenance, improvement, or expansion of present correctional facilities on which projects inmates are used. Any capital construction project to be performed by the [~~bureau of~~] corrections *cabinet* shall be approved and authorized by the [~~department of~~] finance *and administration cabinet.*

Section 15. KRS 61.900 is amended to read as follows:

As used in KRS 61.902 to 61.930.

(1) "Commission" means a commission issued to an individual by the secretary of justice, entitling such individual to perform special law enforcement duties on public property.

(2) "Council" means the Kentucky law enforcement council.

(3) *"Cabinet"* [~~"Department"~~] means the [~~department of~~] justice *cabinet.*

(4) "Public property" means property currently owned or used by any organizational unit or agency of state, county, city, metropolitan government, or a combination of these. The term shall include property currently owned or used by public airport authorities.

(5) "Secretary" means the secretary of the [~~department of~~] justice *cabinet.*

(6) "Special law enforcement officer":

(a) Means one whose duties include the protection of specific public property from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass; [~~and~~]

(b) Means one whose duties include the prevention, observation or detection of, or apprehension for, any unlawful activity on specific public property; [~~and~~]

(c) Means one whose special duties include the control of the operation, speed and parking of motor vehicles, bicycles and other vehicles, and the movement of pedestrian traffic on specific public property; [~~and~~]

(d) Means one whose duties include the answering of any intrusion alarm on specific public property; [~~and~~]

(e) Shall include the capitol police, the capital plaza police, public school district security officers, public airport authority security officers, and the officers of the other public security forces established for the purpose of protecting specific public property; and

(f) Shall not include members of a lawfully organized police unit or police force of state, county, city, or metropolitan government, or a combination of these, who are responsible for the detection of crime and the enforcement of the general criminal law enforcement of the state; it shall not include any of the following officials or officers:

1.[~~(i)~~] Sheriffs, sworn deputy sheriffs, city marshals, constables, sworn deputy constables, and coroners;

2.[~~(ii)~~] Auxiliary and reserve police appointed under KRS 95.160, 95.445, or 95.740;

3.[~~(iii)~~] State park rangers and conservation officers;

4.[~~(iv)~~] Officers of the [~~division of motor~~] transportation *cabinet* and division of *water patrol* [~~boating~~] responsible for law enforcement;

5.[~~(v)~~] Officers of the [~~bureau of~~] corrections *cabinet* responsible for law enforcement;

6.[~~(vi)~~] Fire marshals and deputy fire marshals;

7.[~~(vii)~~] Other officers not mentioned above who are employed directly by state government and are responsible for law enforcement;

8.[~~(viii)~~] Federal peace officers;

9.[~~(ix)~~] Those campus security officers who are commissioned under KRS 164.950;

10.[~~(x)~~] Private security guards, private security patrolmen, and investigators licensed pursuant to state statute; *and*

11.[~~(xi)~~] Railroad policemen covered by KRS 277.270 and 277.280.

(7) "Sworn public peace officer" means one (1) who derives plenary or special law enforcement powers from, and is a full-time employe of, the federal government, the Commonwealth, *or* [~~of~~] any political subdivision, agency, department, branch or service of either, or of any municipality.

Section 16. KRS 64.741 is amended to read as follows:

As used in KRS [~~6.191 and~~] 64.742 to 64.745 unless the context otherwise requires:

(1) "Biennial income" means the total amount received from the state treasury by each member of the legislature under KRS 6.190 to 6.225 and KRS 7.090 *and* [~~to~~] 7.110 during each two-year period commencing January 1 of every even-numbered year;

(2) "Commission" means the public officials compensation commission;

(3) "Fixed biennial income" means that portion of biennial income received by each member of the legislature under KRS 6.213 and, during regular sessions of the general assembly, under KRS 6.190 to 6.220, excluding any income received by standing committee chairmen and the president pro *tempore* [~~tem~~] of the senate during sessions of the general assembly in excess of that income received by other members;

(4) "Variable biennial income" means that portion of biennial income which is not fixed income, including that income received by standing committee chairmen and the president pro *tempore* [~~tem~~] of the senate under KRS 6.190 which is in excess of the income received by other members, income received by each member of the general assembly during any extraordinary session of the general assembly, income received by the speaker of the house of representatives and the president pro *tempore* [~~tem~~] of the senate under KRS 6.225, and income received by each member of the legislature under KRS 7.090 *and* [~~to~~] 7.110;

(5) "Public officials" shall not include members of the general assembly.

Section 17. KRS 67.420 is amended to read as follows:

In case any building or structure is or is proposed to be erected, constructed, reconstructed, relocated, remodeled, altered, repaired, maintained or used in violation of any reasonable regulations adopted pursuant to this *chapter* [~~act~~], the county attorney of such county, or any property owner or occupant who would be damaged by such violation, may in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, relocation, remodeling, alteration, repair, maintenance, or use.

Section 18. KRS 67B.070 is amended to read as follows:

The sheriff of any county in which a department has been established shall, not less than annually, inspect all correctional facilities administered by the department, and shall make a written report to the fiscal court and to the *secretary* [~~commissioner~~] of corrections regarding the general operation of all such correctional facilities, which report shall furnish in detail information regarding the number of prisoners, detainees and public wards who are inmates of each correctional facility; the offenses or causes for their incarceration; the length of stay with reference to same*;*[~~,~~] and such further reports regarding rehabilitative programs instituted and being carried on by the department as may be required for a complete accounting and report.

Section 19. KRS 71.060 is amended to read as follows:

(1) The jailer shall be liable on his official bond for the conduct of his deputies. The deputies shall have all the powers and be subject to the same penalties as the jailer.

(2) The jailer shall be responsible for the appointment and removal of jail personnel provided, however, that the number of jail personnel shall be set by the fiscal court in the jail budget. The fiscal court shall establish education and training requirements as permitted by regulations adopted pursuant to KRS *441.055* [~~441.011~~].

Section 20. KRS 76.610 is amended to read as follows:

Any metropolitan sewer district created in the manner provided in *this* [~~KRS~~] chapter [~~76~~] may, if the board of such district deems it advisable, use the authority and procedures granted to incorporated municipalities by KRS 107.010 through 107.220. When applied to metropolitan sewer districts, terms used in KRS 107.010 through 107.220 shall be construed to mean the following: "city" or "municipality" means "metropolitan sewer district" (except that in KRS 107.090*(1)*(d), 107.130, 107.140(2)(a) and (c),and 107.150 referring to city taxes the term "city" shall continue to mean "city"); "ordinance" means "resolution"; "clerk" means "secretary of the metropolitan sewer district"; and "mayor or chairman of the board of directors" means "chairman of board of the metropolitan sewer district."

Section 21. KRS 78.530 is amended to read as follows:

(1) Each county and school board as defined in KRS 78.510 will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county or school board. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be fixed in the order.

(2) Once a county or school board participates it shall thereafter continue to participate except as provided in KRS 78.535.

(3) (a) Concurrent with the adoption of the appropriate resolution to participate in the system, a county may elect the alternate participation plan which will require the county to purchase on behalf of each employe

electing coverage, at the time the county elected to participate in the system as provided under KRS 78.540(2), current service credit between July 1, 1958 and the participation date of the county. Cost of such service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of such actuarial service shall be paid by the county*;* [~~.~~]

(b) The county shall establish a payment schedule subject to approval by the board for payment of the cost of such service over and above that which would be funded within the existing employer contribution rate. The maximum period allowed in a payment schedule shall be thirty (30) years, with interest at the rate actuarially assumed by the board; however, a shorter period is desirable and the board may approve any payment schedule provided it is not longer than a thirty (30) year period*; and* [~~.~~]

(c) A city entering the system under the alternate participation plan, may, by ordinance, levy a special property tax to pay for current service credit purchased for the period between July 1, 1958 and the participation date of the city. The special tax shall be to pay, within a period of no more than fifteen (15) years, for the cost of such service credit over that which would be funded within the existing employer contribution rate, as determined by the board's consulting actuary. The reason for levying the special tax and the disposition of the proceeds shall be part of the ordinance levying the tax. The special tax shall be rescinded when the unfunded prior service liability has been amortized, and shall not be subject to the provisions of KRS 132.017 or 132.027. The city shall not collect the special property tax if its participation has been terminated pursuant to KRS 78.535.

(4) Every school board not participating on June 21, 1974, shall enact a resolution of participation no later than July 1, 1976.

(5) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system, hospitals and any other semi-independent agency. Each such excluded agency shall be identified in the order authorizing participation and such excluded agency may participate in the system as a separate agency.

(6) An agency whose participation in the county employes retirement system has been terminated by the board of trustees in accordance with KRS 78.535 may at a later date request participation in the retirement system by the adoption of an appropriate order as authorized by subsection (1) of this section. The board may accept the participation of such agency provided it is determined that such participation is in the best interest of the agency, the employes thereof and the county employes retirement system.

(7) After July 1, 1985, local government retirement systems created pursuant to KRS 79.080, 90.400, *90.410, 95.768* [~~95.767~~] and 96.180 shall be closed to new members. New employes who would have been granted membership in such retirement systems shall instead be granted membership in the county employes retirement system. Employes who would have been granted membership in retirement systems created pursuant to KRS *95.768* [~~95.767~~], or any other policemen or fire fighters who would have been granted membership in retirement systems created pursuant to KRS 79.080, 90.400 or 90.410 shall be certified by their employers as working in hazardous positions. Each city participating in the county employes retirement system pursuant to this subsection shall execute the appropriate order authorizing such participation, shall, if its local pension system provides a defined benefit, select the alternate participation plan as described in *subsection (3) of this section* [~~KRS 78.530(3)~~], and shall pay for the actuarial services necessary to determine the additional costs of alternate participation. Cities which provide a defined contribution pension plan locally may select the alternate participation plan, and in that case shall pay for the actuarial services necessary to determine the additional costs of alternate participation.

Section 22. KRS 91A.040 is amended to read as follows:

(1) Each city, except a city of the sixth class, and except as provided in KRS 91A.041, shall, as soon as practicable and in no event later than two hundred seventy (270) days after the close of each fiscal year, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant.

(2) Each city of the sixth class, except cities having staggered terms under the provisions of KRS 83A.110, shall upon the expiration of the terms of office of its legislative members, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant. Those cities of the sixth class having staggered terms under the provisions of KRS 83A.110 shall, upon the expiration of the terms of office of legislative body members elected in odd numbered years, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant. Such audits shall be completed as soon as

practicable and in no event later than two hundred seventy (270) days from the expiration of the terms of office of the aforementioned legislative body members.

(3) Each city shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include, but not be limited to, requirements that:

(a) The auditor be employed to examine the general purpose financial statements of all governmental proprietary and fiduciary funds of the city;

(b) All audit information be prepared in accordance with generally accepted governmental auditing standards which includes such tests of the accounting records and such auditing procedures as considered necessary in the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized;

(c) The auditor prepare a typewritten or printed report embodying the general purpose financial statements and his opinion and statements relating thereto;

(d) The auditor express an overall opinion as to whether the general purpose financial statements present fairly the financial condition of the city or state the reasons why an overall opinion cannot be expressed;

(e) The completed audit and all accompanying documentation shall be presented to the city legislative body at a regular or special meeting;

(f) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the auditor of public accounts upon request of the city or the auditor of public accounts, and the auditor of public accounts shall have the right to review the certified public accountant's work papers upon request.

(4) Within ten (10) days of the completion of an audit, and its presentation to the city legislative body pursuant to paragraph (2)(e) of this section, each city shall forward three (3) copies of the audit report to the finance and administration cabinet for information purposes. The cabinet shall forward one (1) copy of the audit to the legislative research commission to be used for the purposes of KRS 6.955 to 6.975.

(5) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to a city for financial data, except for statutory or judicial requirements, or requirements of the legislative research commission necessary to carry out the purposes of KRS 6.955 to 6.975.

(6) Upon completion of an audit, each city may elect to publish the auditor's report in accordance with subsection *(7)*[~~(6)~~] of this section, or publish a financial statement in accordance with subsection *(8)*[~~(7)~~] of this section. Notwithstanding the election of subsection *(7)*[~~(6)~~] or *(8)*[~~(7)~~] of this section, the city shall within ninety (90) days after the close of the fiscal year, cause to be published in a newspaper qualified under KRS 424.120 a legal display advertisement of not less than eight (8) column inches that the statement required by KRS 424.220 has been prepared and that copies have been provided to each local newspaper of general circulation, each news service, and each local radio or television station which has on file with the city a written request to be provided such statement.

(7) If the city elects to publish the auditor's report prepared in accordance with this section in lieu of the financial statement required by KRS 424.220, it shall publish such report, together with the general purpose financial statements of the city, which shall include the combined balance sheets, combined statements of revenues, expenditures or expenses, and changes in fund balances, retained earnings, or financial position for each fund of the city, and notes to such general purpose financial statements, in accordance with KRS Chapter 424. In addition, the advertisement shall contain a statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of such statement.

(8) If the city, other than a city of the first or second class or urban-county government, elects to publish the financial statement prepared in accordance with KRS 424.220 in lieu of publishing the auditor's report, it shall, within sixty (60) days after the completion of the audit, publish such statement in accordance with KRS Chapter 424.

(9) Any city of the fifth or sixth class may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.

(10) Any person who violates any provision of this section shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500). In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), in the discretion of the court, which may be recovered only once, in a civil action brought by any resident of the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

Section 23. KRS 109.190 is amended to read as follows:

Garbage and refuse districts established pursuant to *this* [~~KRS~~] chapter [~~109~~] prior to June 17, 1978, whether de jure or de facto, unless the *cabinet* [~~department~~] finds that such do not comply with the federal resource conservation and recovery act *as amended* and with the state solid waste management plan, shall be deemed waste management districts and shall have all of the powers and duties of waste management districts as set forth in this chapter.

Section 24. KRS 135.070 is amended to read as follows:

(1) No action shall *be* settled by any employe of the cabinet except by judgment in open court, and no compromise or agreed judgment shall be entered in any such action until there is filed with the secretary of revenue a statement, verified on oath by an employe involved in the action, stating the facts and showing the reasons why a compromise or agreed judgment should be entered, and stating further that no agreement or settlement other than the one (1) stated in the proposed judgment has been entered into by him or anyone for him, and that the proposed settlement is for the best interest of the state.

(2) Upon receiving the statement the revenue cabinet shall investigate the action in which it is proposed to enter a compromise or agreed judgment, and if satisfied it is for the best interest of the state, the secretary shall approve the statement and send it to the appropriate employe who shall file it in the court in which the action is pending. The approved statement shall authorize the court, as far as the state, county, school or other taxing district for which the secretary is acting as relator is concerned, to enter the compromise or agreed judgment.

Section 25. KRS 138.810 is amended to read as follows:

As used in KRS 138.820 to 138.860:

(1) "Contaminated waste materials" means those materials, in solid, liquid or gaseous form, which are transported or buried with radioactive wastes;

(2) "Cabinet" means the revenue cabinet;

(3) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation;

(4) "Processor" means any person receiving delivery or any person having an interest or right of occupancy or use in real property or improvements or any person owning, operating or maintaining a radioactive waste disposal site or facility of contaminated waste materials or radioactive waste materials for processing, packaging, storage, disposal, burial or other disposition*;* [~~.~~]

(5) "Radioactive waste disposal site or facility" means any installation constructed, used or placed in operation primarily for disposing of contaminated waste materials or radioactive wastes*;* [~~.~~]

(6) "Radioactive wastes" means any and all material which is radioactive or is contaminated by or with radioactive material including but not limited to any structures used in containing such radioactive wastes*; and* [~~.~~]

(7) "Radioactive material" means any material, solid, liquid or gas, which emits radiation spontaneously.

Section 26. KRS 156.024 is amended to read as follows:

Prior to submission of the formal budgetary requests of the department of education, established in KRS 156.010, to the governor and executive branch, complete copies shall be forwarded to the *state board of* [~~boards for elementary and secondary, and occupational~~] education[~~,~~] to enable *it* [~~both boards~~] to fully investigate and review said requests and make recommendations to the governor.

Section 27. KRS 156.035 is amended to read as follows:

(1) The Kentucky state *board of* [~~boards for elementary and secondary education and occupational~~] education *is* [~~are~~] recognized to be *a* public *body* [~~bodies~~] corporate and politic, and *an agency* [~~agencies~~] and *instrumentality* [~~instrumentalities~~] of the Commonwealth in the performance of essential governmental functions.

(2) For the benefit of programs under *its* [~~their~~] control and supervision the *board is* [~~boards are~~] authorized to implement the provisions of any act of congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky general assembly, and to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devises.

Section 28. KRS 156.040 is amended to read as follows:

The members of the state *board of* [~~boards for elementary and secondary education and for occupational~~] education shall have the same qualifications as school board members, except that members of the state *board of* [~~boards for elementary and secondary education and for occupational~~] education shall be at least thirty (30) years of age. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

Section 29. KRS 164.515 is amended to read as follows:

(1) The spouse, regardless of age, and any child or orphan of a permanently and totally disabled member of the Kentucky national guard injured while on state active duty, active duty for training, or inactive duty training, a permanently and totally disabled war veteran or prisoner of war or member of the armed services declared missing in action, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education or to any state supported vocational training school for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(2) To be entitled to benefits under this section the parent of the child claiming benefits if living must be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the United States veterans' administration *or* [~~of~~] the department of defense or if deceased the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the department of defense. Members of the Kentucky national guard must be rated permanently and totally disabled as provided in KRS Chapter 342. The parent's or spouse's service and rating must be evidenced by certification from the records of the Kentucky department of military affairs, veterans' administration records, or the department of defense of the United States.

(3) In the absence of certification of permanent and total disability by the Kentucky *workers'* [~~workmen's~~] compensation board, the United States veterans' administration or the department of defense, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.

(4) The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence. The spousal relationship must be shown by a marriage certificate or other documentary evidence.

(5) To entitle a spouse, child or orphan to benefit under this section the disabled member of the national guard or war veteran living or deceased must have served on state active duty, active duty for training, or inactive duty training with the national guard or during time of war or the Korean conflict or subsequent

periods of federally recognized hostilities or have been disabled by hostile fire in the armed forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident or if deceased, was a resident of the Commonwealth of Kentucky.

(6) No provision of this section shall serve to deny these benefits to an eligible spouse, child, or orphan, who enlists, or who fulfills a military obligation, in the armed forces of the United States and is discharged therefrom under honorable conditions; such period of time spent in the military service to be compensated by like time, beyond the age of twenty-three (23) years if required, but not in excess of the period of enrollment as set forth in subsection (1) *of this section* [~~above~~].

(7) The marriage of an eligible child, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

Section 30. KRS 177.595 is amended to read as follows:

The bonds herein provided for shall be direct obligations of the Commonwealth of Kentucky, and the full faith and credit of the Commonwealth hereby is pledged for the payment of said bonds and the interest thereon. In order to provide for the payment of the principal of all of said bonds at their maturity and the interest thereon annually as same shall accrue, there shall be levied and collected in each of the thirty (30) years from January 1, 1957, to January 1, 1987, taxes for the benefit of the state road fund in the form of license, excise taxes and fees relating to registration, operation and use of vehicles on public highways and excise taxes, use and license taxes relating to gasoline and other motor fuels used upon the public highways in Kentucky at rates not less than the rates now imposed by law or so adjusted as to produce for the road fund not less than the amount now derived from all of such taxes. All funds derived from such taxes hereby are appropriated to the extent necessary for the payment of the principal and interest on said bonds. From the funds derived from said taxes in each year, beginning January 1, 1957, there shall be set aside and held inviolable for that purpose, a fund sufficient to pay the principal and interest on said bonds in each year as and when due until all of said bonds and the interest thereon shall have been paid in full. In each year, after setting aside the funds hereinabove provided, the remainder of the funds derived from such taxes may be expended and used for the cost of administration, statutory refunds and adjustment, payment of highway obligations, costs of construction, reconstruction, right-of-ways, maintenance and repair of public highways, tunnels and bridges and the expense of enforcing state traffic and motor vehicle laws, provided that all the funds collected under KRS Chapter 138 and required by KRS 138.220, 138.565*(1)*[~~(2)~~] and 138.660(2) to be set aside by the bureau of highways for the construction, reconstruction and maintenance of rural and secondary roads shall be first set aside and used for such purposes.

Section 31. KRS 177.978 is amended to read as follows:

All revenues generated pursuant to KRS 177.979, 177.980, *177.990(4) and (5)* and 186.990*(9)* [~~(7) and (10)~~] shall be credited to a special account within the road fund called the "coal recovery road fund" and any additional funds obtained through state appropriation, gifts, grants and federal funds may be credited to the special account, and shall be used, in addition to those road funds normally used for said highways, exclusively by the transportation cabinet for those costs attendant to highway purposes for roads covered by any cooperative agreements under KRS 177.976. All funds in the account shall be carried forward at the end of each year.

Section 32. KRS 198B.020 is amended to read as follows:

(1) There is hereby created the Kentucky board of housing, buildings and construction within the Kentucky department of housing, buildings and construction comprised of twenty (20) members to include: the commissioner of the department, one (1) local government fire chief selected by the governor from a list of three (3) submitted by the Kentucky firemen's association; the executive director of the Kentucky housing corporation; the commissioner of the *department* [~~bureau~~] of health services, *cabinet* [~~department~~] for human resources; the attorney general or any assistant attorney general he may designate to represent the interests of consumers; one (1) professional homebuilder selected by the governor from a list of three (3) submitted by the home builders association of Kentucky; one (1) registered architect selected by the governor from a list of three (3) submitted by the Kentucky society of architects; one (1) registered structural engineer selected by the governor from a list of three (3) submitted by the Kentucky society of professional engineers; one (1) registered mechanical engineer selected by the governor from a list of three (3) submitted by the Kentucky society of professional engineers; one (1) registered electrical engineer selected by the governor from a list of three (3) submitted by the Kentucky society of professional engineers; one (1) citizen member selected by the governor to

represent the interests of low and moderate income housing consumers within the Commonwealth of Kentucky; one (1) citizen member at large; one (1) practicing general contractor selected by the governor from a list of three (3) submitted by the Kentucky association of general contractors; one (1) practicing code administrator selected by the governor from a list of three (3) submitted by the codes administrators association of Kentucky; one (1) realtor selected by the governor from a list of three (3) submitted by the Kentucky association of realtors; one (1) member selected by the governor from a list of three (3) submitted by the Kentucky state building trades council; one (1) member selected by the governor from a list of three (3) submitted by the Kentucky association of plumbing, heating and cooling contractors; one (1) member selected by the governor from a list of three (3) submitted by the mechanical contractors association; [~~and~~] one (1) electrical contractor member selected by the governor from a list of three (3) submitted by the national electrical contractors association; and one (1) retailer member selected by the governor from a list of three (3) submitted by the Kentucky retail federation.

(2) Except for the commissioner of the department, the commissioner of the *department* [~~bureau~~] of health services, the executive director of the Kentucky housing corporation and the attorney general or his designee who shall serve on the board during the term of their existing office and shall be voting members, board members shall be appointed for four (4) year terms, except that initially four (4) shall be appointed for two (2) year terms, four (4) shall be appointed for three (3) year terms, and six (6) shall be appointed for four (4) year terms. No board member shall be appointed for more than one (1) successive term except as provided in subsection *(3)* [~~(4)~~] of this section. The governor shall, within the limitations of this subsection, set the length of term of each of the initial appointees to the board.

(3) Vacancies occurring on the board among those members appointed by the governor shall be filled by seeking nominations as in subsection (1) of this section from the organization which originally nominated the member who is to be replaced. A replacement for a board member shall be appointed immediately upon the expiration of the departing board member's term of service. Should a board member vacate his position on the board prior to the expiration of his term, his replacement shall be appointed for the period of the unexpired term. Should the unexpired term be less than two (2) years, the person selected to fill the unexpired term may subsequently be appointed to one (1) successive four (4) year term.

(4) Members may be removed from the board by the governor for unethical conduct or for failure to attend three (3) or more successive meetings of the board without reasonable cause.

(5) The board shall meet at least quarterly, and the first meeting shall occur no later than August 31, 1978. Before assuming their duties, members of the board shall take an oath as specified in section 228 of the Constitution of Kentucky.

(6) The commissioner of the department shall serve as chairman of the board. The board may elect from its members other officers as are required to conduct its business, except that neither the commissioner of the bureau of health services, the executive director of the Kentucky housing corporation nor the attorney general or his designee shall be elected to office on the board.

(7) The board may adopt such rules, regulations and bylaws as are necessary to conduct its internal business.

(8) No member of the board may vote on any matter which will result in his direct or indirect financial gain.

(9) Those members of the board who are not salaried governmental employes shall be compensated for their time when attending board meetings or attending to official duties as directed by the board at the rate of fifty dollars ($50) per day. All board members shall be compensated for expenses incurred in the conduct of board business.

Section 33. KRS 202A.201 is amended to read as follows:

(1) Whenever an inmate of any penal and correctional institution is reported by the staff of that institution to the [~~bureau of~~] corrections *cabinet* as being so mentally ill that he cannot be properly treated with the facilities at the disposal of the staff, the [~~bureau of~~] corrections *cabinet* shall have an examination conducted on such inmate by a physician.

(2) If this examination reveals that the inmate is mentally ill and appropriate treatment cannot be properly carried out in the institution in which he is incarcerated or within the facilities at the disposal of the [~~bureau of~~] corrections *cabinet*, the secretary may then order his transfer to a hospital or forensic psychiatric facility, where

he shall remain until the staff of the facility which received him advises the secretary that his condition has so improved that he may be returned to the institution from which he came. The secretary shall then authorize his return. If the prisoner's sentence expires during his stay in the facility, and he is still in need of involuntary hospitalization, then the staff of the facility shall petition the applicable district court for further involuntary hospitalization of the patient under provisions of this chapter.

(3) During the time of the prisoner's stay in a facility his legal status as a prisoner shall remain unchanged until the termination of his sentence. The facility staff shall have no authority to parole, grant permission to visit relatives or friends outside the facility, or discharge the individual unless otherwise agreed to by the [~~bureau of~~] corrections *cabinet*. The time the prisoner spends in the facility shall be counted as a part of the prisoner's sentence.

Section 34. KRS 215.520 is amended to read as follows:

The secretary of the cabinet for human resources shall discharge all duties relating to all matters of tuberculosis control, including but not limited to the following:

(1) The operation of all hospitals previously operated by the state tuberculosis hospital commission, or such of them as it determines to be necessary for the care of persons needing treatment for tuberculosis;

(2) The operation of a system of out-patient clinics and x-ray facilities, adequately supported by high quality laboratory facilities;

(3) The provision of training for employes;

(4) The supervision of activities of all local health departments regarding tuberculosis control;

(5) The adoption of regulations for tuberculosis control;

(6) The maintenance of a central register of all known cases of tuberculosis in the Commonwealth, and such local registers as are desirable, and the collection, collation, analysis and publication of statistics and other information;

(7) The establishment and supervision of tuberculosis programs in cooperation with the [~~bureau of~~] corrections *cabinet*, department of education, and other state agencies within their respective jurisdictions;

(8) The establishment within the cabinet *for human resources* of appropriate social service and financial responsibility appraisal methods to insure that tuberculosis patients or suspects receive all possible support from third-party payors, or from the medical assistance program before becoming a charge against the tuberculosis control funds of the Commonwealth;

(9) The dissemination of educational materials to the citizens of the Commonwealth regarding tuberculosis and its control;

(10) The initiation of special programs and demonstrations in cooperation with agencies of the federal government, universities, voluntary agencies and other individuals or corporations;

(11) The provision of direct assistance to local health departments, to other agencies of state government, and to other organizations to assist them in carrying out programs of tuberculosis control; *and*

(12) Except as otherwise provided by law, to do all other things reasonably necessary to carry out the intent of this section and KRS 215.540 to 215.600.

Section 35. KRS 216.593 is amended to read as follows:

The provisions of KRS *12.028* [~~12.025~~] and 194.040(1) shall not apply to KRS 216.537 to 216.590.

SECTION 36. KRS 224.005 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS CHAPTER 224 TO READ AS FOLLOWS:

As used in this chapter unless the context clearly indicates otherwise:

(1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;

(2) "Air contaminant source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types (indoor and outdoor), refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing;

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property;

(4) "Cabinet" means the natural resources and environmental protection cabinet;

(5) "Closure" means the time at which a waste treatment, storage or disposal facility permanently ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses;

(6) "Commission" means the environmental quality commission;

(7) "Demonstration" means the initial exhibition of a new technology, process or practice or a significantly new combination or use of technologies, processes or practices, subsequent to the development stage, for the purpose of proving technological feasibility and cost effectiveness;

(8) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters;

(9) "District" means an air pollution control district as provided for in KRS Chapter 77;

(10) "Effluent limitations" means any restrictions or prohibitions established under state law which include, but are not limited to, effluent limitations, standards of performance for new sources, and toxic effluent standards on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged into waters;

(11) "Generator" means any person, by site, whose act or process produces hazardous waste;

(12) "Manifest" means the shipping document originated and signed by the generator, used in a management control system to trace the movement of hazardous wastes from generation to final disposal;

(13) "NPDES" means National Pollutant Discharge Elimination System;

(14) "Open dump" means any facility or site for the disposal of solid waste which does not meet the criteria for a sanitary landfill under regulations promulgated by the cabinet which shall be consistent with regulations promulgated under section 4004, Resource Conservation and Recovery Act of 1976, as amended (PL 94-580), and which is not a facility for disposal of hazardous waste;

(15) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;

(16) "Pollutant" means and includes dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, chemical, biological or radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, industrial, municipal or agricultural waste, and any substance resulting from the development, processing or recovery of any natural resource which may be discharged into water;

(17) "Post-closure monitoring and maintenance" means the routine care, maintenance and monitoring of a solid waste or hazardous waste treatment, storage or disposal facility following closure of the facility;

(18) "Publicly owned treatment works" means any device or system used in the treatment (including recycling and recovery) of municipal sewage or industrial wastes of a liquid nature which is owned by the Commonwealth or a political subdivision of the Commonwealth;

(19) "Recovered material" means waste material and byproducts which have been recovered or diverted from waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process;

(20) "Recycling" means any treatment process for the reclamation of material or energy from waste;

(21) "Secretary" means the secretary of the natural resources and environmental protection cabinet;

(22) "Sewage system" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or waterborne sewage, industrial wastes or other wastes;

(23) "Solid waste management" means the administration of solid waste activities: collection, source separation, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a cabinet approved county or multi-county solid waste management plan;

(24) "Solid waste management area" or "area" means any county or group of counties so designated by the cabinet by approval of the local solid waste management plan;

(25) "Solid waste management facility" means any resource recovery system or component thereof, any system, program or facility for resource conservation, and any facility for collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise;

(26) "Storage" means the containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes;

(27) "Termination" means the final actions taken by the cabinet as to a solid waste or hazardous waste treatment, storage or disposal facility when formal responsibilities for post-closure monitoring and maintenance cease;

(28) "Transportation" means any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto;

(29) "Treatment" means any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous;

(30) "Waste" means:

(a) "Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden) and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended (86 stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 stat. 923);

(b) "Hazardous waste" means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored,

transported, or disposed of, or otherwise managed; nothing in this chapter shall be construed to apply to any activity or substance which is subject to the federal Atomic Energy Act of 1954, as amended (68 stat. 923);

(31) "Waste management district" means any county or group of counties electing to form under the provisions of KRS 109.115 and operate in conformance with the provisions of KRS Chapter 109 and with Section 4006, Resource Conservation and Recovery Act of 1976, as amended (PL 94-580);

(32) "Waste site or facility" means any place where waste is managed, processed or disposed of by incineration, landfilling or any other method;

(33) "Water" or "waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction; and

(34) "Water pollution" means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes.

Section 37. KRS 224.022 is amended to read as follows:

There are hereby transferred to and vested in the commissioner and the department for health services all functions, powers and duties, funds, personnel, equipment, and supplies relating to septic tank servicing under the provisions of KRS *211.972* [~~224.223~~] to *211.982* [~~224.237~~], which said provisions of law have been conferred upon the department of environmental protection and upon the secretary and other officers and offices of the department of environmental protection.

Section 38. KRS 224.869 is amended to read as follows:

(1) No hazardous waste management provision of this chapter shall be construed to apply to any agricultural wastes, including manures and crop residues which are returned to the soil as fertilizers or soil conditioners. A farmer disposing of waste pesticides, herbicides or fertilizers from his own use which are hazardous wastes is not required to comply with the hazardous waste management provisions of this chapter for those wastes, provided he triple rinses each emptied container and disposes of the waste residues on his own farm in a manner consistent with the disposal instructions on the container label.

(2) Any person who produces hazardous waste in amounts not determined to be harmful to public health or the environment by regulation of the cabinet consistent with the federal resource conservation and recovery act, *as amended,* and regulations issued pursuant thereto shall not be a generator of hazardous waste or considered to be engaged in the generation of hazardous waste for purposes of this chapter.

Section 39. KRS 224.994 is amended to read as follows:

(1) Any person who violates KRS 224.060, 224.140, 224.330 or who fails to perform any duties imposed by these sections, or who violates any determination, permit, rule, regulation or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of ten thousand dollars ($10,000) for each day during which such violation continues, and in addition, may be concurrently enjoined from any such violations as hereinafter provided in this section and KRS 224.995.

(2) Any person who violates subsections (2), (3), (4), or (5) of KRS 224.032, or KRS 224.835, *224.844* [~~224.882~~], or any provision of this chapter relating to noise, or who fails to perform any determination, permit, rule, regulation or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of one thousand dollars ($1,000) for said violation and an additional civil penalty not to exceed one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be concurrently enjoined from any such violations as hereinafter provided in this section and KRS 224.995.

(3) (a) Any person who shall knowingly violate any of the provisions of this chapter relating to noise or any determination or order of the cabinet promulgated pursuant to those sections which have become final shall be

punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(b) For violations by motor vehicles, the fine shall be not less than ten dollars ($10) nor more than fifty dollars ($50) for a first offense, and not less than fifty dollars ($50) nor more than one hundred dollars ($100) for each subsequent offense.

(4) Any person who knowingly or with criminal negligence violates KRS 224.060, 224.140, *224.835,*[~~224.255~~], 224.330, *224.844* [~~224.882~~] or any determination, permit, rule, regulation or order of the cabinet promulgated pursuant to those sections which have become final or who knowingly provides false information in any document filed or required to be maintained under this chapter or who knowingly renders inaccurate any monitoring device or method shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than fifteen thousand dollars ($15,000) or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(5) Should any person engage in generation, treatment, storage, transportation, or disposal of hazardous waste in violation of the hazardous waste management provisions of this chapter or contrary to a permit, order, or rule issued or promulgated under this chapter or fail to provide information or to meet reporting requirements required by terms and conditions of a permit or regulations promulgated pursuant to this chapter, the secretary may issue an order requiring compliance within a specified time period or may commence a civil action in a court of appropriate jurisdiction. The violator shall be liable for a civil penalty not to exceed the sum of twenty-five thousand dollars ($25,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations in a court of appropriate jurisdiction.

(6) Any person who knowingly is engaged in generation, treatment, storage, transportation or disposal of hazardous waste in violation of this chapter, or contrary to a permit, order, or regulation issued or promulgated under this chapter or knowingly makes a false statement, representation, or certification in an application for or form pertaining to a permit or in a notice or report required by the terms and conditions of an issued permit, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not to exceed twenty-five thousand dollars ($25,000) for each day of violation or by imprisonment for a term of not less than one (1) year and not more than five (5) years or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(7) Nothing contained in subsections (4) or (5) of this section shall abridge the right of any person to recover actual compensatory damages resulting from any such violation.

(8) Any person who violates any provision of this chapter to which no express penalty provision applies, except as provided in KRS 211.995, or who fails to perform any duties imposed by those sections, or who violates any determination or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of one thousand dollars ($1,000) for said violation and an additional civil penalty not to exceed one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be concurrently enjoined from any such violations as hereinafter provided in this section and KRS 224.995.

(9) The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil, criminal, and injunctive actions instituted by the cabinet or by the attorney general on its behalf for the enforcement of the provisions of this chapter or the orders, rules, and regulations of the cabinet promulgated pursuant thereto.

(10) Any person who deposits leaves, clippings, prunings, garden refuse or household waste materials in any litter receptacle except with permission of the owner of such receptacle or who places litter into a receptacle in such a manner that the litter may be carried away or deposited by the elements upon any property or water not owned by him is guilty of a Class B misdemeanor.

(11) In addition to or in lieu of the penalties set forth in this section or in KRS Chapters 532 and 534, any person found guilty of a second or subsequent offense related to littering may be ordered by the court to pick up litter for not less than four (4) hours.

Section 40. KRS 247.910 is amended to read as follows:

For purposes of KRS 247.900 to 247.920:

(1) "Alcohol production facility" shall mean and include any property or any facility which is not fueled by petroleum but fueled by Kentucky coal, or in the process of converting to the use of coal with the completion date to be in two (2) years or less, and designed, installed, or constructed as a component part of any commercial or industrial premises for the primary purpose of producing ethanol derived from agricultural products or by-products for use as a motor fuel;

(2) "Gasohol" means a fuel containing a mixture of gasoline and at least ten percent (10%) ethanol which is at least one hundred ninety-eight (198) proof for use in motor vehicles;

(3) "*Cabinet*" [~~"Department"~~] shall mean the Kentucky [~~department of~~] energy *cabinet*;

(4) "Alcohol production tax exemption certificate" shall mean that certificate issued by the revenue cabinet pursuant to KRS 247.920;

(5) "Ethanol" means ethyl alcohol produced from grain or other agricultural products or by-products for use as a motor fuel.

Section 41. KRS 247.920 is amended to read as follows:

(1) Application for an alcohol production exemption certificate shall be filed with the [~~department of~~] revenue *cabinet* in such manner and in such form as may be prescribed by regulations issued by the [~~department of~~] revenue *cabinet* and shall contain plans and specifications of the structure or structures including all materials incorporated and to be incorporated therein and a descriptive list of all equipment acquired or to be acquired by the applicant for the purpose of producing ethanol for fuel use and any additional information deemed necessary by the [~~department of~~] revenue *cabinet* for the proper administration of KRS *247.910 and* [~~247.900 to~~] 247.920. The *cabinet* [~~department~~] shall provide technical assistance and factual information as requested in writing by the [~~department of~~] revenue *cabinet*. If the [~~department of~~] revenue *cabinet* finds that the facility qualifies as an alcohol production facility as defined by KRS *247.910* [~~247.900~~], it shall enter a finding and issue a certificate to that effect. The effective date of said certificate shall be the date of issuance of said certificate.

(2) Before issuing an alcohol production tax exemption certificate, the [~~department of~~] revenue *cabinet* shall give notice in writing by mail to the secretary of the *cabinet* [~~department~~], and shall afford to the applicant and to the secretary of the *cabinet* [~~department~~] an opportunity for a hearing. On like notice and opportunity for a hearing, the [~~department of~~] revenue *cabinet* shall on its own initiative revoke such certificate whenever any of the following appears:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of the alcohol production facilities; *or*

(c) The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of alcohol production for fuel use and is being used for a different purpose.

(3) Where the circumstances so require, the [~~department of~~] revenue *cabinet*, in lieu of revoking such certificate, may modify the same.

(4) On mailing of notice of the action of the [~~department of~~] revenue *cabinet* revoking or modifying a certificate as provided in subsection (5) of this section, such certificate shall cease to be in force or shall remain in force only as modified as the case may require.

(5) An alcohol production tax exemption certificate, when issued, shall be sent by certified mail to the applicant and the notice of such issuance in the form of certified copies thereof shall be sent to the secretary of the *cabinet* [~~department~~]. Notice of an order of the [~~department of~~] revenue *cabinet* denying, revoking, or modifying a certificate in the form of certified copies thereof shall be sent by certified mail to the applicant or the holder and shall be sent to the secretary of the *cabinet* [~~department~~]. The applicant or holder and the secretary of the *cabinet* [~~department~~] are deemed parties for the purpose of the review afforded by subsection (6) of this section.

(6) Any party aggrieved by the issuance, refusal to issue, revocation, or modification of an alcohol production tax exemption certificate may appeal from the final ruling of the [~~department of~~] revenue *cabinet* to the Kentucky board of tax appeals as provided in KRS 131.340.

(7) In the event of the sale, lease, or other transfer of an alcohol production facility, not involving a different location or use, the holder of an alcohol production tax exemption certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate, would be obligated to pay taxes on such facility. The transferee shall become the holder of the certificate and shall have all rights pertaining thereto, effective as of the date of transfer of the certificate. The transferee shall give written notice of the effective date of the transfer, together with a copy of the instrument of transfer to the *cabinet* [~~department~~] and the [~~department of~~] revenue *cabinet.*

(8) In the event an alcohol production facility for which an exemption certificate is held ceases to be used for the primary purpose of alcohol production for fuel use or is used for a different purpose other than that for which the exemption certificate was granted, the holder of the certificate shall give written notice by certified mail of such change to the *cabinet* [~~department~~] and to the [~~department of~~] revenue *cabinet.*

(9) The alcohol production facility exemption certificate, upon approval, shall exempt said facilities from taxes outlined in the provisions of KRS *247.910 and* [~~247.900 to~~] 247.920 and included in KRS Chapters 132, 136, 138, and 139. Each exemption certificate shall remain in force for a period of eight (8) years from the date of issuance and at the end of said period shall lapse. Any alcohol production facility previously exempted under the terms of KRS *247.910 and* [~~247.900 to~~] 247.920 shall not be eligible for recertification upon completion of the eight (8) year certificate period.

Section 42. KRS 247.942 is amended to read as follows:

As used in KRS 247.940 to 247.978, the following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Applicant" means any person, partnership or corporation engaged in agricultural endeavors and related businesses and deriving at least one-half (1/2) of its annual gross income therefrom and not more than one-hundred thousand dollars ($100,000) annual net income from all sources;

(2) "Board" means the board of directors of the corporation;

(3) "Bond resolution" or "resolution" means the formal document of the corporation authorizing its obligations;

(4) "Bonds" or "notes" means the bonds or bond anticipation notes authorized to be issued by the corporation under KRS 247.940 to 247.978;

(5) "Commissioner" means the commissioner of agriculture;

(6) "Commonwealth" means the Commonwealth of Kentucky;

(7) "Corporation" means the Kentucky agricultural finance corporation created by KRS 247.944;

(8) "Department" means the department of agriculture;

(9) "Governmental agency" means any city, county or other political subdivision of the Commonwealth and any department, division or public agency thereof, the federal government or any political subdivision of any other state and any nonprofit corporation or other entity legally empowered to act on behalf of any of the foregoing in the area of assistance to agriculture;

(10) "Issuing agency capacity" means the action of the corporation in authorizing revenue bonds for a qualified project in accordance with the provisions of KRS 103.200 *to* [~~through~~] 103.285 in which the corporation's liability is limited primarily to fiduciary duties;

(11) "Lending agency capacity" means the action of the corporation in participating directly or indirectly in the making of loans to or the purchasing of loans of qualified applicants;

(12) "Obligations" means any bonds or notes authorized to be issued by the corporation under the provisions of *KRS 247.940 to 247.978* [~~this Act~~];

(13) "Project" means any undertaking to provide for the financing of the acquisition of land, buildings, machinery, equipment, and livestock in the area of agricultural enterprise; including growing, storing, processing, warehousing, marketing and distribution facilities in respect thereof or to provide for refinancing existing agricultural facilities;

(14) "Trust agreement" means an indenture by and between the corporation and the corporate trustee setting forth the rights and duties of each relating to the authorization, sale, issuance, delivery and payment of the corporation's obligations; and

(15) "Umbrella obligation" means bonds or notes issued by the corporation in its issuing agency capacity or its lending agency capacity under the provisions of KRS 247.940 to 247.978, the proceeds of which may be used in the financing of multiple projects for two (2) or more applicants.

Section 43. KRS 280.220 is amended to read as follows:

(1) If the grantee of a ferry privilege does not, within six (6) months after the grant, put and keep the required boats and hands in use, the county judge/executive shall, after notice to him, revoke his grant.

(2) Any failure for one (1) year to keep up a ferry in the manner required, or any sale or lease of a ferry privilege made to, or contract not to use a ferry privilege made with, the owner, tenant or partner of a ferry established within one (1) mile thereof, or the owner, tenant or partner of a ferry established on the other side of the Ohio river or Mississippi river, shall be deemed an abandonment of the ferry privilege, and the county judge/executive shall, upon notice to the grantee, revoke his ferry privilege.

[~~(3) Upon failure to comply with any of the requirements of subsection (4) of KRS 280.180 or subsection (3) of KRS 280.200, the county judge/executive shall revoke the ferry privilege, after first summoning the party or, if he is a nonresident, after warning him by an order posted at the courthouse door and by publication pursuant to KRS chapter 424.~~]

Section 44. KRS 288.520 is amended to read as follows:

No licensee shall advertise, print, display, publish, distribute, broadcast or televise, or permit to be advertised, printed, displayed, published, distributed, broadcast or televised, any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of *fifteen thousand* [~~twelve hundred~~] dollars *($15,000)* or less, which is false, misleading, or deceptive.

Section 45. KRS 288.590 is amended to read as follows:

Each licensee shall annually on or before April 15, file with the commissioner a report for the preceding calendar year. Such report shall give information with respect to the financial condition of such licensee; balance sheets at the beginning and end of the accounting period; a statement of income and expenses for said period; a reconciliation of surplus or net earnings with the balance sheets; a schedule of assets used and useful in the consumer loan business; an analysis of charges, and types of security on loans of *fifteen thousand dollars ($15,000)* [~~$1,200~~] or less; an analysis of delinquent accounts; analysis of suits, repossessions and sales of chattels and such other relevant information as the commissioner may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted in the state. In the event any person or affiliated group of corporations hold more than one (1) license in the state, he or they may file a composite annual report in lieu of separate reports for each licensed office. Such report shall be made under oath in the form prescribed by the commissioner, who shall make and publish annually an analysis and recapitulation of such reports.

Section 46. KRS 304.99-085 is amended to read as follows:

(1) If any broker fails to file his annual statement *as provided by KRS 304.10-180,* he shall be liable for a fine of ten dollars ($10) for each day of delinquency commencing with the first day of April.

(2) If any broker fails to remit the tax provided by KRS 304.10-180, unless it is shown to the satisfaction of the commissioner that the failure is due to reasonable cause, five percent (5%) of the tax found to be due by the

commissioner shall be added to the tax for each thirty (30) days or fraction thereof elapsing between the due date of the return and the date on which it was filed, but the total penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall a penalty be less than twenty-five dollars ($25).

Section 47. KRS 350.032 is amended to read as follows:

(1) In case of refusal to obey a subpoena issued to any person, any circuit court of competent jurisdiction, upon application by any party, may issue to that person an order requiring him to appear before the *cabinet* [~~department~~], there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(2) Any person aggrieved by a final order of the *cabinet* [~~department~~] may obtain a review of the order by filing in the Franklin circuit court, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part, provided that a surety on a performance bond shall not file such petition until it has complied with subsection (3) of this section. A copy of the petition shall be forthwith served upon the *cabinet* [~~department~~], and thereupon the *cabinet* [~~department~~] shall certify and file in court a copy of the record before the *cabinet* [~~department~~], including therein all pleadings, orders, documentary exhibits and the stenographic transcript of the testimony taken before the *cabinet* [~~department~~]. When these have been filed, the court shall have exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the *cabinet* [~~department~~] or there were reasonable grounds for failure to do so. The findings of the *cabinet* [~~department~~] as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearings before the *cabinet* [~~department~~], the court may order that additional evidence be taken before the *cabinet* [~~department~~] in such manner and upon such condition as the court may consider proper. The *cabinet* [~~department~~] may modify its findings as to the facts, by reason of the additional evidence so taken; and it shall file any modified or new findings with the court, which if supported by substantial evidence shall be conclusive, and any recommendation for the modification or setting aside of the original order. The commencement of the proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the *cabinet* [~~department~~]'s order. An appeal may be taken from the judgment of the Franklin circuit court to the court of appeals on the same terms and conditions as an appeal is taken in any civil action.

(3) Where the *cabinet* [~~department~~] has ordered forfeiture of a performance bond, the surety shall forward to the *cabinet* [~~department~~] by certified mail a cashier's check for the required amount within seven (7) business days from the effective date of the order. The *cabinet* [~~department~~] shall establish an interest-bearing escrow account and shall deposit therein the full amount of the forfeiture rendered by the surety. The amount shall continue to be held by the *cabinet* [~~department~~] until completion of judicial review as authorized in subsection (2) of this section. If the final decision following the review reverses the order of the secretary of the *cabinet* [~~department~~], the *cabinet* [~~department~~] shall within thirty (30) days of receipt of such order, refund to the surety the appropriate amount plus all interest accrued from the date of deposit to the date of the final order.

(4) In the case of a proceeding to review any order or decision issued by the secretary under this chapter pertaining to surface coal mining operations, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if:

(a) All parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(b) The person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(c) Such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

Section 48. KRS 353.670 is amended to read as follows:

(1) All rules, regulations and amendments promulgated under KRS 353.500 to 353.720 shall be promulgated by the department after notice and a hearing. At all hearings held to consider any rules, regulations or amendments thereto, any interested person shall be entitled to be heard.

(2) All hearings held under this section shall be held at such time and place as is specified by the department, and according to rules and regulations promulgated under KRS 353.500 to 353.720. A written record of each hearing shall be kept, unless the keeping of a record shall be waived by all parties who participate therein. All interested persons shall be entitled to be heard at all hearings conducted under KRS 353.500 to 353.720.

(3) The director, or his representatives, shall attend all hearings under this section conducted by the department.

(4) All rules, regulations and orders promulgated or issued under KRS 353.500 to 353.720 shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, shall be public records open for inspection at all times during office hours, and shall be filed in accordance with the provisions of KRS *Chapter 13A* [~~13.085~~]. A copy of any rule, regulation or order, certified by the commissioner or director, shall be received in evidence in all courts of this Commonwealth without any further authentication thereof.

Section 49. KRS 360.212 is amended to read as follows:

Compliance with the requirements of the federal consumer credit protection act title I (truth in lending act) and title V (general provisions), *15 U.S.C. sec. 1601 et seq., as amended* [~~Public Law 90-321; 82 Stat. 146 et seq.~~], and all regulations prescribed pursuant thereto, shall be deemed to be compliance with the requirements of KRS 360.210 to 360.265.

Section 50. KRS 367.956 is amended to read as follows:

(1) If for any reason a person who has entered into a contract for the sale of cemetery merchandise which is paid in full and has made deposits to the trust fund herein required to be made cannot or does not provide the cemetery merchandise called for by the contract after a ninety (90) day request in writing to do so, the purchaser or his heirs or assigns or duly authorized representatives shall be entitled to receive the following: the deposit to the credit of that particular contract, all income those funds have earned; and from the cemetery, the remainder, if any, of the purchase price paid.

(2) Written *instructions* [~~instruction~~] to the trustee to refund the amount of money on deposit, or an affidavit by either the purchaser or one (1) of his heirs or assigns or duly authorized representative, stating that the cemetery merchandise contract is paid in full and after a written request the merchandise was not provided, shall be sufficient authority for the trustee to make refund of the deposit monies to the person submitting the affidavit. The trustee shall not be held responsible for any such refunds made on account of the person's written direction or an affidavit submitted in accord with this section. However, nothing herein contained shall relieve any person from any liability for nonperformance of the contract terms. Except, however, in the event such person cannot deliver the cemetery merchandise sold because of a national emergency, the provision of this *section* [~~paragraph~~] shall not apply.

Section 51. KRS 431.220 is amended to read as follows:

Every death sentence shall be executed by causing to pass through the body of the condemned a current of electricity of sufficient intensity to cause death as quickly as possible. The application of the current shall be continued until the condemned is dead. All executions of the death penalty by electrocution shall take place within the walls of the state penal institution designated by the [~~bureau of~~] corrections *cabinet*, and in such enclosure as will exclude public view thereof.

Section 52. KRS 431.240 is amended to read as follows:

(1) Unless the execution is stayed by due process of law or under authority of subsection (2) of this section, the *warden* [~~superintendent~~] of the penitentiary or his deputy shall proceed, on the day and at the place named in the judgment of conviction, to cause the condemned person to be electrocuted. The execution shall take place before sunrise on the day designated in the judgment.

(2) If the condemned person is insane or pregnant with child on the day designated for the execution, the execution shall be suspended until the condemned is restored to sanity or is delivered of child. The execution shall then take place under the warrant of the governor and at the time designated by him, unless stayed by due process of law. If execution is suspended on the ground of insanity, the *secretary* [~~commissioner~~] of corrections

may transfer the condemned person to the state forensic psychiatric facility operated by the [~~bureau of~~] corrections *cabinet* until such time as he is restored to sanity.

(3) If the condemned person escapes from custody and is recaptured after the expiration of the date fixed for the execution, the governor, upon receiving written notice of the recapture from the *warden* [~~superintendent~~] of the penitentiary, shall send his warrant of execution to the *warden* [~~superintendent~~] by special messenger and shall name therein the day of execution. The *warden* [~~superintendent~~] shall then proceed to the execution thereof according to the provisions of KRS 431.215 to 431.270.

(4) Whenever a judgment of death has not been executed on the day appointed therefor by the court, from any cause whatever, the governor, by a warrant under his hand and the seal of the Commonwealth, shall fix the day of the execution, which warrant shall be obeyed by the *warden* [~~superintendent~~] of the penitentiary.

Section 53. KRS 434.730 is amended to read as follows:

(1) A person who *has violated KRS 434.590* [~~is subject to the penalties of this subsection~~] shall be fined not more than *one thousand dollars* ($1,000) or imprisoned not more than one *(1)* year, or both.

(2) A person who *has violated KRS 433.600* [~~is subject to the penalties of this subsection~~] shall be fined not more than *three thousand dollars* ($3,000) or confined in the penitentiary for not more than five *(5)* years, or both.

Section 54. KRS 440.130 is amended to read as follows:

(1) The *secretary* [~~commissioner~~] of corrections may deputize the head of an agency of another state which is charged by that state with enforcement of penal laws to act as an agent of this state in effecting the return to this state of any person who has violated the conditions of his probation or parole or who has escaped from a penal institution of this state. In all matters relating to the return of such person to this state, such agent shall have the powers afforded a police officer of this state.

(2) Any deputization pursuant to this section shall be in writing. Any person authorized to act as an agent of this state under the terms of this section shall carry on his person such written evidence of his authorization, and shall display the same upon demand.

Section 55. KRS 440.450 is amended to read as follows:

The agreement on detainers is hereby enacted into law and entered into by the Commonwealth of Kentucky with all other jurisdictions legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

ARTICLE II

As used in this agreement:

(1) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(2) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request

for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(3) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

ARTICLE III

(1) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty (180) days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(2) The written notice and request for final disposition referred to in paragraph (1) hereof shall be given or sent by the prisoner to the warden, *secretary* [~~commissioner~~] of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by certified mail, return receipt requested.

(3) The warden, *secretary* [~~commissioner~~] of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(4) Any request for final disposition made by a prisoner pursuant to paragraph (1) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, *secretary* [~~commissioner~~] of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(5) Any request for final disposition made by a prisoner pursuant to paragraph (1) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (4) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(6) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (1) hereof shall void the request.

ARTICLE IV

(1) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V(1) hereof upon presentation of a

written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: and provided further that there shall be a period of thirty (30) days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(2) Upon receipt of the officer's written request as provided in paragraph (1) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(3) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty (120) days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (1) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(5) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V(5) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V

(1) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(2) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(a) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(b) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(3) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(4) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one (1) or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from

any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(5) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(6) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(7) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(8) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one (1) or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

ARTICLE VI

(1) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(2) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

ARTICLE VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 56. KRS 500.080 is amended to read as follows:

As used in the Kentucky penal code, unless the context otherwise requires:

(1) "Actor" means any natural person and, where relevant, a corporation or an unincorporated association.

(2) "Crime" means a misdemeanor or a felony.

(3) "Dangerous instrument" means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

(4) "Deadly weapon" means any weapon:

(a) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; or

(b) Any knife other than an ordinary pocket knife or hunting knife; or

(c) Billy, nightstick, or club; or

(d) Blackjack or slapjack; or

(e) Nunchaku karate sticks; or

(f) Shuriken or death star; or

(g) Artificial knuckles made from metal, plastic or other similar hard material.

(5) "Felony" means an offense for which a sentence to a term of imprisonment of at least one year in the custody of the [~~bureau of~~] corrections *cabinet* may be imposed.

(6) "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government.

(7) "He" means any natural person and, where relevant, a corporation or an unincorporated association.

(8) "Law" includes statutes, ordinances, and properly adopted regulatory provisions. Unless the context otherwise clearly requires, "law" also includes the common law.

(9) "Minor" means any person who has not reached the age of majority as defined in KRS 2.015.

(10) "Misdemeanor" means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment of not more than twelve *(12)* months can be imposed.

(11) "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state or by any law, order, rule or regulation of any governmental instrumentality authorized by law to adopt the same.

(12) "Person" means *a* human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

(13) "Physical injury" means substantial physical pain or any impairment of physical condition.

(14) "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object.

(15) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

(16) "Unlawful" means contrary to law or, where the context so requires, not permitted by law. It does not mean wrongful or immoral.

(17) "Violation" means an offense, other than a traffic infraction, for which a sentence to a fine only can be imposed.

Section 57. KRS 504.060 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "*Cabinet* [~~Bureau~~]" means the [~~bureau of~~] corrections *cabinet*;

(2) "Foreseeable future" means not more than three hundred sixty (360) days;

(3) "Incompetency to stand trial" means that, as a result of mental condition, lack of capacity to appreciate the nature and consequences of the proceedings against one or to participate rationally in one's own defense;

(4) "Insanity" means that, as a result of mental condition, lack of substantial capacity either to appreciate the criminality of one's conduct or to conform one's conduct to the requirements of law;

(5) "Mental illness" means substantially impaired capacity to use self-control, judgment or discretion in the conduct of one's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior or emotional symptoms can be related to physiological, psychological or social factors;

(6) "Mental retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period and is a condition which may exist concurrently with mental illness or insanity;

(7) "Psychiatrist" means a physician licensed pursuant to KRS Chapter 311 who is certified or eligible to apply for certification by the American board of psychiatry and neurology, inc.;

(8) "Psychologist" means a person licensed at the doctoral level pursuant to KRS Chapter 319 who has been designated by the Kentucky board of examiners of psychology as competent to perform examinations;

(9) "Treatment" means medication or counseling, therapy, psychotherapy and other professional services provided by or at the direction of psychologists or psychiatrists. "Treatment" does not include electroshock therapy or psychosurgery; *and*

(10) "Treatment facility" means an institution or part thereof, approved by the *cabinet* [~~department~~] for human resources, which provides evaluation, care and treatment for insane, mentally ill or mentally retarded persons on an in-patient or out-patient basis, or both.

Section 58. KRS 532.100 is amended to read as follows:

(1) When an indeterminate term of imprisonment is imposed, the court shall commit the defendant to the custody of the [~~bureau of~~] corrections *cabinet* for the term of his sentence and until released in accordance with the law.

(2) When a definite term of imprisonment is imposed, the court shall commit the defendant to the county or city correctional institution or to a regional correctional institution for the term of his sentence and until released in accordance with the law.

(3) When a sentence of death is imposed, the court shall commit the defendant to the custody of the [~~bureau of~~] corrections *cabinet* with directions that the sentence be carried out according to law.

Section 59. KRS 532.110 is amended to read as follows:

(1) When multiple sentences of imprisonment are imposed on a defendant for more than one (1) crime, including a crime for which a previous sentence of probation or conditional discharge has been revoked, such multiple sentences shall run concurrently or consecutively as the court shall determine at the time of sentence, except that:

(a) A definite and an indeterminate term shall run concurrently and both sentences shall be satisfied by service of the indeterminate term;

(b) The aggregate of consecutive definite terms shall not exceed one (1) year; and

(c) The aggregate of consecutive indeterminate terms shall not exceed in maximum length the longest extended term which would be authorized by KRS 532.080 for the highest class of crime for which any of the sentences is imposed.

(2) If the court does not specify the manner in which a sentence imposed by it is to run, the sentence shall run concurrently with any other sentence which the defendant must serve.

(3) When a defendant is sentenced to imprisonment for a crime committed while on parole in this state such term of imprisonment and any period of reimprisonment that the board of parole may require the defendant to serve upon the revocation of his parole shall run concurrently, unless the court orders them to run consecutively.

(4) Notwithstanding any provision in this section to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution, during an escape from imprisonment, or while he awaits imprisonment, the sentence imposed for that offense may be added to the portion of the term which remained unserved at the time of the commission of the offense. Provided, however, that the sentence imposed upon any person convicted of an escape or attempted escape offense shall run consecutively with any other sentence which the defendant must serve.

(5) Notwithstanding any provision in this chapter to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution the sentence imposed for that offense may, upon order of the trial court be served in that institution, provided, however, such person may be transferred to another institution pursuant to rules and regulations of the [~~bureau of~~] corrections *cabinet*.

Section 60. KRS 532.120 is amended to read as follows:

(1) An indeterminate sentence of imprisonment commences when the prisoner is received in an institution under the jurisdiction of the [~~bureau of~~] corrections *cabinet*. When a person is under more than one *(1)* indeterminate sentence, the sentences shall be calculated as follows:

(a) If the sentences run concurrently, the maximum terms merge in and are satisfied by discharge of the term which has the longest unexpired time to run; or

(b) If the sentences run consecutively, the maximum terms are added to arrive at an aggregate maximum term equal to the sum of all the maximum terms.

(2) A definite sentence of imprisonment commences when the prisoner is received in the institution named in the commitment. When a person is under more than one *(1)* definite sentence, the sentences shall be calculated as follows:

(a) If the sentences run concurrently, the terms merge in and are satisfied by discharge of the term which has the longest unexpired time to run; or

(b) If the sentences run consecutively, the terms are added to arrive at an aggregate term and are satisfied by discharge of such aggregate term.

(3) Time spent in custody prior to the commencement of a sentence as a result of the charge that culminated in the sentence shall be credited by the court imposing sentence toward service of the maximum term of imprisonment. If the sentence is to an indeterminate term of imprisonment, the time spent in custody prior to the commencement of such sentence shall be considered for all purposes as time served in prison.

(4) If a person has been in custody due to a charge that culminated in a dismissal, acquittal, or other disposition not amounting to a conviction, the amount of time that would have been credited under subsection (3) *of this section* if the defendant had been convicted of that charge shall be credited as provided in subsection (3) *of this section* against any sentence based on a charge for which a warrant or commitment was lodged during the pendency of that custody.

(5) If a person serving a sentence of imprisonment escapes from custody, the escape interrupts the sentence. The interruption continues until the person is returned to the institution from which he escaped or to an

institution administered by the [~~bureau of~~] corrections *cabinet*. Time spent in actual custody prior to return under this subsection shall be credited against the sentence if custody rested solely on an arrest or surrender for the escape itself.

Section 61. KRS 533.040 is amended to read as follows:

(1) A period of probation or conditional discharge commences on the day it is imposed. Multiple periods, whether imposed at the same or different times, run concurrently.

(2) If a court, as authorized by law, determines that a defendant violated the conditions of his probation or conditional discharge but reinstates probation or conditional discharge, the period between the date of the violation and the date of restoration of probation or conditional discharge is not computed as a part of the period of probation or conditional discharge.

(3) A sentence of probation or conditional discharge shall run concurrently with any federal or state jail, prison or parole term for another offense to which the defendant is or becomes subject during the period, unless such sentence of probation or conditional discharge is revoked. Such revocation must take place prior to parole under or expiration of the sentence of imprisonment or within ninety *(90)* days after the grounds for revocation come to the attention of the [~~bureau of~~] corrections *cabinet*, whichever occurs first.

Section 62. KRS 533.060 is amended to read as follows:

(1) When a person has been convicted of an offense or has entered a plea of guilty to an offense classified as a Class A, B, or C felony and the commission of such offense involved the use of a weapon from which a shot or projectile may be discharged that is readily capable of producing death or other serious physical injury, such person shall not be eligible for probation, shock probation or conditional discharge.

(2) When a person has been convicted of a felony and is committed to a correctional facility maintained by the [~~bureau of~~] corrections *cabinet* and released on parole or has been released by the court on probation, shock probation, or conditional discharge, and is convicted or enters a plea of guilty to a felony committed while on parole, probation, shock probation, or conditional discharge, such person shall not be eligible for probation, shock probation, or conditional discharge and the period of confinement for that felony shall not run concurrently with any other sentence.

(3) When a person commits an offense while awaiting trial for another offense, and is subsequently convicted or enters a plea of guilty to the offense committed while awaiting trial, the sentence imposed for the offense committed while awaiting trial shall not run concurrently with confinement for the offense for which said person is awaiting trial.

Section 63. The following KRS sections are repealed:

6.191 Payments in monthly installments from July 1, 1976 through December 31, 1977.

67C.030 Funding of drafting commission.

67C.040 Public hearings.

67C.050 Severability.

68.480 Courthouse tax, counties containing a city of the second class.

107.630 Sewer assessment hardship fund.

138.755 Attorney general to confirm federal action affecting gasoline, diesel, or special motor fuel tax rates—Department to announce any increase.

157A.090 Determination of transportation costs.

157A.100 Determination of local tax efforts.

177.625 Election—Publication of notice—Form of question—Secretary of state, duties—Certification of votes.

180.990 Penalties.

247.390 Farm tenancy commission.

247.400 Compensation of members.

292.560 Definitions.

292.570 Notice, hearing, stock ownership limitation, information to be filed prior to making takeover bid.

292.580 Hearing.

292.590 Restrictions of takeover bids.

292.600 Copy of filing to be furnished to appropriate regulatory body.

292.610 Applicability of liabilities, penalties, and remedies.

292.620 Rules and regulations.

292.630 Exclusions.

304.40-270 Limitation on prayer for damages in malpractice action.

307.190 Title.

318.057 License without examination.

391.090 Bastards, inheritance from and by, effect of marriage of parents.

HB 947, AN ACT proposing an amendment to the Kentucky Constitution relating to terms of office of General Assembly members and related matters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 30 of the Kentucky Constitution be amended to read as follows:

Members of the House of Representatives and Senators shall be elected at the general election in even-numbered years for terms of *six* [~~four~~] years for Senators and *four* [~~two~~] years for members of the House of Representatives. The term of office of Representatives and Senators shall begin upon the first day of January of the year succeeding their election.

Section 2. It is proposed that Section 31 of the Kentucky Constitution be amended to read as follows:

At the general election to be held in November, *nineteen hundred and eighty-eight* [~~1984~~], and *in even-numbered* [~~every two~~] years thereafter, there shall be elected for *six* [~~four~~] years one Senator in each Senatorial District in which the term of his predecessor in office will then expire and *for four years one Representative* in every Representative District *in which the term of his predecessor in office will then expire* [~~one Representative for two years~~].

Section 3. It is proposed that Section 256 of the Kentucky Constitution be amended to read as follows:

Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election [~~for members of the House of Representatives~~], the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than four amendments shall be voted upon at any one time. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately, but an amendment may relate to a single subject or to related subject matters and may amend or modify as many articles and as many sections of the Constitution as may be necessary and appropriate in order to accomplish the objectives of the amendment. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

Section 4. It is further proposed as a part of this amendment and as a schedule of transitional provisions, for the purposes of this amendment, that:

(1) The term of office of Senators who shall be elected in 1986 shall be six years.

(2) The term of office of Senators who were elected in 1983 for five year terms shall remain at five years.

(3) The term of office of Representatives who shall be elected in 1986 shall be four years.

Section 5. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

HB 964, AN ACT relating to state property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 56.463 is amended to read as follows:

The cabinet shall have the power and duty:

(1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects.

(2) To purchase or otherwise acquire all real property determined to be needed for state use and upon the approval of the secretary of the finance and administration cabinet as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS Chapters 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45.360.

(3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the secretary of the finance and administration cabinet. All such sales or other disposition shall be made in accordance with KRS 45.360.

(4)(a) To control the use of any real property owned or otherwise held by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real property during periods that the cabinet finds the same is not required for the purposes of any particular state agency. The cabinet shall allocate to the general assembly and the legislative research commission the amount of space within the new state capitol annex, including but not limited to space in the east basement portion adjacent to the parking garage, not exceeding a total of *forty-four thousand (44,000)* [~~thirty-five thousand (35,000)~~] square feet, as the general assembly or legislative research commission may request. *The forty-four thousand (44,000) square feet shall consist of space now occupied by the general assembly and the legislative research commission; the approximately six hundred (600) square foot storage room known as Room B-2 located in the northeast section of the basement; the approximately eight hundred and fifty (850) square foot room known as the mail room located adjacent to the legislative offices in the southeast section of the basement; and the approximately six thousand seven hundred (6,700) square foot space now occupied by the division of engineering located in the northeast section of the first floor.*

(b) To determine the housing and furnishings needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. Subject to paragraph (a) of this subsection, the cabinet is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort, exclusive of the third and fourth floors of the new state capitol, according to the needs of the various agencies and when necessary to provide additional office space and furnishings in Frankfort under any building program the cabinet deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the general assembly and its related agencies, including the legislative research commission, and its subcommittees, the executive offices, the Supreme Court and the clerk of the Supreme Court, the department of law and the law library, in the new state capitol, provided the general assembly and the legislative research commission shall have complete control and exclusive use of the third and fourth floors of the new state capitol and shall have exclusive use of the space in the new state capitol annex allocated to them under paragraph (a) of this subsection. If there be any additional space in the capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the capitol.

(5) To acquire, by condemnation in the manner provided in the Eminent Domain Act of Kentucky, any real estate necessary for use by the state or by any state agency, when the cabinet is unable to agree with the owner thereof on a price for such real estate.

(6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45.360.

(7) To provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make such changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550.

(8) To adopt such rules and regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

HB 967, AN ACT relating to state personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) The department and the board shall prepare an employe handbook for distribution to each state employe.

(2) The handbook shall contain a discussion in detail of the:

(a) Responsibilities, benefits, programs and services of state employment, employe conduct or activity that is required or prohibited; and

(b) Right of appeal granted state employes and the manner in which it may be exercised.

(3) Following each session of the general assembly the department and the board shall revise the handbook to reflect changes required due to enactments of the general assembly in:

(a) Applicable statutes; and

(b) Administrative regulations.

SECTION 2. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) (a) The department shall be responsible for the preparation of the sections of the handbook relating to the matters specified in subsection (2)(a) of Section 1 of this Act.

(b) The board shall be responsible for the preparation of the sections of the handbook relating to the matters specified in subsection (2)(b) of Section 1 of this Act.

(2) (a) Such handbook shall be printed by the department and shall be distributed by the governmental services center of Kentucky state university in cooperation with the department;

(b) The employe handbook shall be distributed to:

1. All state employes not later than six (6) months after the effective date of this Act; and

2. Each employe upon his initial appointment to a position in the classified or unclassified service; and

(c) After the initial distributions provided for herein, an employe shall be provided with a copy of the employe handbook upon payment of the actual cost of producing such handbook, excluding the cost of state personnel required for the production of such handbook.

(3) (a) At least annually, in cooperation with the department and the board the governmental services center of Kentucky state university shall conduct seminars for state employes relating to the matters specified in subsection (2) of Section 1 of this Act. Each state employe shall be required to attend one (1) such seminar annually;

(b) At least semi-annually the department shall conduct workshops for personnel administrators, institutional personnel officers, personnel associates, and personnel management specialists senior inconjunction with the governmental services center of Kentucky state university. Attendance by the employes specified in this subsection shall be mandatory.

(4) The location of the seminars provided for by this section shall be determined by the department, the board and the governmental services center of Kentucky state university.

(5) The classification division of the department shall conduct periodic detailed job audits of personnel administrators, institutional personnel officers, personnel associates, and personnel management specialists senior to determine if the current position and reporting organization for agency personnel administrators and their subordinates is adequate for the delivery of timely, quality personnel services to state agencies.

(6) The department shall develop and implement a uniform method by which all changes in departmental policy shall be transmitted to state agencies and employes.

HB 973, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

(1) There is established within the legislative research commission a citizens' complaint office. The office shall be staffed by employes of the legislative research commission appointed pursuant to KRS 7.090.

(2) The citizens' complaint office may receive a complaint from any person concerning alleged misconduct, inefficiency or discourtesy on the part of any agency, officer or employe of the state government. The office shall notify the affected agency, officer or employe of the complaint. The identity of the complainant shall remain confidential unless the complainant otherwise authorizes in writing. The office may conduct an investigation into the matter complained of. The office shall not conduct an investigation if it believes that:

(a) The complainant has available to him another remedy which he could reasonably be expected to use and the office so informs the complainant;

(b) The complaint is trivial, frivolous, vexatious, or not made in good faith;

(c) The office's resources are insufficient for adequate investigation;

(d) The complaint has been too long delayed to justify present examination of its merits; or

(e) The complaint does not relate to a subject matter within the scope of this Act.

(2) The legislative research commission may prescribe by administrative regulation in accordance with KRS

Chapter 13A, the methods by which complaints shall be made, received and acted upon. The legislative research commission may determine the scope and manner of investigations to be made and the form, frequency and distributions of conclusions, recommendations and proposals of the office of citizens' complaints, except as otherwise provided by this section.

(3) After completing its consideration of a complaint, whether or not it is investigated, the office of citizens' complaints shall inform the complainant and the officer, employe or agency involved.

(4) The office of citizens' complaints may publish its conclusions and suggestions by transmitting them to the general assembly and legislative research commission or any of their committees, the governor, the chief justice of the supreme court, the press, and others who may be concerned. Before publicly announcing a conclusion that expressly or impliedly criticizes a state agency, officer or employe, the office shall consult with the agency or person. When publishing a conclusion adverse to an agency or person, the office shall include any reply the agency or person may have made to the office in explanation of the agency's or person's actions with regard to a complaint or rejection of the office's conclusion.

(5) If the office has reason to believe that any public officer or employe has acted in a manner warranting criminal or disciplinary proceedings, it shall refer the matter to the appropriate authorities.

HR 56, A RESOLUTION designating the Kentucky Wool Festival held in Pendleton County, Kentucky, the official Kentucky Wool Festival.

WHEREAS, the interest in wool production in Kentucky is increasing; and

WHEREAS, the Kentucky Wool Festival held in Pendleton County is the only wool festival in the state; and

WHEREAS, last October's festival attracted over 18,000 visitors to the Falmouth Fairgrounds; and

WHEREAS, the festival celebrates the use of wool, spinning and weaving, and regional arts, crafts, dancing and music; and

WHEREAS, the Kentucky Make-It-Yourself-With-Wool finals, an important part of the celebration, selects two representatives to go on to a national competition;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House designate the Kentucky Wool Festival held in Pendleton County as the official Kentucky Wool Festival.

Section 2. That a copy of this resolution be sent to the sponsors of the Kentucky Wool Festival.

HCR 117, A CONCURRENT RESOLUTION requesting the Legislative Research Commission to re-establish the Subcommittee on Veterans' Affairs.

WHEREAS, Kentucky's veterans have many concerns meriting legislative attention; and

WHEREAS, the present committee structure of the Kentucky General Assembly does not allow proper attention to be paid to these concerns; and

WHEREAS, the Subcommittee to Study Problems of Vietnam Veterans in Kentucky requested the Legislative Research Commission to establish a permanent committee on veterans' affairs; and

WHEREAS, Kentucky owes its veterans a debt of gratitude for service in defense of their country;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Kentucky Legislative Research Commission is requested to establish a Subcommittee on Veterans' Affairs to operate during the 1986-87 interim and present its recommendations to the Kentucky General Assembly.

Section 2. It is recommended that this subcommittee consist of three members of the House of Representatives, to be appointed by the Speaker of the House, and two members of the Senate to be appointed by the President Pro Tempore of the Senate.

HCR 131, A CONCURRENT RESOLUTION directing a study of early retirement.

WHEREAS, state employes and teachers can now retire at any age after thirty years of service with no reduction in benefits for early retirement; and

WHEREAS, legislation studied during the 1986 Session of the General Assembly would have permitted retirement at any age after twenty-seven years of service with no reduction in benefits; and

WHEREAS, voluntary early retirement might serve as an effective management tool to attract talented individuals into the teaching profession and to provide younger state workers with opportunities for advancement; and

WHEREAS, earlier retirement increases the costs of retirement programs, but the extent to which these costs may be offset by the replacement of early retirees by employes at lower salary levels is unknown; and

WHEREAS, retirees from state employment depend on federal social security for part of their retirement income, and the retirement age for social security is being increased rather than decreased; and

WHEREAS, the General Assembly needs more information on the costs, the impacts on state and teacher work force effectiveness and the problems created by different retirement ages for the state retirement and social security programs before it makes further decisions on early retirement;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the legislative research commission is directed to conduct a study of the impact on public education and on the Commonwealth and its employes of reducing the years of service necessary for normal retirement. The study shall be concerned with costs, work force effectiveness, and difficulties which may result from dependence on social security as well as state retirement for retirement income.

Section 2. Attention shall be given to deferred compensation programs authorized under KRS Chapter 18A as they relate to early retirement.

Section 3. A subcommittee to study early retirement shall be appointed by the legislative research commission to guide and assist in the study. The subcommittee shall be comprised of seven members, five from the House of Representatives and two from the Senate.

Section 4. The subcommittee shall, to the extent necessary, be assisted in gathering and analyzing data by the general manager of Kentucky retirement systems, the executive secretary of the teachers retirement system and the commissioner of personnel.

Section 5. The subcommittee shall present its report to the legislative research commission no later than September 1, 1987.

Section 6. Staff services to be utilized in completing this study are estimated to cost $14,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

The Committee Substitute to HCR 131 is as follows:

HCR 131, A CONCURRENT RESOLUTION directing a study of early retirement.

WHEREAS, state and county employes and teachers can now retire at any age after thirty years of service with no reduction in benefits for early retirement; and

WHEREAS, legislation studied during the 1986 Session of the General Assembly would have permitted retirement at any age after twenty-seven years of service with no reduction in benefits; and

WHEREAS, voluntary early retirement might serve as an effective management tool to attract talented individuals into the teaching profession and to provide younger state and county workers with opportunities for advancement; and

WHEREAS, earlier retirement increases the costs of retirement programs, but the extent to which these costs may be offset by the replacement of early retirees by employes at lower salary levels is unknown; and

WHEREAS, retirees from state and county employment depend on federal social security for part of their retirement income, and the retirement age for social security is being increased rather than decreased; and

WHEREAS, the General Assembly needs more information on the costs, the impacts on state and teacher work force effectiveness and the problems created by different retirement ages for state and county retirement and social security programs before it makes further decisions on early retirement;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the legislative research commission is directed to conduct a study of the impact on public education, on the Commonwealth and its employes, and on local governments and school boards and their employes covered by the county employes retirement system, of reducing the years of service necessary for normal retirement. The study shall be concerned with costs, work force effectiveness, and difficulties which may result from dependence on social security as well as state retirement for retirement income.

Section 2. Attention shall be given to deferred compensation programs authorized under KRS Chapter 18A as they relate to early retirement.

Section 3. A subcommittee to study early retirement shall be appointed by the legislative research commission to guide and assist in the study. The subcommittee shall be comprised of seven members, five from the House of Representatives and two from the Senate.

Section 4. The subcommittee shall, to the extent necessary, be assisted in gathering and analyzing data by the general manager of Kentucky retirement systems, the executive secretary of the teachers retirement system, the commissioner of personnel and employe related organizations including, but not limited to, the Kentucky education association, the Kentucky association of school administrators and the Kentucky association of state employes.

Section 5. The subcommittee shall present its report to the legislative research commission no later than September 1, 1987.

Section 6. Staff services to be utilized in completing this study are estimated to cost $14,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

HCR 135, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the employment, economic, and fiscal effects created by firms receiving industrial revenue bonds.

WHEREAS, the creation of new employment opportunities is of primary importance to the welfare of the citizens of the Commonwealth; and

WHEREAS, industrial revenue bonds are often presented as a means of enhancing job creation; and

WHEREAS, studies in other states have found that the employment effects of projects funded by industrial revenue bonds have been much less than originally expected; and

WHEREAS, recent federal legislation makes efficient use of bond assistance imperative;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission is directed to study the employment, economic and fiscal effects upon the Kentucky economy created by firms receiving industrial revenue bonds.

Section 2. That the Department of Employment Services, Cabinet for Human Resources is directed, with the understanding that confidential data will be reported only in aggregate totals, to cooperate fully with the Legislative Research Commission in this study.

Section 3. That the findings shall be reported to the Legislative Research Commission by July 1, 1987. That body shall refer those findings to the relevant committee or committees.

Section 4. Staff services to be utilized in completing this study are estimated to cost twenty thousand dollars ($20,000). These services shall be provided from the regular Commission budget and are subject to the limitation and other research responsibilities of the Commission.

SB 255, AN ACT relating to police in cities of the sixth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 95 IS CREATED TO READ AS FOLLOWS:

(1) The chief of police and all members of the police force in cities of the sixth class may make arrests anywhere in the county in which the city is located provided the city meets the following requirements:

(a) Employs one (1) or more full-time police officers;

(b) Pays every police officer a minimum annual salary of four thousand three hundred fifty dollars ($4,350);

(c) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the Kentucky law enforcement council for employment of police officers;

(d) Requires all police officers to successfully complete a basic training course of at least four hundred (400) hours' duration within one (1) year of the date of employment at a school certified or recognized by the Kentucky law enforcement council;

(e) Requires all police officers to successfully complete each calendar year an in-service training course of at least forty (40) hours' duration at a school recognized by the Kentucky law enforcement council; and

(f) Requires compliance with all provisions of law applicable to local police, including transmission of data to the justice cabinet as required by KRS 17.150.

(2) The chief and members of a police force in cities of the sixth class shall not be required to police any territory outside of the city limits.

Motions, Petitions and Communications (continued)

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 1 to HB 549, by Representatives Morris and Bruce:

Amend printed copy of HB 549:

On page 2, after line 11, by adding the following:

"Section 2. There is hereby appropriated out of the General Fund for fiscal year 1986-87 to the University of

Kentucky for the construction of an academic auditorium building for the Hopkinsville Community College, the sum of $2,400,000. This appropriation shall be in addition to any amounts previously appropriated."

Floor Amendment No. 1 to SB 35, by Representative Scorsone:

Amend printed copy of GA Copy of SB 35:

On page 11, line 25, after the period "." by inserting the following language:

"*In urban-county governments a simple majority vote of the total membership where there is a properly constituted quorum shall be necessary to transact any business of the commission, including the adoption or amendment of the comprehensive plan.*"

Floor Amendment No. 1 to SB 243, by Representative Johnson:

Amend printed copy of GA Copy of SB 243:

On page 1, line 1, after "Section 1." delete the remainder of line 1 and insert in lieu thereof the following:

"KRS 24A.030 is amended to read as follows: The state is divided into judicial districts, each to be composed of the following counties:

(1) First judicial district. Ballard, Carlisle, Fulton and Hickman.

(2) Second judicial district. McCracken.

(3) Third judicial district. Christian.

(4) Fourth judicial district. Hopkins.

(5) Fifth judicial district. Crittenden, Union and Webster.

(6) Sixth judicial district. Daviess.

(7) Seventh judicial district. Logan and Todd.

(8) Eighth judicial district. Warren.

(9) Ninth judicial district. Hardin.

(10) Tenth judicial district. Hart and Larue.

(11) Eleventh judicial district. Green, Marion, Taylor and Washington.

(12) Twelfth judicial district. Henry, Oldham and Trimble.

(13) Thirteenth judicial district. Garrard, Jessamine and Lincoln.

(14) Fourteenth judicial district. Bourbon, Scott and Woodford.

(15) Fifteenth judicial district. Carroll, Grant and Owen.

(16) Sixteenth judicial district. Kenton.

(17) Seventeenth judicial district. Campbell.

(18) Eighteenth judicial district. Harrison, Nicholas, Pendleton and Robertson.

(19) Nineteenth judicial district. Bracken, Fleming and Mason.

(20) Twentieth judicial district. Greenup and Lewis.

(21) Twenty-first judicial district. Bath, Menifee, Montgomery and Rowan.

(22) Twenty-second judicial district. Fayette.

(23) Twenty-third judicial district. Estill, Lee and Owsley.

(24) Twenty-fourth judicial district. Lawrence, Johnson and Martin.

(25) Twenty-fifth judicial district. Clark and Madison.

(26) Twenty-sixth judicial district. Harlan,

(27) Twenty-seventh judicial district. Knox and Laurel.

(28) Twenty-eighth judicial district. Pulaski and Rockcastle.

(29) Twenty-ninth judicial district. Adair, Casey, Cumberland and Monroe.

(30) Thirtieth judicial district. Jefferson.

(31) Thirty-first judicial district. Floyd.

(32) Thirty-second judicial district. Boyd.

(33) Thirty-third judicial district. Perry.

(34) Thirty-fourth judicial district. Whitley and McCreary.

(35) Thirty-fifth judicial district. Pike.

(36) Thirty-sixth judicial district. Magoffin and Knott.

(37) Thirty-seventh judicial district. Carter, Elliott and Morgan.

(38) Thirty-eighth judicial district. Butler, Edmonson, Ohio and Hancock.

(39) Thirty-ninth judicial district. Breathitt, Wolfe and Powell.

(40) Fortieth judicial district. Clinton, Russell and Wayne.

(41) Forty-first judicial district. Clay, Jackson and Leslie.

(42) Forty-second judicial district. Calloway [~~and Marshall~~].

(43) Forty-third judicial district. Barren and Metcalfe.

(44) Forty-fourth judicial district. Bell.

(45) Forty-fifth judicial district. Muhlenberg and McLean.

(46) Forty-sixth judicial district. Breckinridge, Grayson, and Meade.

(47) Forty-seventh judicial district. Letcher.

(48) Forty-eighth judicial district. Franklin.

(49) Forty-ninth judicial district. Allen and Simpson.

(50) Fiftieth judicial district. Boyle and Mercer.

(51) Fifty-first judicial district. Henderson.

(52) Fifty-second judicial district. Graves.

(53) Fifty-third judicial district. Shelby, Anderson and Spencer.

(54) Fifty-fourth judicial district. Boone and Gallatin.

(55) Fifty-fifth judicial district. Bullitt.

(56) Fifty-sixth judicial district. Caldwell, Livingston, Lyon and Trigg.

(57) Fifty-seventh judicial district. Nelson.

(58) Fifty-eighth judicial district. Marshall."; and

on page 1, lines 2-21, delete lines 2-21 in their entirety; and

on page 2, lines 1-14, delete lines 1-14 in their entirety.

Floor Amendment No. 2 to HB 614, by Representative Williams:

Amend printed copy of HB 614:

On page 2, line 19, by inserting the word "*total*" before the word "power";

On page 2, line 20, by inserting "*under this section*" after the word "available".

Floor Amendment No. 1 to HB 902, by Representative Stewart:

Amend printed copy of HB 902:

On page 20, line 5 by deleting "*At least seven (7) days prior to the time*"

On page 20, line 5 by inserting "*Before*" before "*any*"

On page 20, lines 6 and 7 by inserting "*mortgage*" before "*loan*" as it appears on each line

On page 21, by deleting lines 2 and 3 and lines 7 through 12

On page 21, line 4 by deleting "*(4)*" and inserting "*(3)*"

On page 21, line 13 by deleting "*(7)*" and inserting "*(4)*"

On page 21, line 16 by deleting "*(8)*" and inserting "*(5)*"

On page 21, after line 18 and before line 19 by inserting "*(6) Such other information as the commissioner requires by regulation.*"

Floor Amendment No. 1 to HB 966, by Representative Reinhardt:

Amend printed copy of HB 966:

On page 6 by deleting lines 12 through 25 in their entirety and inserting in lieu thereof:

"SECTION 6. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

There is created in the state treasury the Kentucky insurance regulatory board revolving fund for the use of the board.

SECTION 7. KRS 304.2-300 is amended to read as follows:

(1) There is created in the state treasury the "examination expense revolving fund" for the use of the department. The commissioner shall promptly deposit all funds received under a statute requiring examination expenses to be paid by the party examined and deposited with the state treasurer to the credit of such fund.

(2) Moneys for travel, per diem, compensation and other necessary and authorized expenses incurred by an examiner or other department representative in the examination of any person required to pay, and making payment of, the expense of examination pursuant to KRS 304.2-290 shall be paid out of the examination expense revolving fund, upon approval of the commissioner.

(3) Moneys for travel, compensation and other necessary expenses of the custodian of insurance securities assessed pursuant to KRS 304.8-190 shall be paid out of the examination expense revolving fund upon approval of the commissioner.

(4) *The amounts unexpended and carried forward each fiscal year, plus thirty percent (30%) of the amount deposited to the fund during the year shall be deposited to the credit of the Kentucky insurance regulatory board revolving fund created in Section 6 of this Act.*

(5) If any amount in such revolving fund remains unexpended at the end of any fiscal year, that amount shall not lapse, but shall remain credited to the account and may be used during the succeeding year or years."

Floor Amendment No. 1 to SB 213, by Representative Burnette:

Amend printed copy of SB 213:

On page 3, after line 10 by adding:

"SECTION 2. KRS 355.9-307 is amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of KRS 355.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) If any tobacco crop subject to the lien of a security interest is sold at public auction through a duly licensed tobacco warehouse in the ordinary course of business, a bona fide purchaser for value of such crop shall take title thereto free and clear of any such lien, and the warehouseman selling such tobacco crop shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien, the name and address of the debtor and proper description of the property subject to lien, are given to the tobacco warehouseman prior to the payment of the proceeds of sale to the owner or producer of such tobacco crop. *The holder of the lien shall pay the tobacco warehouseman a fee of twenty dollars ($20.00) for each lien the warehouseman collects.*

(3) If any grain or soybean crop subject to the lien of a security interest is sold to any entity which is a bona fide purchaser for value and which holds a current grain storage license issued by the Commonwealth of Kentucky or a current federal warehouse storage license, in the ordinary course of business, such entity shall take title to such crop free and clear of any such lien, and shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien, the name and address of the debtor and proper description of the property subject to the lien is given to the entity purchasing said crop prior to the payment of the proceeds of purchase to the owner or producer of such grain or soybean crop.

(4) If any livestock subject to the lien of a security interest is sold at public auction through a stockyard licensed by the Commonwealth of Kentucky in the ordinary course of business, a bona fide purchaser for value of such livestock shall take title thereto free and clear of any such lien, and the stockyard and selling agents selling such livestock shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien, the name and address of the debtor and proper description of the livestock subject to the lien is given to the stockyard prior to the time of sale.

(5) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of $500 (other than fixtures, see KRS 355.9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

(6) If any registered breed of horse, the racing of which is regulated by KRS Chapter 230, subject to the lien of a security interest is sold at public auction in the ordinary course of business by an organization engaged in the business of selling such horses at public auction, a bona fide purchaser for value of such horse shall take title thereto free and clear of any such lien, and the organization selling such horse shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien and the amount thereof, the name and address of the debtor and proper identification of the horse subject to lien are given to the organization prior to the time of sale."

Floor Title Amendment to SB 213, by Representative Burnette:

Amend printed copy of SB 213:

On page 1, by amending the title to read as follows:

"AN ACT relating to agriculture."

Floor Amendment No. 2 to the Committee Substitute to SB 120, by Representative Morris:

Amend printed copy of House Committee Substitute for SB 120:

on page 1, line 2, after the "*(1)*" by deleting the rest of the line in its entirety.

on page 1, line 3, by deleting the words "*the contrary,*".

on page 3, line 26, after the word "liens." insert the following language:

(4) The provisions of this section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.600 to 82.640 or if state government causes a vehicle to be towed.

Floor Amendment No. 5 to the Committee Substitute to HB 126, by Representative Blandford:

Amend printed copy of Committee Substitute for HB 126:

on page 1, line 4, after the number "138.220" and before the "and" to insert "*(1) and (2)*".

on page 1, line 4, after the number "138.220" to place brackets around the word "and" and on page 1, line 6, to place brackets around the number "138.210(10)" and strikethrough the material therein.

on page 1, line 6, after the word "the" to insert the following: "*rate levied in KRS 138.565*".

on page 1, line 6, after the word "the" to place brackets in front of the word "same" and on page 1, line 6, to place brackets after the word "rate" and strikethrough the material therein.

on page 1, line 14, after the word "and" to insert the following: "*at the rate of four and seven-tenths percent (4.7%) on the amount of*".

on page 2, line 11, after the "," to delete the remainder of line 11 and on page 2, line 12, to delete the word "each" and inserting in lieu thereof the following: "*there shall be paid for every*".

on page 8, line 1, after the ";" to place brackets around the word "except" and on page 8, line 4, to place brackets around the ";" and to strikethrough the material therein.

on page 8, line 17, after the number "138.660(1)" to place brackets around the "," and strikethrough the same.

on page 8, line 17, after the "(1)" and before the "(2)" to insert the word "*and*".

on page 8, line 17, after the "(2)" to delete the ","and on page 8, line 17, after the word "and" to delete the "*(4)*".

on page 8, line 17, after the "*(4)*" to remove the brackets in front of the "(3)" and place brackets in front of the word "and" and strikethrough the material therein.

on page 12, line 1, after the number "138.220" and before the "and" to insert "*(1) and (2)*".

on page 12, line 1, after the number "138.220" to place brackets around the word "and" and on page 12, line 2, to place brackets around the number "138.210(10)" and strikethrough the material therein.

on page 12, line 6, after the number "138.220" and before the "," to insert "*(1) and (2)*".

on page 15, line 16, after the "," to place brackets around the word "fifteen" and on page 15, line 17, to place brackets around the number "(15.6%)" and to strikethrough the material therein and insert in lieu thereof: "*eighteen and three-tenths percent (18.3%)*".

on page 15, line 18, after the number "138.660" to delete the ",".

on page 15, line 18, after the number "138.660" to insert "*(1) and (2)*".

on page 15, line 19, to remove the brackets around the word "and" and the strikethroughs therein.

on page 15, line 19, after the number "234.320" and on page 15, line 21, before the word "shall" to delete the material therein.

on page 16, line 4, after the "," to place brackets around the word "six" and on page 16, line 5, to place brackets around the number "(6.7%)" and to strikethrough the material therein and insert in lieu thereof "*seven and seven tenths percent (7.7%)*".

on page 16, line 7, after the "(2)" to delete the ",".

on page 16, line 7, to remove the brackets around the word "and" and the strikethroughs therein.

on page 16, line 7, after the number "234.320" and on page 16, line 9, before the word "shall" to delete the material therein.

on page 17, line 4, after the "." to insert the following:

SECTION 10. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) (a) For the purpose of assuring adequate, economical, and stable supplies of fuel-grade alcohol for the use and benefit of residents and motorists in this state; to preserve and stimulate the existing fuel-grade alcohol industry; and to encourage the establishment and growth of new fuel-grade alcohol facilities, the cabinet is hereby authorized to establish and make available from the revenues collected pursuant to KRS 138.220, a fuel-grade alcohol credit fund, and to use the fund, for and on behalf of the Commonwealth, to partially offset the operating costs of those fuel-grade alcohol producers that contribute to the economy of this state, by participating in and subsidizing the market costs for fuel-grade alcohol offered for sale in this state in the manner and form hereinafter provided; and

(b) Any dealer in gasoline shall receive a credit for each gallon of fuel-grade alcohol, or fuel-grade alcohol contained in a gasoline-alcohol blend, which is blended or purchased by a dealer and on which the tax imposed by KRS 138.220 is due and payable, except as otherwise provided in subsection (6) of this section. The credit shall be in the amount specified in subsection (2) of this section for two (2) annual periods beginning on July 1, 1986, and ending on June 30, 1988. Any such credit shall be reduced by the same amount per gallon as any increase per gallon in the federal excise tax exemption for alcohol fuels effective on the date of such increase.

(2) The total amount of the credit authorized in any annual period by subsection (1) of this section shall not exceed twenty-one million dollars ($21 million) and the per gallon credit to a dealer shall be:

(a) Thirty-five (35) cents for each gallon of fuel-grade alcohol certified to a dealer or a dealer's supplier by a licensed alcohol producer to have been distilled within Kentucky; or,

(b) Twenty-five (25) cents for each gallon of fuel-grade alcohol certified to a dealer or a dealer's supplier by a licensed alcohol producer to be qualified for the credit pursuant to subsection (3) of this section;

(c) Provided that, within ninety (90) days after the end of each annual period the cabinet shall determine if

the total credits authorized pursuant to paragraph (a) plus paragraph (b) of this subsection have exceeded twenty-one million dollars ($21 million). If such limit has been exceeded, the cabinet shall further determine the amount of such excess, if any, by which the credits authorized pursuant to paragraph (a) of this subsection have exceeded eight and one-half million dollars ($8.5 million) and by which the credits authorized pursuant to paragraph (b) of this subsection have exceeded twelve and one-half million dollars ($12.5 million). The cabinet shall assess the amount of each such excess credit, if any, as a reimbursement excise tax to the licensed alcohol producer certifying the fuel-grade alcohol to a dealer or a dealer's supplier in respect of which the excess credit was claimed. The reimbursement excise tax shall be payable within thirty (30) days from the date of assessment and shall be collectable in the manner and form prescribed for taxes assessed pursuant to KRS 138.220.

(d) The cabinet shall maintain during each annual period a cumulative monthly record of all credits authorized pursuant to paragraph (a) and paragraph (b) of this subsection and shall upon request report the status of such record to licensed alcohol producers.

(3) The fuel-grade alcohol or gasoline-alcohol blend eligible for the credit authorized by this section shall be limited to alcohol distilled within this state and region, except as provided by paragraphs (a) and (b) of this subsection. For purposes of this section "distilled within this state and region" shall include alcohol distilled at a plant located in this state or in a bordering state, employing residents of this state to the extent of one-third (1/3) of its total work force, and purchasing one-half (1/2) of its annual requirements of grain or coal from producers within this state:

(a) If the cabinet certifies that another state provides an exemption, credit, or refund from that state's motor fuel excise tax or sales tax that is applicable to fuel-grade alcohol, or a gasoline alcohol blend which contains fuel-grade alcohol distilled in Kentucky, and if the distiller in the other state otherwise meets the requirements of this section and secures the license provided in subsection (2)(b) of this section, then the alcohol distilled in the other state shall be eligible for the credit provided in subsection (2)(b) of this section to the extent that this credit would be allowed by such other state; and

(b) Under no circumstances shall the per gallon value of the credit for alcohol distilled in the other state, as provided by paragraph (a) of this subsection, exceed the per gallon value of the credit for fuel-grade alcohol provided in subsection (2)(b) of this section.

(4) Every dealer claiming a credit authorized by this section shall file his claim as a supplement to the dealer report required by KRS 138.240. The claim shall be made under oath or affirmation on forms the cabinet may prescribe of the total number of gallons of fuel-grade alcohol upon which a credit is claimed and the total amount of the credit claimed. The claim shall include the following information:

(a) An itemized statement of the total number of gallons of fuel-grade alcohol, or fuel-grade alcohol contained in gasoline-alcohol blends, upon which a credit is claimed, showing the date of receipt of each shipment, the name and address of the licensed alcohol producer or supplier of each shipment, the invoice number, the point of origin, the point of destination, the quantity of each purchase or shipment, the method of transportation, and the name and address of the carrier; and if blended by the dealer with received gasoline, the date and place of blending and such details of the sale, distribution or use of the gasoline-alcohol blend as the cabinet may require;

(b) A written certification from a licensed alcohol producer confirming that the fuel-grade alcohol supplied by it to the dealer, or to the dealer's supplier, was distilled by a licensed alcohol producer in conformity with the requirements of this section and is qualified for the credit authorized by subsection (2)(a) or (2)(b) of this section; and

(c) The dealer shall also furnish such other information relating to the purchase, receipt, inventory, transportation, sale, distribution, exchange or use of fuel-grade alcohol or gasoline-alcohol blends as the cabinet may require.

(5) Upon determination by the cabinet of a dealer's right to receive the credit authorized by this section, the credit shall be determined by multiplying the number of gallons of fuel-grade alcohol for which the credit is claimed by the appropriate amount as provided under subsection (2)(a) or (2)(b) of this section. The credit shall be applicable to the dealer's tax liability under KRS 138.220 for the following month but under no circumstances shall the credit exceed the dealer's tax liability for such month. Any residual credit may be carried over to the following month.

(6) (a) The credit provided in this section shall not apply to gasoline-alcohol blend delivered to storage facilities of persons qualifying, under the provisions of KRS 138.341, 138.344, 138.445, and 138.662, for a refund of the tax paid pursuant to the provisions of KRS 138.210 to 138.340;

(b) The revenue cabinet may require the dealer to report such information as is necessary to administer the provisions of this subsection;

(c) Refunds due under the provisions of KRS 138.341, 138.344, 138.445, and 138.662 for tax paid pursuant to the provisions of KRS 138.210 to 138.340 on gasoline-alcohol blend dispensed from storage facilities serving both persons qualifying and not qualifying for the refund due, shall be reduced by the amount of the credit provided for in this section;

(d) Notwithstanding the provisions of any other section to the contrary, the cabinet may require persons applying for a refund under the provisions of KRS 138.341, 138.344, 138.445 and 138.662 to furnish the cabinet such information as is necessary to administer the provisions of this subsection;

(e) The credit provided in this section shall not be allowed in respect of any fuel-grade alcohol improperly certified to a dealer or a dealer's supplier by a licensed alcohol producer, and any such certification which is fraudulent shall constitute cause for the suspension, revocation, cancellation or refusal to renew the license authorized by subsection (7) of this section; and

(7) (a) Any distiller who desires to qualify fuel-grade alcohol distilled by it for purposes of this section shall procure a license and post bond pursuant to regulations prescribed by the cabinet. No such license shall be granted:

1. Unless the cabinet has determined to its satisfaction that the aggregate present and proposed operations and activities of the licensee in this state will significantly assist in providing adequate, economical, and stable supplies of fuel-grade alcohol to dealers in this state and will tend to directly or indirectly confer measurable investment, trade, employment, or other economic or market benefits upon this state;

2. Unless the distillery owned or operated by the licensee is regulated by the United States; and

3. Unless, as a condition precedent for the grant of such license, the licensee shall agree to subject itself to the jurisdiction of this state for the purpose of paying all taxes required by law and filing such reports and permitting such audits of its records and inspection of its premises as the cabinet may prescribe;

(b) Such licensee shall also post and keep in force a continuous surety bond, issued by a surety authorized to do business in this state and approved by the cabinet. The bond shall be in the amount of not less than fifty thousand dollars ($50,000), or such greater amount as may be fixed from time to time by the cabinet having due regard to the quantity of fuel-grade alcohol supplied by the licensee and eligible for credit in this state, and shall be conditioned upon the faithful compliance by the licensee with the requirements of law and with all regulations of the cabinet. No bond shall be required if the distillery of the licensee is located entirely within this state;

(c) Upon the grant of any annual license pursuant to this subsection the licensee shall pay a regulatory license fee to the cabinet in the amount of ten thousand dollars ($10,000), for each annual license period, which shall commence on July 1 and end on June 30 of each year. No annual license fee shall be required if the distillery of the licensee is located within this state; and

(d) The cabinet may revoke, suspend, or cancel the license herein authorized at any time for cause and may for cause refuse to renew any annual license. Any ruling by the cabinet in respect of the refusal to grant such license or the revocation, cancellation, or suspension thereof shall be made by written notice and shall constitute a final ruling of the cabinet for all purposes.

(8) Every licensed alcohol producer selling or distributing fuel-grade alcohol to dealers or dealers' suppliers in this state shall file a report with the cabinet on or before the twenty-fifth day of each month in respect of the production, sale, use, distribution and exchange of fuel-grade alcohol during the immediately preceding calendar month. The report shall be made under oath or affirmation on such forms as the cabinet may prescribe of the total number of gallons of fuel-grade alcohol sold, used, distributed or exchanged and certified by it to dealers or dealers' suppliers in this state as qualified for the credit authorized by this section. The report shall include the following information:

(a) An itemized statement of the total number of gallons of fuel-grade alcohol sold or distributed to dealers or dealers' suppliers in this state or exchanged with another licensed alcohol producer, showing the date of each shipment, the name and address of the dealer or dealer's supplier, or, if exchanged, the name and address of the licensed alcohol producer, the invoice number, the point of origin, the point of destination, the quantity of each purchase, shipment or exchange, the method of transportation, and the name and address of the carrier;

(b) A copy of the written certification furnished by the licensed alcohol producer confirming that the fuel-grade alcohol supplied by it to the dealer, or to the dealer's supplier, was distilled by a licensed alcohol producer in conformity with the requirements of this section and is qualified for the credit authorized by subsection (2)(a) or (2)(b) of this section; and

(c) The licensed alcohol producer shall also furnish such other information relating to the production, purchase, receipt, inventory, transportation, sale, distribution, exchange or use of fuel-grade alcohol or gasoline-alcohol blends, if any, as the cabinet may require.

SECTION 11. A NEW SECTION OF KRS CHAPTER 175 IS CREATED TO READ AS FOLLOWS:

There is hereby created a fund in the road fund of the Commonwealth of Kentucky entitled the debt payment acceleration fund. The fund shall consist of twenty percent (20%) of the revenues to the state road fund provided by the adjustments in KRS 138.220(2) excluding the provisions of KRS 177.320 and 177.365. Annually the transportation cabinet shall use the funds generated to accelerate the payment of debt service including principal and interest, over and above the annual debt service payments appropriated for each fiscal year, for all bonds issued and any refinancings thereof by the Kentucky turnpike authority. The transportation cabinet shall notify the interim joint committee on appropriations and revenue by January 1 of each fiscal year of the debt payments which are to or have been accelerated in the fiscal year. In the event that, due to bond market conditions, the terms of the bonds issued or other factors, the transportation cabinet is unable to accelerate debt service payments, the transportation cabinet shall provide documentation to the interim joint committee on appropriations and revenue that such acceleration is not possible and the reasons therefor. In such an event, the funds not available for debt acceleration shall be placed in a special escrow account in the transportation cabinet. Such funds shall not be expended for any of the lawful purposes of the transportation cabinet but shall be held in the escrow account until such time as the debt acceleration described by this section is possible. The transportation cabinet shall invest the funds allocated to the escrow account and any funds generated from these investments shall remain in the escrow account. Any funds remaining in the escrow account at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year for use as provided in this section. In the event that all principal and interest outstanding on any bonds issued or any refinancing thereof by the turnpike authority has been paid, the transportation cabinet shall so report. In that event, any funds remaining in the escrow account shall remain in the fund until such time as the funds are appropriated by the general assembly for any of the lawful purposes of the transportation cabinet.

Section 12. KRS 138.210 is amended to read as follows:

As used in KRS 138.220 to 138.340, unless the context requires otherwise:

(1) "Accountable loss" of gasoline means loss or destruction of "received" gasoline through wrecking of transportation conveyance, explosion, fire, flood or other casualty loss, or "received" gasoline contaminated and returned to storage; provided that any such loss shall have been reported within thirty (30) days after discovery of such loss to the cabinet in a manner and form prescribed by the cabinet, supported by proper evidence which in the sole judgment of the cabinet substantiates the alleged loss or contamination and which is confirmed in writing to the reporting dealer by the cabinet. The cabinet may make any investigation deemed necessary to establish the bona fide claim of the loss.

(2) "Dealer" means any person who:

(a) Imports into this state and stores, or causes to be imported into and stored in this state, gasoline for use, distribution or sale and delivery in this state after it has been stored in this state; provided that the term "dealer" as used in KRS 138.220 to 138.340 shall not include any person who imports gasoline acquired from a refiner or other supplier who, at the time of such importation, is a duly licensed dealer in this state, except as may otherwise be provided under regulations of the cabinet.

(b) Receives or accepts delivery of gasoline within this state into bulk storage facilities owned or operated for the storage of gasoline for transshipment within or without this state.

(c) Refines, produces, distills, manufactures, blends or compounds gasoline in this state.

(d) Receives or accepts delivery within this state of gasoline for resale within this state in amounts of not less than an average of 100,000 gallons per month during any prior consecutive twelve (12) months' period, when in the opinion of the cabinet, such person has sufficient financial rating and reputation to justify the conclusion that he will pay all taxes and comply with all other obligations imposed upon a dealer.

(3) "Cabinet" means the revenue cabinet.

(4) "Gasoline" means all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments and all other products so usable except propane, butane or other liquefied petroleum gases, kerosene, cleaner solvent, fuel oil, diesel fuel and crude oil.

(5) "Received" or "received gasoline" shall have the following meanings:

(a) Gasoline produced, manufactured or compounded at any refinery in this state or gasoline acquired by any dealer and delivered into or stored in refinery, marine or pipeline terminal storage facilities in this state shall be deemed to be received when it has been loaded for bulk delivery into tank cars or tank trucks consigned to destinations within this state. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax and to enforce the duty of the dealer to collect the tax, it shall be presumed that all gasoline loaded by any licensed dealer within this state into tank cars or tank trucks is consigned to destinations within this state unless the contrary is established by the dealer pursuant to rules and regulations prescribed by the cabinet.

(b) Gasoline acquired by any dealer in this state, and not delivered into refinery, marine or pipeline terminal storage facilities, shall be deemed to be received when it has been placed into storage tanks or other containers for use or subject to withdrawal for use, delivery, sale or other distribution. Dealers may sell gasoline to licensed bonded dealers in this state in transport truckload, carload or cargo lots, withdrawing such gasoline from refinery, marine, pipeline terminal or bulk storage tanks, without paying the tax on such gasoline. In such instances the licensed bonded dealer purchasing such gasoline shall be deemed to have received such gasoline at the time of withdrawal from the seller's storage facility and shall be responsible to the state for the payment of the tax thereon and shall report and pay the tax on such gasoline purchased and received.

(6) "Refinery" means any place where gasoline is refined, manufactured, compounded or otherwise prepared for use.

(7) "Storage" means all gasoline produced, refined, distilled, manufactured, blended or compounded and stored at a refinery storage or delivered by boat at a marine terminal for storage or delivered by pipeline at a pipeline terminal, delivery station or tank farm for storage.

(8) "Transporter" means any person who transports gasoline on which the tax has not been paid or assumed.

(9) "Bulk storage facility" means gasoline storage facilities of not less than twenty thousand (20,000) gallons owned or operated at one (1) location by a single owner or operator for the purpose of storing gasoline for resale or delivery to retail outlets or consumers.

(10) "Average wholesale price" shall mean:

(a) The weighted average per gallon wholesale tank wagon price of gasoline, exclusive of the *nine (9)* [~~four (4)~~] cents per gallon federal tax in effect on January 1, *1984* [~~1980~~], *any increase in the federal gasoline tax after July 1, 1984, and any fee on imported oil imposed by the congress of the United States after July 1, 1986,* as determined by the revenue cabinet from information furnished by licensed gasoline dealers. Dealers shall furnish within twenty (20) days following the end of the first month of each calendar quarter, such information regarding wholesale selling prices for the previous month as may be reasonably required by the cabinet.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, for purposes of the taxes levied in KRS 138.220, 138.565, 138.660 and 234.320, in no case shall "average wholesale price" be deemed to be less than one dollar and eleven cents ($1.11) per gallon, and in no case shall "average wholesale price" be deemed to be more than one dollar and fifty cents ($1.50) per gallon on or before June 30, 1982. In fiscal year 1982-83 the "average wholesale price" shall not be deemed to increase more than ten percent (10%) over the "average wholesale price'' at the close of fiscal year 1981-82; in each subsequent fiscal year the ''average wholesale price'' shall not be deemed to increase more than ten percent (10%) over the ''average wholesale price'' at the close of the previous fiscal year.

(11) ''Gasoline-alcohol blend'' means a mixture of gasoline and fuel-grade alcohol in which the fuel-grade alcohol content is ten percent (10%) or less of the mixture.

(12) ''Fuel-grade alcohol'' means *ethyl* [~~methyl~~] alcohol *which is:*

(a) At least one hundred and ninety-eight (198) proof;

(b) Denatured in accordance with legal requirements;

(c) Derived from United States produced corn, grain, or renewable resources, that is, ground, fermented and distilled by a licensed alcohol producer, in a plant facility that is powered primarily by United States produced coal; and

(d) Suitable for use in gasoline-alcohol blends [~~or at least one hundred ninety-eight (198) proof ethyl alcohol derived from United States produced coal or United States produced renewable resources that is denatured in accordance with legal requirements and is used in an internal combustion engine~~].

(13) ''Licensed alcohol producer'' means a distiller of fuel-grade alcohol who is licensed and bonded pursuant to this chapter.

Section 13. KRS 138.220 is amended to read as follows:

(1) An excise tax at the rate of nine percent (9%) of the average wholesale price rounded to the third decimal when computed on a per gallon basis shall be paid on all gasoline received in this state. No other excise or license tax shall be levied or assessed on gasoline by the state or any political subdivision of the state. The tax herein imposed shall be paid by the dealer receiving the gasoline to the state treasurer in the manner and within the time specified in KRS 138.230 to 138.340 and all such tax may be added to the selling price charged by the dealer or other person paying the tax on gasoline sold in this state. Nothing herein contained shall authorize or require the collection of the tax upon any gasoline after it has been once taxed under the provisions of this section.

(2) *In addition to the excise tax provided in subsection (1) of this section, there is hereby levied a supplemental highway user motor fuel tax to be paid in the same manner and at the same time as the tax provided in subsection (1) of this section. Such tax shall be calculated, starting with the quarter beginning July 1, 1986, by taking the excise tax resulting from the calculation provided for in subsection (1) of this section and adjusting such tax calculated, for each quarter, to reflect decreases in the average wholesale price, as defined in KRS 138.210(10)(a). The adjustment shall be made by calculating the difference between the average wholesale price computed for the quarter beginning October 1, 1985, as provided for in subsection (3) of this section, and the average wholesale price computed for the quarter beginning July 1, 1986 and each succeeding quarter, as provided for in subsection (3) of this section. In the event of a decrease in the average wholesale price computed for the quarter beginning October 1, 1985, and ending December 31, 1985, and the average wholesale price computed for the quarter beginning July 1, 1986, and each succeeding quarter, the excise tax shall be adjusted upward for that quarter. The upward adjustment shall equal one-half (1/2) of the decrease between the two (2) quarterly periods, rounded to the third decimal. In no case shall the adjustment provided by this subsection result in a supplemental highway user motor fuel tax greater than five (5) cents, and, notwithstanding any adjustment which may be calculated as provided by this subsection, in no case shall the supplemental highway user motor fuel tax for any quarter be less than the previous quarter. The supplemental highway user motor fuel tax provided by this subsection and the provisions of subsection (1) of this section shall constitute the tax on motor fuels imposed by KRS 138.220.*

(3) Effective with the calendar quarter beginning July 1, 1980, the cabinet shall determine on a consistent basis the average wholesale price for each calendar quarter, on the basis of sales data accumulated for the first month of the preceding quarter. Notification of the average wholesale price shall be given to all licensed dealers at least twenty (20) days in advance of the first day of each calendar quarter.

(4)[~~(3)~~] Dealers with a tax-paid gasoline inventory at the time an average wholesale price becomes effective, shall be subject to additional tax or appropriate tax credit to reflect the increase or decrease in the average

wholesale price for the new quarter. For the purpose of this adjustment, average wholesale price on June 30, 1980, shall be deemed to be one dollar ($1). The cabinet shall promulgate such rules and regulations to properly administer this provision.

Section 14. KRS 138.270 is amended to read as follows:

(1) From the total number of gallons of gasoline received by the dealer within this state during the next preceding calendar month, the following deductions shall be made:

(a) The total number of gallons of gasoline received by the dealer within this state that were sold or otherwise disposed of during the next preceding calendar month as set forth in subsection (2) of KRS 138.240.

(b) That number of gallons of gasoline equal to two and one-fourth percent (2 1/4%) of the total number of gallons of gasoline received by the dealer within this state during the next preceding calendar month, less the total number of gallons deducted under paragraph (a) of this subsection, this deduction being allowed to cover evaporation, shrinkage, unaccountable losses, collection costs, bad debts and handling and reporting the tax.

(2) The tax imposed by KRS 138.220*(1) and (2)* shall be computed on the number of gallons remaining after the deductions set forth in subsection (1) of this section have been made, and shall constitute the amount of gasoline tax payable for the next preceding calendar month.

Section 15. KRS 138.565 is amended to read as follows:

(1) An excise tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] is hereby levied and shall be paid by the special fuels dealer to the cabinet:

(a) For all special fuels delivered into any tank or other container equipped with a hose or other apparatus designed to dispense such fuels into the fuel supply tank of a motor vehicle except when such deliveries are made to another licensed special fuels dealer. The tax imposed by this section shall not apply to special fuels delivered into storage facilities of consumers or persons engaged in the business of selling special fuels for use in motor vehicles when such special fuels are to be sold or used for nonhighway purposes and provided that the storage facilities for such special fuels have been approved and identified as nontaxable storage pursuant to regulations of the cabinet provided that the cabinet may not refuse to approve such nontaxable storage except for adequate cause:

(b) For all special fuels withdrawn by any special fuels dealer and dispensed into the fuel supply tank of a motor vehicle. An allowance of one percent (1%) of the tax shall be made to the special fuels dealer to cover unaccountable losses, bad debts, and handling and reporting the tax. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax and to enforce the duty of the special fuels dealer to collect the tax, it shall be presumed that all special fuels delivered by any special fuels dealer within this state are taxable unless the contrary is established by the special fuels dealer pursuant to regulations prescribed by the cabinet.

(2) No other excise or license tax shall be levied or assessed on special fuels by any political subdivision of the state.

(3) For purposes of the excise tax on special fuels provided by subsection (1) of this section, the supplemental highway user motor fuel tax, as provided by KRS 138.220(2) shall not exceed two (2) cents.

Section 16. KRS 234.320 is amended to read as follows:

(1) An excise tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] is hereby levied and shall be paid by the liquefied petroleum gas motor fuel dealer to the cabinet on all taxable liquefied petroleum gas motor fuel delivered to the licensed liquefied petroleum gas motor fuel user-seller or withdrawn by the liquefied petroleum gas motor fuel dealer to propel motor vehicles on the public highways, either within or without this state. An allowance of one percent (1%) of the tax shall be made to the liquefied petroleum gas motor fuel dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) No other excise or license tax shall be levied or assessed on liquefied petroleum gas motor fuel by any political subdivision of the state, except the licenses under KRS 234.120.

(3) No provision of KRS 234.310 to 234.440 shall in any way affect the surtax imposed on heavy equipment motor carriers under KRS 138.660.

Section 17. KRS 234.380 is amended to read as follows:

Liquefied petroleum gas motor fuel dealers using, selling, and/or delivering liquefied petroleum gas to motor vehicles, or into storage for use in motor vehicles, shall report and pay the state tax at the rate levied in KRS 138.220*(1) and (2)* [~~and computed on the average wholesale price as defined in KRS 138.210(10)~~] on all such fuel to the revenue cabinet. The dealer shall issue an invoice to the customer whenever the sale or delivery is consummated giving the invoice date, name and address of the customer, and number of taxable gallons sold or delivered. The number of taxable gallons to be invoiced shall be determined in the following manner by the dealer:

(1) The metered gallons, if placed into a fuel tank of a motor vehicle;

(2) The metered gallons, if placed into storage, all of which is to be used or sold for use in motor vehicles;

(3) The number of gallons to be used in motor vehicles, if the storage is for multiple uses. The number of taxable gallons to be determined by the user and the dealer based on the best estimate possible from mileage and efficiency records available;

(4) If the motor vehicle carburetor is connected to a fuel line leading from a fuel tank where another, or other motors are supplied with fuel also, then the number of gallons to be invoiced as taxable motor fuel shall be determined from mileage and fuel efficiency records.

Section 18. KRS 177.020 is amended to read as follows:

(1) The state primary road system shall consist of such public roads and city streets within the state as the department of highways determines shall be established, constructed or maintained by the department of highways.

(2) The department shall, in its discretion, determine which public roads, or city streets, shall be established, constructed or maintained by it, and shall determine the type of construction or maintenance for that road or city street.

(3) In the establishment of the state primary road system, the department of highways is authorized to select new routes, deviate from an existing route whenever it deems such deviation proper, eliminate from the state primary system roads or city streets which have been replaced as proper part of the system by the construction of a new facility or the selection of a new route. No permanent ingress or egress ramp of the state primary road system on fully controlled access facilities shall be closed, except for repairs, unless a public hearing is first held in the area to be affected by the closing. The department of highways shall at least twenty (20) days before the hearing, advertise in a newspaper of general circulation in the area to be affected by the closing, the date, time and place of the hearing.

(4) The department shall notify the fiscal court of the county at least four (4) months before it eliminates a road, road segment, bridge or street in that county from the state primary road system. Upon receiving notice, the fiscal court may reject title and notify the department that the road will not become part of the county road system. If the fiscal court declines, the department shall give notice to all private persons entitled to a necessary access over this road of their rights under this chapter, and by petition of any private party entitled to such access the road shall be deemed a discontinued state road and shall be closed to public use but remain open in accordance with its condition and use for the access of the private parties involved. In the absence of such petition title shall be transferred to the owner or owners of the tract or tracts of land to which the road originally belonged.

(5) As used in this section, the term "rural secondary roads" shall mean such system of roads in this state which are usually considered farm to market roads and that were classified as part of the rural secondary road system by the department of highways on January 1, 1986. By January 1, 1987, the department of rural and municipal aid shall meet with the fiscal courts in each of the counties to receive recommendations regarding the transfer of roads, included as part of the county road system on January 1, 1986, to the rural secondary system. Prior to such meeting with the department of rural and municipal aid, the fiscal court shall consult with the legislative bodies of municipalities within the county regarding their recommendations for the transfer of

county roads located within the jurisdiction of the municipality. On July 1, 1987, the transportation cabinet shall by official order accept at least two thousand (2,000) miles of roads in the county road system into the rural secondary system. In accepting such roads into the rural secondary system, the transportation cabinet shall accept in each county at least seventy five percent (75%) of the total number of miles in each county determined by multiplying the total number of county road miles accepted in the rural secondary system by the percentage of county road aid funds received in each county in fiscal year 1984-85 compared to the total amount of county road aid funds generated in fiscal year 1984-85. The determination of the total funds received by each county from the county road aid program in fiscal year 1984-85 and the total amount of county road aid funds generated in fiscal year 1984-85 shall be made by the department of rural and municipal aid. The roads so transferred shall be maintained with the proceeds of the provisions of KRS 177.320(1) and in no case shall the rural secondary system, as defined in this subsection, be less than eleven thousand eight hundred (11,800) miles.

(6) The establishment, construction or maintenance of the state primary road system shall be under the direction and control of the department of highways. The commissioner of highways is authorized to adopt regulations necessary to the administration of this authority.

Section 19. KRS 186.057(1) is amended to read as follows:

All motor carriers registered pursuant to KRS 186.057 shall be exempt from the *five and four-tenths percent (5.4%)* [~~two percent (2%)~~] surtax provided by subsection (2) of KRS 138.660 [~~and the weight distance tax provided by subsection (3) of KRS 138.660~~].

on page 17, line 5, after the word "Section" to delete the number "10" and insert in lieu thereof the number "20".

on page 17, line 9, to delete the lines 9, 10, 11, and 12 in their entirety.

on page 17, line 8, after the "." to insert the following:

Section 21. KRS 138.755 Attorney General to confirm federal action affecting gasoline, diesel or special motor fuel tax, rates—Cabinet to announce any increase; and KRS 138.223 Tax credit for use of gasoline—Alcohol blend—dealers report—Use of coal produced in United States—Use of distilled spirits produced in Kentucky—Refunds are repealed.

Section 22. (1) The effective date of Sections 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, and 21 of this Act shall be July 1, 1986.

(2) The effective date of Sections 1, 2, 3, 4, 5, 7, and 20 of this Act shall be January 1, 1987.

Section 23. Whereas, motor fuel taxes are collected on a quarterly basis, an emergency is declared to exist and the provisions of Section 22(1) shall become effective July 1, 1986.

Floor Amendment No. 1 to SB 152, by Representative Richards:

Amend printed copy of GA Copy of SB 152:

On page 1, after line 20, add the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a robotics advisory board to advise the president of the university of Kentucky on matters relating to the robotics center. The board shall have sixteen (16) members representing higher education, business and industry. The board of each public institution of higher education shall designate one (1) institutional representative and shall nominate one (1) representative of business and one (1) representative of industry to the governor who shall select one (1) nominee from each institution to serve on the board with equal representation of business and industry. The members shall serve four (4) year terms though the initial terms may be less than four (4) years to establish staggered terms.

(2) The governor shall make the appointments with four (4) members appointed for a term of four (4) years,

four (4) members for three (3) years, four (4) members for two (2) years, and four (4) members for one (1) year. Each group of four (4) members shall include two (2) institutional representatives, one (1) representative of business, and one (1) representative of industry.

(3) The board shall elect a chairman at its first meeting and annually thereafter. The chief operating officer of the robotics center shall serve as secretary to the board. The board shall meet at least quarterly but may meet more often as needed. Members shall serve without salary but may be reimbursed for necessary expenses. Members may be reappointed.

(4) The board shall, prior to first year of operation of the center, assess the existing and projected needs for robotics and robotic related technologies in Kentucky business and industry and review the existing and planned capabilities of the universities to meet these needs.

(5) The board shall review and provide advice on all plans and budgets for the operations of the robotics center."

Floor Amendment No. 1 to SB 271, by Representative Richards:

Amend printed copy of GA Copy of SB 271:

On page 1, after line 12, add the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a robotics advisory board to advise the president of the university of Kentucky on matters relating to the robotics center. The board shall have sixteen (16) members representing higher education, business and industry. The board of each public institution of higher education shall designate one (1) institutional representative and shall nominate one (1) representative of business and one (1) representative of industry to the governor who shall select one (1) nominee from each institution to serve on the board with equal representation of business and industry. The members shall serve four (4) year terms though the initial terms may be less than four (4) years to establish staggered terms.

(2) The governor shall make the appointments with four (4) members appointed for a term of four (4) years, four (4) members for three (3) years, four (4) members for two (2) years, and four (4) members for one (1) year. Each group of four (4) members shall include two (2) institutional representatives, one (1) representative of business, and one (1) representative of industry.

(3) The board shall elect a chairman at its first meeting and annually thereafter. The chief operating officer of the robotics center shall serve as secretary to the board. The board shall meet at least quarterly but may meet more often as needed. Members shall serve without salary but may be reimbursed for necessary expenses. Members may be reappointed.

(4) The board shall, prior to first year of operation of the center, assess the existing and projected needs for robotics and robotic related technologies in Kentucky business and industry and review the existing and planned capabilities of the universities to meet these needs.

(5) The board shall review and provide advice on all plans and budgets for the operations of the robotics center."

Floor Amendment No. 1 to the Committee Substitute to HB 669, by Representative Richards:

Amend printed copy of Committee Substitute to HB 669:

On page 6, after line 1, add the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a robotics advisory board to advise the president of the university of Kentucky on matters relating to the robotics center. The board shall have sixteen (16) members representing higher education, business and industry. The board of each public institution of higher education shall designate one (1)

institutional representative and shall nominate one (1) representative of business and one (1) representative of industry to the governor who shall select one (1) nominee from each institution to serve on the board with equal representation of business and industry. The members shall serve four (4) year terms though the initial terms may be less than four (4) years to establish staggered terms.

(2) The governor shall make the appointments with four (4) members appointed for a term of four (4) years, four (4) members for three (3) years, four (4) members for two (2) years, and four (4) members for one (1) year. Each group of four (4) members shall include two (2) institutional representatives, one (1) representative of business, and one (1) representative of industry.

(3) The board shall elect a chairman at its first meeting and annually thereafter. The chief operating officer of the robotics center shall serve as secretary to the board. The board shall meet at least quarterly but may meet more often as needed. Members shall serve without salary but may be reimbursed for necessary expenses. Members may be reappointed.

(4) The board shall, prior to first year of operation of the center, assess the existing and projected needs for robotics and robotic related technologies in Kentucky business and industry and review the existing and planned capabilities of the universities to meet these needs.

(5) The board shall review and provide advice on all plans and budgets for the operations of the robotics center."

Floor Amendment No. 1 to HB 896, by Representative Richards:

Amend printed copy of HB 896:

On page 30, after line 9, add the following:

"SECTION 7. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a robotics advisory board to advise the president of the university of Kentucky on matters relating to the robotics center. The board shall have sixteen (16) members representing higher education, business and industry. The board of each public institution of higher education shall designate one (1) institutional representative and shall nominate one (1) representative of business and one (1) representative of industry to the governor who shall select one (1) nominee from each institution to serve on the board with equal representation of business and industry. The members shall serve four (4) year terms though the initial terms may be less than four (4) years to establish staggered terms.

(2) The governor shall make the appointments with four (4) members appointed for a term of four (4) years, four (4) members for three (3) years, four (4) members for two (2) years, and four (4) members for one (1) year. Each group of four (4) members shall include two (2) institutional representatives, one (1) representative of business, and one (1) representative of industry.

(3) The board shall elect a chairman at its first meeting and annually thereafter. The chief operating officer of the robotics center shall serve as secretary to the board. The board shall meet at least quarterly but may meet more often as needed. Members shall serve without salary but may be reimbursed for necessary expenses. Members may be reappointed.

(4) The board shall, prior to first year of operation of the center, assess the existing and projected needs for robotics and robotic related technologies in Kentucky business and industry and review the existing and planned capabilities of the universities to meet these needs.

(5) The board shall review and provide advice on all plans and budgets for the operations of the robotics center."

Floor Amendment No. 3 to the Committee Substitute to SB 120, by Representative L. Clark:

Amend printed copy of Committee Substitute for SB 120:

on page 1, line 2, after the "*(1)*" by deleting the rest of the line in its entirety.

on page 1, line 3, by deleting the words "*the contrary,*".

on page 3, line 26, after the word "liens." insert the following language:

(4) The provisions of this section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.600 to 82.640.

Floor Amendment No. 2 to the Committee Substitute to HB 669, by Representative Richards:

Amend printed copy of Committee Substitute to HB 669:

On page 6, after line 1, add the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a robotics advisory board to advise the president of the university of Kentucky on matters relating to the robotics center. The board shall have sixteen (16) members representing higher education, business and industry. The board of each public institution of higher education shall designate one (1) institutional representative and shall nominate one (1) representative of business and one (1) representative of industry to the governor who shall select one (1) nominee from each institution to serve on the board with equal representation of business and industry. The members shall serve four (4) year terms though the initial terms may be less than four (4) years to establish staggered terms.

(2) The governor shall make the appointments with four (4) members appointed for a term of four (4) years, four (4) members for three (3) years, four (4) members for two (2) years, and four (4) members for one (1) year. Each group of four (4) members shall include two (2) institutional representatives, one (1) representative of business, and one (1) representative of industry.

(3) The board shall elect a chairman at its first meeting and annually thereafter. The chief operating officer of the robotics center shall serve as secretary to the board. The board shall meet at least quarterly but may meet more often as needed. Members shall serve without salary but may be reimbursed for necessary expenses. Members may be reappointed.

(4) The board shall, prior to first year of operation of the center, assess the existing and projected needs for robotics and robotic related technologies in Kentucky business and industry and review the existing and planned capabilities of the universities to meet these needs.

(5) The board shall review and provide advice on all plans and budgets for the operations of the robotics center."

The following members requested that their votes be recorded as follows. All requests were agreed to.

Representative Napier, "yea" on HB 348: Representative Ford, "yea" on SB 233, "yea" on HB 302; Representative Gedling, change from "nay" to "yea" on HB 794.

Adjournment

Representative Stumbo moved that the House adjourn until 4:00 p.m., Monday, March 17, 1986.

On the roll call the vote was yeas 77—Arnold, Bendl, Bennett, Blandford, Blevins, M. Brown, Bruce, Burch, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Handy, J. Harper, Head, Hines, Holbrook, Holloway, Johnson, R. Jones, T. Jones, Kerr, Layman, Lear, Lefevers, Lile, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, Riner, Rose, Siler, Smith, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 5—Hancock, K. Harper, Jensen, Keith, P. Richardson.

The motion to adjourn was adopted.

MONDAY, MARCH 17, 1986

FORTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Father J. Williamson Brown, Church of the Ascension, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representative Holloway.

Representative Brinkley moved that the absent member be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of March 13, 1986, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bill:

State Government: SB 262.

Report of Committees

The Committee on Health and Welfare reported HB 787, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 787, AN ACT relating to embalmers and funeral directors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 316 IS CREATED TO READ AS FOLLOWS:

The board may, upon sufficient proof submitted to them by sworn statements or testimony, refuse to issue, and may revoke or suspend a certificate of registration as an apprentice for an embalmer's or funeral director's license for any of the following causes:

(1) Failure to devote all his working hours to the duties of his apprenticeship;

(2) Failure to make any report required by law to the board;

(3) Absence from duty;

(4) Disobedience of proper orders or instructions of his superior;

(5) Conviction for violation of the requirements of this chapter, conviction of a felony, or any misdemeanor resulting in imprisonment or a fine of more than five hundred dollars ($500);

(6) Soliciting business for a funeral director or for an embalmer in violation of this chapter;

(7) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice; or

(8) Violation of any of the provisions of this chapter or any lawful order, rule or regulation made or issued under the provisions of this chapter.

Section 2. KRS 316.020 is amended to read as follows:

(1) No person not registered in this state as an embalmer or as a funeral director on or *after* [~~prior to~~] May 15, 1960, shall engage in, or attempt to engage in, embalming or funeral directing until he has been licensed to do so under the provisions of this chapter.

(2) One (1) member of every firm, and one (1) officer and one (1) stockholder of every corporation, that engages in embalming and funeral directing in Kentucky, shall be a licensed embalmer and licensed funeral director, having Kentucky license in full force and effect. Each establishment devoted to the care, preparation or disposal of dead human bodies must be under the direct and constant supervision of a licensed embalmer and licensed funeral director, having Kentucky licenses in full force and effect.

Section 3. KRS 316.030 is amended to read as follows:

An applicant for an embalmer's license must be eighteen (18) years of age and a graduate of an accredited high school, as evidenced by a certificate or diploma from such accredited high school. He shall have completed a course of study of one (1) year in science and art of embalming, disinfection and sanitation in an accredited school of embalming recognized by the board. He shall have served two (2) additional years of apprenticeship under a licensed embalmer and licensed funeral director holding a Kentucky license. *Each apprentice for an embalmer's license shall have taken an active part in the operation of embalming not less than twenty-five (25) dead human bodies during each of the two (2) years of his apprenticeship spent while under the supervision of a licensed embalmer holding a Kentucky license.* The licensed embalmer and funeral director must have an established funeral home in Kentucky.

Section 4. KRS 316.040 is amended to read as follows:

When beginning the apprenticeship as required in KRS 316.030 the applicant shall come before the board and file a certificate of registration, under oath, showing that he is eighteen (18) years of age. The certificate shall have the name of the person under whom he will serve his apprenticeship, the date of registration, and a sworn statement by the person under whom he is registered that the applicant will do actual service, devoting all his working hours to the service, and will be paid a monthly salary. The applicant will pay a registration fee of *twenty dollars ($20)* [~~ten dollars ($10)~~]. He will affirm the requirements set out in the apprenticeship forms furnished by the board which state the applicant will serve three (3) consecutive years of apprenticeship, the one (1) year spent in embalming college to apply on his three (3) years' apprenticeship, with an additional two (2) years under the direct supervision of a licensed embalmer and licensed funeral director whose license is in full force and effect in Kentucky. *No licensed funeral director or licensed embalmer shall be permitted to register or have registered more than five (5) apprentices under this license at the same time.* The secretary of the board will furnish the applicant forms to keep a record of his working hours as an apprentice and he shall file these reports every six (6) months for a period of three (3) years with the secretary of the board. In these reports he will show the hours he has worked, the number of bodies he has assisted in preparing, and the salary paid him monthly. These forms shall be signed by him and the person under whom he is registered, their signatures being sworn to by a notary public whose commission is in full force and effect.

Section 5. KRS 316.050 is amended to read as follows:

After completing a course of study as required in KRS 316.030 and two (2) additional years of apprenticeship as required in KRS 316.040, any person desiring to take an embalmer's examination shall make a written application to the secretary of the board, accompanied by a fee of *fifty dollars ($50)* [~~thirty-five dollars ($35)~~], the application forms to be furnished by the board. He shall give detailed information as required in KRS 316.030 and KRS 316.040. He shall furnish the board with two (2) certificates of good moral character, the certificates to be signed and sworn to by a licensed embalmer and a licensed funeral director engaged in business in Kentucky and holding Kentucky embalmer and funeral director's licenses in full force and effect in Kentucky. If, after reviewing the application, the board finds the applicant has complied with all the requirements of law set out in this chapter, the secretary of the board shall notify the applicant that he is entitled to take the examination and the time and place of the examination.

Section 6. KRS 316.090 is amended to read as follows:

An applicant for a funeral director's license shall be eighteen (18) years of age, a graduate of an accredited high school, and shall have served three (3) consecutive years' apprenticeship under a licensed embalmer and licensed funeral director who have an established funeral home in Kentucky. He shall devote all of his working hours to this apprenticeship, being paid a regular monthly salary. He shall meet all the requirements of this chapter as it relates to the apprenticeship and registration and examination of an embalmer, *including the twenty dollar ($20) registration fee for being an apprentice*, with the exception of the provisions in KRS 316.030 and 316.040 which relate to the completion of a course of study of one (1) year "in science and art of embalming, disinfection and sanitation in an accredited school of embalming recognized by the state board, [~~.~~]" *and the provision requiring the embalming of not less than twenty-five (25) dead human bodies under the supervision of a licensed embalmer each year of his apprenticeship*. The one (1) year in embalming school will not be required for an applicant for funeral director's license. He shall serve three (3) consecutive years' apprenticeship.

Section 7. KRS 316.130 is amended to read as follows:

(1) No license granted under this chapter shall be issued or renewed for a period exceeding one (1) year. Every license and renewal shall expire on July 31 following the date of its issuance unless sooner revoked or canceled.

(2) Every licensed embalmer and every licensed funeral director who desires to continue to practice shall have his license renewed by filing an application for renewal with the secretary of the state board each year within thirty (30) days next before the expiration of his license, upon blanks furnished by the board. He shall pay a renewal fee of *thirty dollars ($30)* [~~twenty dollars ($20)~~].

(3) Every licensed funeral establishment shall renew its license by filing an application for renewal with the secretary of the state board each year within thirty (30) days next before the expiration of the current license, on blanks furnished by the board. The renewal fee shall be fifty dollars ($50)

(4) No license granted under this chapter shall be transferable.

Section 8. KRS 316.140 is amended to read as follows:

Any person holding a valid embalmer's or funeral director's license currently in force which has been issued by an authority of another state or federal district having a law recognized by the board as comparable to the Kentucky law governing embalmers and funeral directors, and who wishes to engage in the practice of embalming or funeral directing in this state, may make a written application to the secretary of the board, accompanied by a *one hundred dollar ($100)* [~~fifty dollar ($50.00)~~] application fee and by a certificate from the authority which issued his license showing that he is the holder of a currently valid license obtained by examination while a resident of the state or federal district in which he is licensed. If the board finds that the applicant has met the qualifications and complied with the requirements of this chapter, it may grant him the privilege of taking the desired examination for an embalmer's or a funeral director's license.

Section 9. KRS 316.155 is amended to read as follows:

(1) The board shall, before denying an application for license or before suspending or revoking any license, or before placing any licensee on probation, set the matter down for hearing; and at least twenty (20) days prior to the date set for the hearing it shall notify the applicant or licensee in writing. The notice shall contain an exact statement of the charges made and the date and place of the hearing.

(2) The notice may be served by delivery personally to the applicant or licensee or by mailing by certified mail, return receipt requested, to the last known business or home address of the applicant or licensee.

(3) The hearing on the charges shall be at the time and place the board shall prescribe.

(4) The applicant or licensee in all hearings shall have the opportunity to be heard in person or by counsel.

(5) The board may issue such orders as it deems appropriate to facilitate any hearing under this section.

(6) For the purposes of taking testimony under this section, and for the purposes of any other section of this chapter, each member of the board, and the secretary thereof, is hereby endowed with the authority to administer oaths in the same manner as a clerk of a court of record. The board, or any member thereof, may subpoena licensees or other witnesses to appear before it *at a time and place to be therein named, and to bring such books, records and documents as may be specified.*

(7) The board shall not be bound by technical rules of evidence, but the order of the board shall be based on competent evidence.

SECTION 10. A NEW SECTION OF KRS CHAPTER 316 IS CREATED TO READ AS FOLLOWS:

There shall be appointed by the board an agent whose title shall be "inspector of the board of funeral directors and embalmers of the Commonwealth of Kentucky." The inspector shall receive such compensation as the board may determine. The inspector shall hold office during the pleasure of the board which shall determine what his duties shall be, and such inspector is authorized to enter the office, premises, establishment or place of business of any funeral director or embalmer in the Commonwealth of Kentucky or any office, premises, establishment or place where the practice of funeral directing or embalming is carried on, or where such practice is advertised as being carried on, for the purpose of inspecting said office, premises or *establishment for violations of this chapter and for the purpose of inspecting the license and registration of any funeral director, licensee or resident apprentice operating therein.*

Section 11. The following KRS section is repealed:

316.250 Field counsel.

The Committee Amendment No. 1 to HB 787 is as follows:

Amend printed copy of HB 787:

On page 2, line 7,

By deleting the word "*after*" and by inserting in lieu thereof the word "*before*"

The Committee on Judiciary-Criminal reported HB 51 with Committee Substitute attached thereto, HB 76 with Committee Substitute and Committee Amendment attached thereto, HB 488 with Committee Amendment attached thereto, HB 637 with Committee Amendment attached thereto, HB 761, HB 779, HB 805 with Committee Amendment attached thereto, HB 832, HB 931, HB 936 and HB 450 with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 51, AN ACT relating to racketeering activity.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Racketeering activity" means to commit, attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit any crime which is chargeable under provisions of the Kentucky Revised Statutes:

(a) KRS Chapter 138 (relating to taxes on tobacco and tobacco products);

(b) KRS Chapter 205 (relating to fraud in public welfare agencies or programs);

(c) KRS Chapter 292 (relating to fraud in the sale or purchase of securities);

(d) KRS Chapter 237 (relating to manufacture, distribution, transportation or use of destructive devices);

(e) KRS Chapters 242 through 244 (relating to alcoholic beverages and their control);

(f) KRS Chapter 360 (relating to interest and usury);

(g) KRS Chapter 218A (relating to controlled substances);

(h) KRS Chapter 434 (relating to credit and debit card crimes);

(i) KRS 434.445 (relating to unauthorized reporduction and distribution of recorded article or device for sale); or

(j) Any of the following provisions of the Kentucky Penal Code:

1. KRS Chapter 507 (relating to homicide);

2. KRS Chapter 508 (relating to assault);

3. KRS Chapter 509 (relating to kidnapping);

4. KRS 510.040 (relating to rape);

5. KRS 510.070 (relating to sodomy);

6. KRS 510.110 (relating to sexual abuse);

7. KRS Chapter 511 (relating to burglary);

8. KRS Chapter 513 (relating to arson);

9. KRS Chapter 514 (relating to theft);

10. KRS Chapter 515 (relating to robbery);

11. KRS Chapter 516 (relating to forgery);

12. KRS Chapter 517 (relating to business and commercial fraud);

13. KRS Chapter 518 (relating to miscellaneous crimes affecting business, occupations, and professions);

14. KRS Chapter 520 (relating to escape);

15. KRS Chapter 521 (relating to bribery);

16. KRS Chapter 524 (relating to interference with judicial order);

17. KRS Chapter 525 (relating to riots);

18. KRS Chapter 527 (relating to firearms);

19. KRS Chapter 528 (relating to gambling);

20. KRS Chapter 529 (relating to prostitution); or

21. KRS Chapter 531 (relating to pornography).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any provisions of law:

1. Relating to money, interest and usury; or

2. Relating to gaming and gambling.

(b) In gambling activity in violation of state law or in the business of lending money at a rate usurious under state law.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental, as well as other, entities.

(4) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that are related to the conduct of the enterprise and are not isolated incidents, provided at least one (1) of such incidents occurred after the effective date of this Act and that the last of such incidents occurred within five (5) years after a prior incident of racketeering activity.

(5) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer print-out, other data compilation from which information can be obtained or from which information can be translated into usable form or other tangible item.

SECTION 2. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) It is unlawful for any person who has with criminal intent received any proceeds derived, directly or

indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(3) It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(4) It is unlawful for any person to conspire or attempt to violate any of the provisions of subsections (1), (2), or (3) of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) Any person convicted of engaging in activity in violation of the provisions of this Act shall be guilty of a Class B felony.

(2) In lieu of a fine otherwise authorized by law, any person convicted of engaging in activity in violation of the provisions of this Act, through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three (3) times the gross value gained or three (3) times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred. For the purposes of this subsection "pecuniary value" means:

(a) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or

(b) Any other property or service that has a value in excess of one hundred dollars ($100).

(3) The court shall hold a hearing to determine the amount of the fine authorized by subsection (2).

SECTION 4. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) Any circuit court may, after making due provision for the rights of innocent persons, enjoin, violations of the provisions of this Act by issuing appropriate orders and judgments, including, but not limited to:

(a) Ordering any defendant to divest himself of any interest in any enterprise, including but not limited to that in real property;

(b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this Act;

(c) Ordering the dissolution or reorganization of any enterprise;

(d) Ordering the suspension or revocation of a license, permit, or prior approval granted to any enterprise by any agency of the state; and

(e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in activity in violation of this Act and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

(2) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, activity in violation of a provision of this Act is subject to civil forfeiture to the state. The state shall dispose of all forfeited property as soon as commercially feasible. If property is not

exercisable or transferable for value by the state, it shall expire. All forfeitures or dispositions under this section shall be made with due provision for the rights of innocent persons. The proceeds realized from such forefeiture and disposition shall be promptly deposited in the treasury of the state and immediately credited to the general fund of the state.

(3) Property subject to forfeiture under this section may be seized by a law enforcement officer upon court process. Seizure without process may be made if:

(a) The seizure is incident to a lawful arrest or search; and

(b) The property subject to seizure has been the subject of a judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) In the event of a seizure under subsection (3) of this section a forfeiture proceeding shall be instituted promptly. Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement officer making the seizure, subject only to the order of the court. When property is seized under this section, pending forfeiture and final disposition, the law enforcement officer may:

(a) Place the property under seal;

(b) Remove the property to a place designated by court; or

(c) Request another agency authorized by law to take custody of the property and remove it to an appropriate location, or any combination thereof.

(5) The attorney general, any commonwealth's or county attorney or any state agency having jurisdiction over conduct in violation of a provision of this Act may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

(6) Any aggrieved person may institute a proceeding in circuit court seeking the remedies provided under subsection (1) of this section. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of special or irreparable damage to the aggrieved person shall have to be made. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order and a preliminary injunction may be issued in any such action before a final determination on the merits.

(7) Any person who is injured by reason of any violation of the provisions of this Act shall have a cause of action for three-fold the actual damages sustained and, when appropriate, punitive damages. Such person shall also recover attorneys' fees in the trial and appellate courts and costs of investigation and litigation, reasonably incurred:

(a) The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this section; and

(b) Any injured person shall have a right or claim to forfeited property or to the proceeds derived therefrom superior to any right or claim the state has in the same property or proceeds.

(8) A final judgment or decree rendered in favor of the state in any criminal proceeding under this Act shall estop the defendant from denying in any subsequent civil action or proceeding any issue of law or fact which is essential to the judgment in the criminal proceeding.

(9) The attorney general may, upon timely application, intervene in any civil action or proceeding brought under subsection (6) or (7) of this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the attorney general had instituted the action or proceeding.

(10) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this Act may

be commenced at any time within ten (10) years after the conduct in violation of a provision of this Act terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent, or restrain any violation of the provisions of this Act, the running of the period of limitations prescribed by this section with respect to any cause of action arising under subsection (6) or (7) of this section which is based in whole or in part upon any matter complained of in any such prosecution, action, or proceeding shall be suspended during the pendency of such prosecution, action, or proceeding and for two (2) years following its termination.

(11) The application of one civil remedy under any provision of this Act shall not preclude the application of any other remedy, civil or criminal, under this Act or any other provision of law. Civil remedies under this Act are supplemental, and not mutually exclusive.

SECTION 5. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) If, pursuant to the civil enforcement provisions of this Act, the attorney general, commonwealth's or county attorney has reason to believe that a person or other enterprise has engaged in, or is engaging in, activity in violation of this Act, he may administer oaths or affirmations, subpoena witnesses or material, and collect evidence pursuant to the Rules of Civil Procedure.

(2) If matter that the attorney general, commonwealth's or county attorney seeks to obtain by the subpoena is located outside the state, the person or enterprise subpoenaed may make such matter available to the attorney general, commonwealth's or county attorney or its representative for examination at the place where such matter is located. The attorney general, commonwealth's or county attorney may designate representatives, including officials of the jurisdiction in which the matter is located, to inspect the matter on its behalf and may respond to similar requests from officials of other jurisdictions.

(3) Upon failure of a person or enterprise, without lawful excuse, to obey a subpoena, and after reasonable notice to such person or enterprise, the attorney general, commonwealth's or county attorney may apply to the circuit court for the judicial circuit in which such person or enterprise resides, is found, or transacts business for an order compelling compliance.

The Committee Substitute to HB 51 is as follows:

HB 51, AN ACT relating to racketeering activity.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Racketeering activity" means to commit, attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit any crime which is chargeable under provisions of the Kentucky Revised Statutes:

(a) KRS Chapter 138 (relating to taxes on tobacco and tobacco products);

(b) KRS Chapter 205 (relating to fraud in public welfare agencies or programs);

(c) KRS Chapter 292 (relating to fraud in the sale or purchase of securities);

(d) KRS Chapter 237 (relating to manufacture, distribution, transportation or use of destructive devices);

(e) KRS Chapters 242 through 244 except KRS 244.020, 244.070 through 244.087, 244.110, 244.390 and 244.540 (relating to alcoholic beverages and their control);

(f) KRS Chapter 360 (relating to interest and usury);

(g) KRS Chapter 218A (relating to controlled substances);

(h) KRS Chapter 434 (relating to credit and debit card crimes);

(i) KRS 434.445 (relating to unauthorized reporduction and distribution of recorded article or device for sale); or

(j) Any of the following provisions of the Kentucky Penal Code:

1. KRS Chapter 507 (relating to homicide);

2. KRS Chapter 508 (relating to assault);

3. KRS Chapter 509 (relating to kidnapping);

4. KRS 510.040 (relating to rape);

5. KRS 510.070 (relating to sodomy);

6. KRS 510.110 (relating to sexual abuse);

7. KRS Chapter 511 (relating to burglary);

8. KRS Chapter 513 (relating to arson);

9. KRS Chapter 514 (relating to theft);

10. KRS Chapter 515 (relating to robbery);

11. KRS Chapter 516 (relating to forgery);

12. KRS Chapter 517 (relating to business and commercial fraud);

13. KRS Chapter 518 (relating to miscellaneous crimes affecting business, occupations, and professions);

14. KRS Chapter 520 (relating to escape);

15. KRS Chapter 521 (relating to bribery);

16. KRS 524.010 through 524.120 (relating to interference with judicial administration);

17. KRS Chapter 525 (relating to riots);

18. KRS Chapter 527 (relating to firearms);

19. KRS Chapter 528 (relating to gambling);

20. KRS Chapter 529 (relating to prostitution); or

21. KRS Chapter 531 (relating to pornography).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any provisions of law:

1. Relating to money, interest and usury; or

2. Relating to gaming and gambling.

(b) In gambling activity in violation of state law or in the business of lending money at a rate usurious under state law.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental, as well as other, entities.

(4) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that are related to the conduct of the enterprise and are not isolated incidents, provided at least one (1) of such incidents occurred after the effective date of this Act and that the last of such incidents occurred within five (5) years after a prior incident of racketeering activity.

(5) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer print-out, other data compilation from which information can be obtained or from which information can be translated into usable form or other tangible item.

SECTION 2. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(3) It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(4) It is unlawful for any person to conspire or attempt to violate any of the provisions of subsections (1), (2), or (3) of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) Any person convicted of engaging in activity in violation of the provisions of this Act shall be guilty of a Class B felony.

(2) In lieu of a fine otherwise authorized by law, any person convicted of engaging in activity in violation of the provisions of this Act, through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three (3) times the gross value gained or three (3) times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred. For the purposes of this subsection "pecuniary value" means:

(a) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or

(b) Any other property or service that has a value in excess of one hundred dollars ($100).

(3) The court shall hold a hearing to determine the amount of the fine authorized by subsection (2).

SECTION 4. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) Any circuit court may, after making due provision for the rights of innocent persons, enjoin, violations of the provisions of this Act by issuing appropriate orders and judgments, including, but not limited to:

(a) Ordering any defendant to divest himself of any interest in any enterprise, including but not limited to that in real property;

(b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including but

not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this Act;

(c) Ordering the dissolution or reorganization of any enterprise;

(d) Ordering the suspension or revocation of a license, permit, or prior approval granted to any enterprise by any agency of the state; and

(e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in activity in violation of this Act and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

(2) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, activity in violation of a provision of this Act is subject to civil forfeiture to the state. The state shall dispose of all forfeited property as soon as commercially feasible. If property is not exercisable or transferable for value by the state, it shall expire. All forfeitures or dispositions under this section shall be made with due provision for the rights of innocent persons. The proceeds realized from such forefeiture and disposition shall be promptly deposited in the treasury of the state and immediately credited to the general fund of the state.

(3) Property subject to forfeiture under this section may be seized by a law enforcement officer upon court process. Seizure without process may be made if:

(a) The seizure is incident to a lawful arrest or search; and

(b) The property subject to seizure has been the subject of a judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) In the event of a seizure under subsection (3) of this section a forfeiture proceeding shall be instituted promptly. Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement officer making the seizure, subject only to the order of the court. When property is seized under this section, pending forfeiture and final disposition, the law enforcement officer may:

(a) Place the property under seal;

(b) Remove the property to a place designated by court; or

(c) Request another agency authorized by law to take custody of the property and remove it to an appropriate location, or any combination thereof.

(5) The attorney general may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper. The defendant or the Commonwealth may demand a trial by jury in any civil action brought pursuant to this section.

(6) A final judgment or decree rendered in favor of the state in any criminal proceeding under this Act shall estop the defendant from denying in any subsequent civil action or proceeding any issue of law or fact which is essential to the judgment in the criminal proceeding.

(7) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this Act may be commenced at any time within ten (10) years after the conduct in violation of a provision of this Act terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent, or restrain any violation of the provisions of this Act, the running of the period of limitations prescribed by this section with respect to any cause of action arising under this section which is based in whole or in part upon any matter complained of in any such prosecution, action,

or proceeding shall be suspended during the pendency of such prosecution, action, or proceeding and for two (2) years following its termination.

(8) The application of one civil remedy under any provision of this Act shall not preclude the application of any other remedy, civil or criminal, under this Act or any other provision of law. Civil remedies under this Act are supplemental, and not mutually exclusive.

SECTION 5. A NEW SECTION OF KRS CHAPTER 432 IS CREATED TO READ AS FOLLOWS:

(1) If, pursuant to the civil enforcement provisions of this Act, the attorney general has reason to believe that a person or other enterprise has engaged in, or is engaging in, activity in violation of this Act, he may administer oaths or affirmations, subpoena witnesses or material, and collect evidence pursuant to the Rules of Civil Procedure.

(2) If matter that the attorney general seeks to obtain by the subpoena is located outside the state, the person or enterprise subpoenaed may make such matter available to the attorney general or his representative for examination at the place where such matter is located. The attorney general may designate representatives, including officials of the jurisdiction in which the matter is located, to inspect the matter on its behalf and may respond to similar requests from officials of other jurisdictions.

(3) Upon failure of a person or enterprise, without lawful excuse, to obey a subpoena, and after reasonable notice to such person or enterprise, the attorney general may apply to the circuit court for the judicial circuit in which such person or enterprise resides, is found, or transacts business for an order compelling compliance.

HB 76, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 439 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section "violent offender" means any person who has been convicted of or pled guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, serious physical injury to a victim, or the use of a deadly weapon in the commission of the felony.

(2) A person who has been convicted of a capital offense (and has not been sentenced to twenty-five (25) years without parole), or a class A felony and receives a life sentence, or to death and his sentence is commuted to a life sentence shall not be released on parole until he has served at least twelve (12) years in the penitentiary.

(3) A person who has been convicted of a class A felony with a sentence of a term of years or class B felony who is a violent offender shall not be released on parole until he has served at least fifty percent (50%) of the sentence imposed.

(4) A persistent felony offender who has been sentenced as a persistent felony offender shall complete his minimum sentence as a persistent felony offender plus the sentence imposed hereunder before being eligible for parole. These sentences shall be served consecutively.

(5) This Act shall apply to all persons confined in the penitentiary as of the effective date of this Act as well as to any person convicted after the effective date of this Act.

The Committee Substitute to HB 76 is as follows:

HB 76, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 439 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section "violent offender" means any person who has been convicted of or pled guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.

(2) A violent offender who has been convicted of a capital offense (and has not been sentenced to twenty-five (25) years without parole), or a class A felony and receives a life sentence, or to death and his sentence is commuted to a life sentence shall not be released on parole until he has served at least twelve (12) years in the penitentiary.

(3) A violent offender who has been convicted of a class A felony with a sentence of a term of years or class B felony who is a violent offender shall not be released on parole until he has served at least fifty percent (50%) of the sentence imposed.

(4) This Act shall apply only to those persons who commit offenses after the effective date of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

(1) In all felony cases, the jury in its initial verdict will make a determination of not guilty, guilty, guilty but mentally ill, or not guilty by virtue of insanity, and no more.

(2) Upon return of a verdict of guilty or guilty but mentally ill against a defendant, the court shall conduct a sentencing hearing before the jury, if such case was tried before a jury in the hearing the jury will determine the punishment to be imposed within the range provided elsewhere by law.

(a) Evidence may be offered by the Commonwealth relevant to sentencing including:

1. Minimum parole eligibility, prior convictions of the defendant, both felony and misdemeanor;

2. The nature of prior offenses for which he was convicted;

3. The date of the commission, date of sentencing and date of release from confinement or supervision from all prior offenses;

4. The maximum expiration of sentence as determined by the department of probation and parole for all such current and prior offenses; and

5. The defendant's status if on probation, parole, conditional discharge or any other form of legal release.

(b) The defendant may introduce evidence in mitigation. For purposes of this section, mitigating evidence means evidence that the accused has no significant history of criminal activity which may qualify him for leniency.

(c) Upon conclusion of the proof, the court shall instruct the jury on the range of punishment and counsel for the defendant may present arguments followed by the counsel for the Commonwealth. The jury shall then retire and recommend a sentence for the defendant.

(3) All hearings held pursuant to this section shall be combined with any hearing provided for by KRS 532.080. This section shall not apply to sentencing hearings provided for in KRS 532.025.

Section 3. KRS 532.025 is amended to read as follows:

(1) (a) Upon conviction of a defendant in cases where the death penalty may be imposed a hearing shall be conducted. In such hearing the judge shall hear additional evidence in extenuation, mitigation, and aggravation of punishment, including the record of any prior criminal convictions and pleas of guilty or pleas of nolo contendere of the defendant, or the absence of any prior conviction and pleas: Provided, however, that only such evidence in aggravation as the State has made known to the defendant prior to his trial shall be admissible. The judge shall also hear argument by the defendant or his counsel and the prosecuting attorney, as provided by law, regarding the punishment to be imposed. The prosecuting attorney shall open and the defendant shall conclude the argument. In cases in which the death penalty may be imposed, the judge when sitting without a jury shall follow the additional procedure provided in subsection (2) of this section. Upon the conclusion of the evidence and arguments the judge shall impose the sentence or shall recess the trial for the purpose of taking the sentence within the limits prescribed by law. If the trial court is reversed on appeal because of error only in the presentence hearing, the new trial which may be ordered shall apply only to the issue of punishment.

(b) In all cases in which the death penalty may be imposed and which are tried by a jury, upon a return of a verdict of guilty by the jury, the court shall resume the trial and conduct a presentence hearing before the jury. Such hearing shall be conducted in the same manner as presentence hearings conducted before the judge as provided in paragraph (a) of this subsection, *including the record of any prior criminal convictions and pleas of guilty or pleas of nolo contendere of the defendant.* Upon the conclusion of the evidence and arguments, the judge shall give the jury appropriate instructions, and the jury shall retire to determine whether any mitigating or aggravating circumstances, as defined in subsection (2) of this section, exist and to recommend a sentence for the defendant. Upon the findings of the jury, the judge shall fix a sentence within the limits prescribed by law.

(2) In all cases of offenses for which the death penalty may be authorized, the judge shall consider, or he shall include in his instructions to the jury for it to consider, any mitigating circumstances or aggravating circumstances otherwise authorized by law and any of the following statutory aggravating or mitigating circumstances which may be supported by the evidence:

(a) Aggravating Circumstances.

1. The offense of murder or kidnapping was committed by a person with a prior record of conviction for a capital offense, or the offense of murder was committed by a person who has a substantial history of serious assaultive criminal convictions.

2. The offense of murder or kidnapping was committed while the offender was engaged in the commission of arson in the first degree, robbery in the first degree, burglary in the first degree, or rape in the first degree, or sodomy in the first degree.

3. The offender by his act of murder, armed robbery, or kidnapping knowingly created a great risk of death to more than one person in a public place by means of a destructive device weapon or other device which would normally be hazardous to the lives of more than one person.

4. The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value, or for other profit.

5. The offense of murder was committed by a person who was a prisoner and the victim was a prison employe engaged at the time of the act in the performance of his duties.

6. The offender's act or acts of killing were intentional and resulted in multiple deaths.

7. The offender's act of killing was intentional and the victim was a state or local public official or police officer, sheriff, or deputy sheriff engaged at the time of the act in the lawful performance of his duties.

(b) Mitigating Circumstances.

1. The defendant has no significant history of prior criminal activity.

2. The capital offense was committed while the defendant was under the influence of extreme mental or emotional disturbance even though the influence of extreme mental or emotional disturbance is not sufficient to constitute a defense to the crime.

3. The victim was a participant in the defendant's criminal conduct or consented to the criminal act.

4. The capital offense was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his conduct even though the circumstances which the defendant believed to provide a moral justification or extenuation for his conduct are not sufficient to constitute a defense to the crime.

5. The defendant was an accomplice in a capital offense committed by another person and his participation in the capital offense was relatively minor.

6. The defendant acted under duress or under the domination of another person even though the duress or the domination of another person is not sufficient to constitute a defense to the crime.

7. At the time of the capital offense the capacity of the defendant to appreciate the criminality of his conduct

to the requirements of law was impaired as a result of mental disease or defect or intoxication even though the impairment of the capacity of the defendant to appreciate the criminality of his conduct or to conform the conduct to the requirements of law is insufficient to constitute a defense to the crime.

8. The youth of the defendant at the time of the crime.

(3) The instructions as determined by the trial judge to be warranted by the evidence or as required by KRS 532.030(4) shall be given in charge and in writing to the jury for its deliberation. The jury, if its verdict be a recommendation of death, or imprisonment for life without benefit of probation or parole until the defendant has served a minimum of twenty-five (25) years of his sentence, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt. In non-jury cases the judge shall make such designation. In all cases unless at least one of the statutory aggravating circumstances enumerated in subsection (2) of this section is so found, the death penalty or the sentence to imprisonment for life without benefit of probation or parole until the defendant has served a minimum of twenty-five (25) years of his sentence, shall not be imposed.

The Committee Amendment No. 1 to Committee Substitute to HB 76 is as follows:

Amend printed copy of House Committee Substitute to HB 76:

On page 2, line 13, following "*law.*" to add the following: "*The jury shall recommend whether the sentences shall be served concurrently or consecutively.*"; and

on page 3, line 6, following "*leniency.*" to add the following: "*This section shall not preclude the introduction of evidence which negates any evidence introduced by the Commonwealth.*"; and

on page 3, between lines 15 and 16, to add the following:

"*(4) In the event that the jury is unable to agree as to the sentence or any portion thereof and so reports to the judge, the judge shall impose the sentence within the range provided elsewhere by law.*"

HB 488, AN ACT relating to rentals or sales of motion pictures to minors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 518 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of renting or selling an adult-rated motion picture to a minor when he rents or sells a motion picture rated "X" or "R" by the Motion Picture Association of America to a person under eighteen (18) years of age.

(2) Selling or renting an adult-rated motion picture to a minor is a Class B misdemeanor.

The Committee Amendment No. 1 to HB 488 is as follows:

Amend printed copy of HB 488:

on page 1, line 5, to delete "*or R.*"

HB 637, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 508.030 is amended to read as follows:

(1) A person is guilty of assault in the *third* [~~fourth~~] degree when:

(a) He intentionally or wantonly causes physical injury to another person; or

(b) With recklessness he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

(2) Assault in the *third* [~~fourth~~] degree is a Class A misdemeanor.

SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of assault on a law enforcement officer in the first degree when:

(a) He intentionally causes serious physical injury to a state, county, city, or federal peace officer or probation and parole officer by means of a deadly weapon or a dangerous instrument; or

(b) Under circumstances manifesting extreme indifference to the value of human life he wantonly engages in conduct which creates a grave risk of death to another and thereby causes serious physical injury to a state, county, city, or federal peace officer or probation and parole officer.

(2) Assault on a law enforcement officer in the first degree is a Class A felony.

SECTION 3. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of assault on a law enforcement officer in the second degree when:

(a) He intentionally causes serious physical injury to a state, county, city, or federal peace officer or probation and parole officer;

(b) He intentionally causes physical injury to a state, county, city, or federal peace officer or probation and parole officer by means of a deadly weapon or a dangerous instrument; or

(c) He wantonly causes serious physical injury to a state, county, city, or federal peace officer or probation and parole officer by means of a deadly weapon or a dangerous instrument.

(2) Assault on a law enforcement officer in the second degree is a Class B felony.

SECTION 4. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of assault on a law enforcement officer in the third degree when:

(a) He intentionally or wantonly causes physical injury to a state, county, city, or federal peace officer or probation and parole officer; or

(b) With recklessness he causes physical injury to a state, county, city, or federal peace officer by means of a deadly weapon or a dangerous instrument.

(2) Assault on a law enforcement officer in the third degree is a Class D felony.

Section 5. KRS 508.025, Assault in the third degree, is repealed.

The Committee Amendment No. 1 to HB 637 is as follows:

Amend printed copy of HB 637:

on page 1, line 17, following "*officer*" to add the following "*engaged at the time of the assault in the lawful performance of his duties,*"

and on page 2, line 3, following "*officer*" to add the following "*engaged at the time of the assault in the lawful performance of his duties*"

and on page 2, line 12, following "*officer*" to add the following "*engaged at the time of the assault in the lawful performance of his duties*"

and on page 2, line 15, following "*officer*" to add the following "*engaged at the time of the assault in the lawful performance of his duties,*"

and on page 2, line 19, following "*officer*" to add the following "*engaged at the time of the assault in the lawful performance of his duties,*" and on page 3, line 3, following "*officer*" to add the following "*engaged at the time of the assault in the lawful performance of his duties*"

and on page 3, line 5, following "*officer*" to add the following "*or probation and parole officer engaged at the time of the assault in the lawful performance of his duties,*"

HB 761, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 532.010 is amended to read as follows:

Felonies are classified, for the purpose of sentencing, into *six (6)* [~~five (5)~~] categories:

(1) Capital offenses;

(2) Class A felonies;

(3) Class B felonies;

(4) Class C felonies; [~~and~~]

(5) Class D felonies*; and*

(6) Class E (enhanced) felonies.

Section 2. KRS 532.020 is amended to read as follows:

(1) Any offense defined outside this code for which a law outside this code provides a sentence to a term of imprisonment in the state penitentiary or reformatory for:

(a) At least one (1) but not more than five (5) years shall be deemed a Class D felony;

(b) At least five (5) but not more than ten (10) years shall be deemed a Class C felony;

(c) At least ten (10) but not more than twenty (20) years shall be deemed a Class B felony;

(d) For twenty (20) or more years shall be deemed a Class A felony*; and*

(e) Enhanced felonies are those felonies committed by the class of persons enumerated in KRS 533.060(1), (2) and (3).

(2) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum which falls between ninety (90) days and twelve (12) months shall be deemed a Class A misdemeanor.

(3) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum of less than ninety (90) days shall be deemed a Class B misdemeanor.

(4) Any offense defined outside this code for which a law outside this code provides a sentence to a fine only or to any other punishment, whether in combination with a fine or not, other than death or imprisonment shall be deemed a violation.

SECTION 3. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of applicable law, probation, parole, conditional discharge or shock probation shall not be granted, nor shall the execution or imposition of sentence be suspended, nor shall a finding bringing the defendant within the provision of this section be stricken for any person found to be within the class defined in KRS 533.060.

(2) Probation, parole, conditional discharge and shock probation shall be governed by the provisions of KRS 533.060 and 533.070 for Class E (enhanced) felonies and Class E (enhanced) misdemeanors.

(3) KRS 532.095 governs probation, parole, shock probation and conditional discharge for convictions of Class E (enhanced) misdemeanors.

(4) Nothing contained in KRS Chapter 439 shall be deemed to alter or apply to crimes governed by KRS 532.020(1)(e), 532.060(4), 532.070(3), 532.095, 532.110(6), 533.060 and 533.070.

Section 4. KRS 532.060 is amended to read as follows:

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070, *except as stated for enhanced felonies.*

(2) The authorized maximum terms of imprisonment for felonies are:

(a) For a Class A felony, not less than twenty years nor more than life imprisonment;

(b) For a Class B felony, not less than ten years nor more than twenty years;

(c) For a Class C felony, not less than five years nor more than ten years; and

(d) For a Class D felony, not less than one year nor more than five years.

(3) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedure established elsewhere by law, *except as stated for felonies.*

(4) Class E (enhanced) felonies shall not be indeterminate but shall have terms of imprisonment as follows:

(a) A first-time offender who commits an enhanced felony shall serve a determinate sentence of eight (8) years to run consecutive to the penalty imposed for the underlying offense; and

(b) Any person who is convicted of an enhanced felony more than once shall serve a determinate sentence of ten (10) years in addition to any other penalties elsewhere provided and said determinate sentence shall run consecutive to the penalty imposed for the underlying offense.

Section 5. KRS 532.070 is amended to read as follows:

(1) When a sentence of imprisonment for a felony is fixed by a jury pursuant to KRS 532.060 and the trial court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that the maximum term fixed by the jury is unduly harsh, the court may modify that sentence and fix a maximum term within the limits provided in KRS 532.060 for the offense for which the defendant presently stands convicted, *except as hereinafter provided.*

(2) When a sentence of imprisonment for a Class D felony is fixed by a jury pursuant to KRS 532.060 and the trial court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose such a sentence, the court may sentence the defendant to a definite term of imprisonment in a county or a regional correctional institution for a term of one year or less, *except as hereinafter provided.*

(3) KRS 532.070(1) and (2) do not apply to enhanced felonies.

Section 6. KRS 532.090 is amended to read as follows:

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations, *subject to KRS 532.095*:

(1) For a Class A misdemeanor, the term shall not exceed twelve months; and

(2) For a Class B misdemeanor, the term shall not exceed ninety days.

SECTION 7. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

(1) Any person convicted of a Class B misdemeanor while on probation, parole, shock probation or conditional discharge (except for and excluding offenses under KRS Chapters 189 and 189A and except and excluding the offense of public intoxication) shall be deemed to have committed a Class A misdemeanor and the sentence of imprisonment shall be fixed at not less than six (6) months nor more than twelve (12) months.

(2) Any person convicted of a Class A misdemeanor while on probation, parole, shock probation or conditional discharge (except for and excluding offenses under KRS Chapters 189 and 189A and except and excluding the offense of public intoxication) shall be deemed to have committed a Class E (enhanced) misdemeanor for which the sentence of imprisonment shall be fixed and determinate and set for a term of twelve (12) months.

Section 8. KRS 532.110 is amended to read as follows:

(1) When multiple sentences of imprisonment are imposed on a defendant for more than one (1) crime, including a crime for which a previous sentence of probation or conditional discharge has been revoked, such multiple sentences shall run concurrently or consecutively as the court shall determine at the time of sentence, except that:

(a) A definite and an indeterminate term shall run concurrently and both sentences shall be satisfied by service of the indeterminate term;

(b) The aggregate of consecutive definite terms shall not exceed one (1) year; and

(c) The aggregate of consecutive indeterminate terms shall not exceed in maximum length the longest extended term which would be authorized by KRS 532.080 for the highest class of crime for which any of the sentences is imposed.

(2) If the court does not specify the manner in which a sentence imposed by it is to run, the sentence shall run concurrently with any other sentence which the defendant must serve.

(3) When a defendant is sentenced to imprisonment for a crime committed while on parole in this state such term of imprisonment and any period of reimprisonment that the board of parole may require the defendant to serve upon the revocation of his parole shall run concurrently, unless the court orders them to run consecutively.

(4) Notwithstanding any provision in this section to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution, during an escape from imprisonment, or while he awaits imprisonment, the sentence imposed for that offense may be added to the portion of the term which remained unserved at the time of the commission of the offense. Provided, however, that the sentence imposed upon any person convicted of an escape or attempted escape offense shall run consecutively with any other sentence which the defendant must serve.

(5) Notwithstanding any provision in this chapter to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution the sentence imposed for that offense may, upon order of the trial court be served in that institution, provided, however, such person may be transferred to another institution pursuant to rules and regulations of the corrections cabinet.

(6) In the event of a conflict between the provisions of this chapter and the statutes enumerated below, the enumerated statutes shall prevail:

(a) The provisions of KRS 532.010 and 532.020 (governing Class E (enhanced) felonies);

(b) Section 3 of this Act;

(c) Section 7 of this Act;

(d) KRS 533.060; and

(e) KRS 533.070.

Section 9. KRS 533.060 is amended to read as follows:

(1) When a person has been convicted of an offense or has entered a plea of guilty to an offense classified as a Class A, B, [~~or~~] C *or D* felony and the commission of such offense involved the use of a weapon from which a shot or projectile may be discharged that is readily capable of producing death or other serious physical injury, such person shall not be eligible for probation, shock probation or conditional discharge.

(2) When a person has been convicted of a felony and is committed to a correctional facility maintained by the bureau of corrections and released on parole or has been released by the court on probation, shock probation, or conditional discharge, and is convicted or enters a plea of guilty to a felony committed while on parole, probation, shock probation, or conditional discharge, such person shall not be eligible for probation, shock probation, or conditional discharge and the period of confinement for that felony shall not run concurrently with any other sentence.

(3) When a person commits an offense while awaiting trial for another offense, and is subsequently convicted or enters a plea of guilty to the offense committed while awaiting trial, the sentence imposed for the offense committed while awaiting trial shall not run concurrently with confinement for the offense for which said person is awaiting trial.

(4) The classes of offenses enumerated in subsections (1), (2) and (3) of this section shall be considered enhanced felonies for purposes of this chapter and KRS Chapter 533.

SECTION 10. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

(1) No person who is found to be within the class of persons defined in KRS 533.060(2) or (3) shall be given a parole or conditional discharge until he has served a minimum of:

(a) The entire sentence imposed for the first sentence enumerated by KRS 533.060(2) and (3); and

(b) In addition a minimum of one-third (1/3) of the second sentence enumerated by KRS 533.060(2) and (3).

(2) When a person has been convicted of an offense as enumerated in KRS 533.060(1) he shall not be eligible for parole or conditional discharge until he serves a minimum of eight (8) years.

(3) The penalties imposed by KRS 533.060 and 533.070 are in addition to those which may be imposed by KRS 532.080.

HB 779, AN ACT relating to appeals from district court and issuance of writ by circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 23A.080 is amended to read as follows:

(1) A direct appeal may be taken from district court to circuit court from any final action of the district court.

(2) The circuit court may issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause within its appellate jurisdiction.

(3) An appeal may be taken to the circuit court by the state in criminal cases from an adverse decision or ruling of the district court, but only under the following conditions:

(a) Such appeal shall not suspend the proceedings in the case;

(b) Such appeal shall be taken in the manner provided by the rules of criminal procedure and the rules of the supreme court, except that the record on appeal shall be transmitted by the clerk of the district court to the attorney general; and if the attorney general is satisfied that review by the circuit court is important to the correct and uniform administration of the law, he may deliver the record to the clerk of the circuit court within the time prescribed by the above-mentioned rules; and

(c) When an appeal is taken pursuant to this subsection, the circuit court, if the record so warrants, may reverse the decision of the district court and order a new trial in any case in which a new trial would not constitute double jeopardy or otherwise violate any constitutional rights of the defendant.

HB 805, AN ACT relating to theft by deception.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 514.040 is amended to read as follows:

(1) A person is guilty of theft by deception when he obtains property or services of another by deception with intent to deprive him thereof. A person deceives when he intentionally:

(a) Creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; or

(b) Prevents another from acquiring information which would affect his judgment of a transaction; or

(c) Fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or

(d) Fails to disclose a known lien, adverse claim or other legal impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained, whether such impediment is or is not valid or is or is not a matter of official record; or

(e) Issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

(2) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed.

(3) Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise.

(4) For purposes of subsection (1), an issuer of a check or similar sight order for the payment of money is presumed to know that the check or order, other than a postdated check or order, would not be paid, if:

(a) The issuer had no account with the drawee at the time the check or order was issued; or

(b) Payment was refused by the drawee for lack of funds, upon presentation within 30 days after issue, and the issuer failed to make good within 10 days after receiving notice of that refusal.

(5) A person is guilty of theft by deception when he issues a check or similar sight order in payment of all or any part of any tax payable to the Commonwealth knowing that it will not be honored by the drawee.

(6) *A person is guilty of theft by deception when he falsely reports an incident, makes a false police report, or a false insurance claim with the intent to defraud an insurer.*

(7) Theft by deception is a Class A misdemeanor unless the value of the property, service or the amount of the check or sight order referred to in subsection (5) of this section is $100 or more, in which case it is a Class D felony.

The Committee Amendment No. 1 to HB 805 is as follows:

Amend printed copy of HB 805:

On page 2, line 23, following the word "*he*" to add the following "*, in writing, makes*"; and

on page 2, line 24, to delete the same; and

on page 2, line 25, to delete "*or.*"

HB 832, AN ACT relating to the sale of weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

(1) No person shall sell a knife or deadly weapon to a child under the age of sixteen (16) years unless his parent or guardian is physically present with the child at the time of the sale and approves of the purchase.

(2) Subsection (1) of this shall not apply to firearms which are controlled by the federal gun control act of 1968, as amended.

Section 2. KRS 237.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be imprisoned in the penitentiary for not less than one nor more than five years, or punished by a fine of not more than $1,000, or both.

(2) Any person who violates the provisions of Section 1 of this Act shall be guilty of a Class B misdemeanor.

HB 931, AN ACT relating to sexual offenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 510.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deviate sexual intercourse" means any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.

(2) "Forcible compulsion" means physical force *or threat of physical force, express or implied, which places* [~~that overcomes earnest resistance or a threat, express or implied, that overcomes earnest resistance by placing~~] a person in fear of immediate death or physical injury to himself or another person or in fear that he or another person will be immediately kidnapped.

(3) "Marriage" means persons living together as man and wife regardless of the legal status of their relationship. Spouses living apart under a decree of judicial separation are not married to one another for purposes of this chapter.

(4) "Mentally defective" means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

(5) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct as a result of the influence of a controlled or intoxicating substance administered to him without his consent or as a result of any other act committed upon him without his consent.

(6) "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(7) "Sexual contact" means any *intentional* touching of the sexual or other intimate parts of a person not married to the actor *or any intentional touching of the clothing covering the victim's or the actor's sexual or other intimate parts, when in either case, the touching serves no legitimate purpose* [~~done for the purpose of gratifying the sexual desire of either party~~].

(8) "Sexual intercourse" means sexual intercourse [~~in its ordinary sense but is limited to sexual intercourse~~] between persons not married to each other. Sexual intercourse occurs upon any penetration, however slight, *or any part of a person's body or of any other object into the genital or anal openings of another person's body*; emission is not required.

HB 936, AN ACT relating to anabolic steroids.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 218A.070 is amended to read as follows:

Unless otherwise rescheduled by regulation of the cabinet for human resources the controlled substances listed in this section are included in schedule II:

(1) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (a), but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation: Alphaprodine; Anileridine; Bezitramide; Dihydrocodeine; Diphenoxylate; Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone-Intermediate; 4-cyano-2-dimethylamino-4; 4-diphenyl butane; Moramide-Intermediate; 2-methyl-3-morpholino-1; 1-diphenyl-propane-carboxylic acid; Pethidine; Pethidine-Intermediate-A; 4-cyano-1-methyl-4-phenylpiperidine; Pethidine-Intermediate-B; ethyl-4-phenylpiperidine-4-carboxylate; Pethidine-Intermediate-C; 1-methyl-4-phenylpiperidine-4-carboxylic acid; Phenazocine; Piminodine; Racemethorphan; Racemorphan.

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(c) Phenmetrazine and its salts;

(d) Methylphenidate.

(4) Any anabolic steroid or synthetic derivative of testosterone.

Section 2. KRS 218A.180 is amended to read as follows:

(1) Except when dispensed directly by a practitioner to an ultimate user, no controlled substance in schedule II may be dispensed without the written prescription of a practitioner. No controlled substance in schedule II shall be refilled. All prescriptions for controlled substances classified in schedule II shall be maintained in a separate prescription file.

(2) Except when dispensed directly by a practitioner to an ultimate user, a controlled substance included in schedules III, IV, and V, which is a prescription drug, shall not be dispensed without a written or oral prescription by a practitioner. All oral prescriptions shall be dated and signed by the pharmacist. A pharmacist refilling any prescription shall record on the prescription the date, the quantity and his initials. The maintenance of prescription records under the federal controlled substances laws and regulations, containing substantially the same information as specified herein, shall constitute compliance with this subsection. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner and a new prescription, written or oral shall be required.

(3) All written prescriptions for controlled substances shall be dated as of and signed by the practitioner on the date when issued and shall bear the full name and address of the patient and the name, address and registration number of the practitioner. All prescriptions for controlled substances shall be retained for a period of two (2) years.

(4) The pharmacist filling a written or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.

(5) No anabolic steroid, either in oral or injectible form, shall be prescribed or dispensed for the purpose of hormonal manipulation of althletes or as performance aids for athletes.

(6) Each written prescription for anabolic steroids, in addition to the requirements established in subsections (3) and (4) of this section, shall bear the purpose for which the drugs are being precribed.

HB 450, AN ACT relating to evidence and providing for the waiver of certain professional/client privileges with regard thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO READ AS FOLLOWS:

In any prosecution for violation of this chapter, the general reputation of the defendant for trafficking in or distributing controlled substances shall be admissible in evidence against him.

Section 2. KRS 504.070 is amended to read as follows:

(1) A defendant who intends to introduce evidence of his mental illness, [~~or~~] insanity, *intoxication, or extreme emotional disturbance,* at the time of the offense shall file written notice of his intention at least twenty (20) days before trial.

(2) The prosecution shall be granted reasonable time to move for examination of the defendant, or the court may order an examination on its own motion.

(3) If the court orders an examination, it shall appoint at least one (1) psychologist or psychiatrist to examine, treat and report on the defendant's mental condition. If it appears the examination will not be completed before the trial date, the court may, on its own motion or on motion of either party, postpone the trial date until after the examination.

(4) No less than ten (10) days before trial, the prosecution shall file the names and addresses of witnesses it proposes to offer in rebuttal along with reports prepared by its witnesses.

(5) A defendant who has filed the required notice according to subsection (1) of this section specifically waives any and all privileges as it relates to:

(a) Psychologist/patient, physician/patient, psychiatrist/patient, and social worker/client privileges contained elsewhere in the Kentucky Revised Statutes;

(b) Any and all records of hospitalization or examination or treatment of the defendant insofar as those records relate to his mental condition, specifically including, but not limited to, reports and records relied upon by the examining physician, psychologist or mental health authority in making his diagnosis; provided, however, that statements made by the defendant in the course of said diagnosis or treatment are privileged for all purposes except impeachment by the Commonwealth.

The Committee Amendment No. 1 to HB 450 is as follows:

Amend printed copy of HB 450:

On page 1, lines 1 through 6, to delete the same and on page 1, line 7, to delete "2" and to insert "1."

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Education: HB 675, SB 367.

Cities: SB 306, SB 358, SB 360.

Report on Enrolled Bills

The Committee on Enrollment reported HB 470, HB 181, and HB 140 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—4:05 p.m.)

HB 470, HB 181, and HB 140 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Calendar

HB 669, HB 840, HB 924, HCR 74, HCR 85, SB 139, SB 152, HB 467, HB 649, HB 867, HB 946, HB 935, HB 785, HB 880, HB 984, HB 989, HCR 121, SB 210, HB 868, HB 828, HB 843, HB 938, SB 236, SB 237, HB 406, HB 810, HB 861, HB 968, SB 204, HB 476, HB 798, HB 839, HB 869, HB 878, HB 985, SB 256, HB 50, HB 170, HB 310, HB 558, HB 678, HB 681, HB 823, HB 841, HB 882, HB 885, HB 886, HB 908, HB 919, HB 947, HB 964, HB 967, HB 973, HR 56, HCR 117, HCR 131, HCR 135, and SB 255 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Senate Message

Announcing passage of SB 143, SB 289, SB 315, SB 317, SB 320, SB 354, SB 387, HB 700 with Senate Amendment, HB 143, HB 332, and HB 466.

SB 86 returned with the following letter: The Senate has refused to concur in House Floor Amendments No. 1 and 2 and Title Amendment to SB 86 and respectfully returns it with the request that this Honorable Body recede from the amendments.

Report on Enrolled Bills

The Committee on Enrollment reported SB 233 and SB 260 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—4:13 p.m.)

Orders of the Day

HB 447, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved the adoption of the Committee Amendment No. 1 to HB 447. Agreed.

Representative Blevins moved that HB 447, as amended, be passed.

On the roll call the vote was: Yeas 68, Nays 17. (See March 17, 1986, roll call on HB 447—Appendix A.)

HB 447, as amended, was passed and the title agreed to.

Representative Blevins moved that the vote by which HB 447, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 35, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved that SB 35 be passed.

Representative Scorsone moved the adoption of the Floor Amendment No. 1 to SB 35. Rejected.

On the roll call the vote was: Yeas 64, Nays 25. (See March 17, 1986, roll call on SB 35—Appendix A.)

SB 35 was passed and the title agreed to.

Representative Lear moved that the vote by which SB 35 was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 26 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved the adoption of SJR 26.

On the roll call the vote was: Yeas 87, Nays 5. (See March 17, 1986, roll call on SJR 26—Appendix A.)

SJR 26 was adopted and the title agreed to.

Representative Lear moved that the vote by which SJR 26 was adopted be reconsidered and said motion be placed on the table. Agreed.

HB 736, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Substitute to HB 736. Agreed.

Representative Clarke moved that HB 736, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 32, Nays 61. (See March 17, 1986, roll call on HB 736—Appendix A.)

HB 736 was defeated.

HB 284, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved the adoption of the Committee Substitute to HB 284. Agreed.

Representative R. Jones moved that HB 284, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 17, 1986, roll call on HB 284—Appendix A.)

HB 284, by way of Committee Substitute, was passed and the title agreed to.

Representative R. Jones moved that the vote by which HB 284, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 468 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mack moved that HB 468 be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 17, 1986, roll call on HB 468—Appendix A.)

HB 468 was passed and the title agreed to.

Representative Mack moved that the vote by which HB 468 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 269, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved the adoption of the Committee Substitute to HB 269. Agreed.

Representative Priddy moved that HB 269, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 81, Nays 10. (See March 17, 1986, roll call on HB 269—Appendix A.)

HB 269, by way of Committee Substitute, was passed and the title agreed to.

Representative Priddy moved that the vote by which HB 269, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 569 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bronger moved that HB 569 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 17, 1986, roll call on HB 569—Appendix A.)

HB 569 was passed and the title agreed to.

Representative Bronger moved that the vote by which HB 569 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 742 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 742 be passed.

On the roll call the vote was: Yeas 91, Nays 0. (See March 17, 1986, roll call on HB 742—Appendix A.)

HB 742 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 742 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 24, with Committee Substitute and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved the adoption of the Committee Substitute to HB 24. Agreed.

Representative Arnold moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to HB 24. Agreed.

Representative Arnold moved that HB 24, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 64, Nays 27. (See March 17, 1986, roll call on HB 24—Appendix A.)

HB 24, by way of Committee Substitute, as amended, was passed and the title agreed to.

Representative Arnold moved that the vote by which HB 24, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 549, with Committee Amendments and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curd moved the adoption of the Committee Amendment No. 1 to HB 549. Agreed.

Representative Curd moved that HB 549, as amended, be passed.

On the roll call the vote was: Yeas 81, Nays 1. (See March 17, 1986, roll call on HB 549—Appendix A.)

HB 549, as amended, was passed.

Representative Curd moved the adoption of the Committee Title Amendment to HB 549. Agreed, and the title was agreed to.

Representative Curd moved that the vote by which HB 549, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 563, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved the adoption of the Floor Amendment No. 1 to HB 563. Agreed.

Representative Blevins moved that HB 563, as amended, be passed.

On the roll call the vote was: Yeas 83, Nays 6. (See March 17, 1986, roll call on HB 563—Appendix A.)

HB 563, as amended, was passed.

Representative Blevins moved the adoption of the Floor Title Amendment to HB 563. Agreed, and the title was agreed to.

Representative Blevins moved that the vote by which HB 563, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 59, with Committee Amendments and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Farrow moved the adoption of the Committee Amendment No. 1 to HB 59. Agreed.

Representative Farrow moved the adoption of the Committee Amendment No. 2 to HB 59. Agreed.

Representative Barrows moved the adoption of the Floor Amendment No. 1 to HB 59. Agreed.

Representative Farrow moved that HB 59, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 1. (See March 17, 1986, roll call on HB 59—Appendix A.)

HB 59, as amended, was passed and the title agreed to.

Representative Farrow moved that the vote by which HB 59, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 91 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly moved that SB 91 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 17, 1986, roll call on SB 91—Appendix A.)

SB 91 was passed and the title agreed to.

Representative Moberly moved that the vote by which SB 91 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 127 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved that SB 127 be passed.

On the roll call the vote was: Yeas 90, Nays 4. (See March 17, 1986, roll call on SB 127—Appendix A.)

SB 127 was passed and the title agreed to.

Representative Johnson moved that the vote by which SB 127 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 192, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Harper moved the adoption of the Committee Amendment No. 1 to HB 192. Agreed.

Representative J. Harper moved that HB 192, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 17, 1986, roll call on HB 192—Appendix A.)

HB 192, as amended, was passed and the title agreed to.

Representative J. Harper moved that the vote by which HB 192, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 556 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hines moved that HB 556 be passed.

On the roll call the vote was: Yeas 82, Nays 2. (See March 17, 1986, roll call on HB 556—Appendix A.)

HB 556 was passed and the title agreed to.

Representative Hines moved that the vote by which HB 556 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 543, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the Committee Substitute to HB 543. Agreed.

Representative Pearman moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to HB 543. Agreed.

Representative Pearman moved that HB 543, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 81, Nays 6. (See March 17, 1986, roll call on HB 543—Appendix A.)

HB 543, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 543, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 758, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that HB 758 be passed.

On the roll call the vote was: Yeas 88, Nays 0. (See March 17, 1986, roll call on HB 758—Appendix A.)

HB 758 was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 758 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 609 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that HB 609 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 17, 1986, roll call on HB 609—Appendix A.)

HB 609 was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 609 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 614, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Williams moved the adoption of the Floor Amendment No. 2 to HB 614. Agreed.

Representative Mann moved the adoption of the Floor Amendment No. 1 to HB 614. Agreed.

Representative Mann moved that HB 614, as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 7. (See March 17, 1986, roll call on HB 614—Appendix A.)

HB 614, as amended, was passed and the title agreed to.

Representative Mann moved that the vote by which HB 614, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 660, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Smith moved the adoption of the Committee Substitute to HB 660. Agreed.

Representative Smith moved that HB 660, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 74, Nays 11. (See March 17, 1986, roll call on HB 660—Appendix A.)

HB 660, by way of Committee Substitute, was passed and the title agreed.

Representative Smith moved that the vote by which HB 660, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table.

Speaker Pro Tempore Worthington presiding.

HB 711, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Meyer moved the adoption of the Committee Amendment No. 1 to HB 711. Agreed.

Representative Meyer moved that HB 711, as amended, be passed.

On the roll call the vote was: Yeas 92, Nays 1. (See March 17, 1986, roll call on HB 711—Appendix A.)

HB 711, as amended, was passed and the title agreed to.

Representative Meyer moved that the vote by which HB 711, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 732, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Floor Amendment No. 1 to HB 732.

Representative Blevins inquired whether Floor Amendment No. 1 was germane to HB 732.

The Speaker Pro Tempore ruled Floor Amendment No. 1 was not germane to HB 732.

Representative Blevins moved that HB 732 be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 17, 1986, roll call on HB 732—Appendix A.)

HB 732 was passed and the title agreed to.

Representative Blevins moved that the vote by which HB 732 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 749, with Committee Substitute and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the Committee Substitute to HB 749. Agreed.

Representative Hancock moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to HB 749. Agreed.

Representative Hancock moved that HB 749, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 6. (See March 17, 1986, roll call on HB 749—Appendix A.)

HB 749, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which HB 749, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 775 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that HB 775 be passed.

On the roll call the vote was: Yeas 92, Nays 3. (See March 17, 1986, roll call on HB 775—Appendix A.)

HB 775 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which HB 775 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 776 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 776 be passed.

On the roll call the vote was: Yeas 89, Nays 4. (See March 17, 1986, roll call on HB 776—Appendix A.)

HB 776 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 776 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 854 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved that HB 854 be passed.

On the roll call the vote was: Yeas 92, Nays 3. (See March 17, 1986, roll call on HB 854—Appendix A.)

HB 854 was passed and the title agreed to.

Representative LeMaster moved that the vote by which HB 854 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 873, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the Committee Amendment No. 1 to HB 873. Agreed.

Representative Hancock moved that HB 873, as amended, be passed.

On the roll call the vote was: Yeas 90, Nays 2. (See March 17, 1986, roll call on HB 873—Appendix A.)

HB 873, as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which HB 873 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 896, with Committee Amendments and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Amendment No. 1 to HB 896. Agreed.

Representative Williams moved the adoption of the Committee Amendment No. 2 to HB 896. Agreed.

Representative Barrows moved that HB 896, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 2. (See March 17, 1986, roll call on HB 896—Appendix A.)

HB 896, as amended, was passed and the title agreed.

Representative Barrows moved that the vote by which HB 896, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 128, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved the adoption of the Committee Amendment No. 1 to SB 128. Agreed.

Representative Johnson moved that SB 128, as amended, be passed.

On the roll call the vote was: Yeas 92, Nays 2. (See March 17, 1986, roll call on SB 128—Appendix A.)

SB 128, as amended, was passed and the title agreed to.

Representative Johnson moved that the vote by which SB 128, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 172, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rose moved the adoption of the Committee Substitute to HB 172. Agreed.

Representative Rose moved that HB 172, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 88, Nays 3. (See March 17, 1986, roll call on HB 172—Appendix A.)

HB 172, by way of Committee Substitute, was passed and the title agreed to.

Representative Rose moved that the vote by which HB 172, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 433, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved the adoption of the Committee Substitute to HB 433. Agreed.

Representative Nett moved that HB 433, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 90, Nays 2. (See March 17, 1986, roll call on HB 433—Appendix A.)

HB 433, by way of Committee Substitute, was passed and the title agreed to.

Representative Nett moved that the vote by which HB 433, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 781, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Nett moved the adoption of the Floor Amendment No. 1 to HB 781. Agreed.

Representative Nett moved that HB 781, as amended, be passed.

On the roll call the vote was: Yeas 88, Nays 5. (See March 17, 1986, roll call on HB 781—Appendix A.)

HB 781, as amended, was passed and the title agreed to.

Representative Nett moved that the vote by which HB 781, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Motions, Petitions and Communications

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 2 to HB 743, by Representative Donnermeyer:

Amend printed copy of HB 743:

On page 1, line 3, to delete "*material*" and insert "*substance*"; and

on page 1, line 4, to delete "*material*" and insert "*substance*"; and

on page 1, line 5, following "*waste*" to add "*, including but limited to oils, petroleum products, and any fraction thereof,*"; and

on page 1, line 5, following "*regulation*" to add "*which may pose a threat of fire or explosion*"; and on page 1, line 9, to delete “*material*” and insert “*substance*”; and

on page 1, line 14, to delete “*material*” and insert “*substance*”; and

on page 1, line 21, to delete “*materials*” and insert “*substance*”; and

on page 2, line 1, to delete “*materials*” and insert “*substances*”; and

on page 2, line 19, following “*chief*” to add “*or an officer*”; and

on page 2, line 20, following “*95,*” to add “*or an industrial fire brigade*”; and

on page 2, line 22, to delete “*materials*” and to insert “*substances*”; and

on page 3, line 4, to delete “*materials*” and to insert “*substances*”; and

on page 3, line 6, following “*loss*” to add “*or explosion.*”

Floor Amendment No. 1 to the Committee Substitute to HB 476, by Representative Pearman:

Amend printed copy of House Committee Substitute for HB 476:

page 1, line 20, by deleting “*section*” and substituting therefor “*chapter*”

Floor Amendment No. 1 to SB 286, by Representative Blevins:

Amend printed copy of SB 286:

on page 14, below line 7, to add the following:

Section 16. KRS 15.315 is amended to read as follows:

The Kentucky law enforcement council is hereby established as an independent administrative body of state government to be made up as follows:

(1) The attorney general of Kentucky, the commissioner of the bureau of state police, the dean of the school of police administration of the university of Louisville, the dean of the school of law enforcement of eastern Kentucky university, the president of the Kentucky peace officers association, the president of the Kentucky association of chiefs of police, and the Kentucky president of the fraternal order of police, shall be ex officio members of the council, as full voting members of the council by reason of their office. The Kentucky special agent in charge of the federal bureau of investigation shall serve on the council in an advisory capacity only without voting privileges.

(2) *Ten (10)* [~~Nine (9)~~] members shall be appointed by the governor for terms of four (4) years from the following classifications: a city manager or mayor, one (1) Kentucky sheriff, *a full time university police officer employed by a state university,* a member of the Kentucky state bar association, five (5) chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he holds the office or employment by reason of which he was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

(3) No member may serve on the council with the dual membership as the representative of more than one of the aforementioned groups or the holder of more than one of the aforementioned positions. In the event that an existing member of the council assumes a position entitling him to serve on the council in another capacity the governor shall appoint an additional member from the group concerned to prevent dual membership.

(4) Membership on the council does not constitute a public office and no member shall be disqualified from holding public office by reason of his membership.

Floor Amendment No. 1 to HB 662, by Representative Noe:

Amend printed copy of HB 662:

On page 2, lines 19-23, delete all language.

Floor Title Amendment to HB 662, by Representative Noe:

Amend printed copy of HB 662—TITLE:

Amend the title to read as follows:

"AN ACT relating to educational improvement."

Floor Amendment No. 3 to SB 35, by Representative Scorsone:

Amend printed copy of GA copy of SB 35:

On page 11, line 25, following the period "." by inserting the following:

"*In urban-county governments a simple majority of the total membership of the commission shall be required to adopt or amend the commission by-laws, or elements of the comprehensive plan or regulations.*"

Floor Amendment No. 2 to SB 35, by Representative Gedling:

Amend printed copy of GA copy of SB 35:

On page 1 lines 10 and 11, after the word "tract" on line 10, by bracketing and striking through the words "of at least five (5) contiguous acres"; and

On page 1, line 19, following the word "public." by inserting the following:

"*Such tracts shall contain:*

(a) At least five (5) contiguous acres; or

(b) Less than five (5) contiguous acres but at least one (1) acre if such acreage at the time of transfer is devoted to agricultural use and if transferred by the owner of such agricultural use land to a member of his immediate family."

Floor Amendment No. 2 to SB 152, by Representatives Morris and Bruce:

Amend printed copy of GA copy of SB 152:

On page 1, after line 20, by adding the following:

"Section 2. There is hereby appropriated out of the General Fund for fiscal year 1986-87 to the University of Kentucky for the construction of an academic auditorium building for the Hopkinsville Community College, the sum of $2,400,000. This appropriation shall be in addition to any amounts previously appropriated."

Floor Amendment No. 7 to the Committee Substitute to HB 134, by Representative Ford:

Amend printed copy of House Committee Substitute to HB 134:

On page 1, lines 7 through 10, to delete the same

and on page 1, line 11, to delete "*(b)*" and to insert "*(a)*"

and on page 1, lines 19 and 20, to delete the same and to insert in lieu thereof

"*(b) Ninety-nine percent (99%) of the proceeds shall be placed in the General Fund of the Commonwealth and subject to appropriation for any purpose by the General Assembly and one percent (1%) shall be placed in a special fund within the treasury to be appropriated by the General Assembly only for the purpose of treatment and rehabilitation of compulsive gamblers.*"

and on page 2, lines 1 through 12, to delete the same.

Floor Amendment No. 2 to HB 810, by Representative Mann:

Amend printed copy of HB 810:

On page 1, line 11, after "*authority,*" by adding the following:

"*, after filing the new rates with the commission and notifying its customers,*"; and

On page 2, line 3, after "*authority*" by adding the following:

"*, after filing the new rates with the commission and notifying its customers,*"

Floor Amendment No. 1 to HB 807, by Representative Clapp:

Amend printed copy of HB 807:

On page 6, after line 3, by adding:

"Section 3. KRS 287.230 is amended to read as follow:

(1) Any trust company or bank empowered to act as a fiduciary under the laws of this state and subject to examination by state or federal banking authorities may *establish and maintain one (1) or more common trust funds for the collective investment of funds held in any fiduciary capacity by such trust company or bank or by an affiliated bank including, without limitation, funds held as agent where the trust company, bank or affiliated bank exercises investment discretion and assumes fiduciary responsibilities. Such trust company, bank or affiliated bank may invest funds held by it in any fiduciary capacity in one (1) or more such common trust funds so long as:*

(a) *Such investment is not specifically prohibited by the instrument, judgment, decree or order creating the fiduciary relationship* [~~Set apart in a separate common trust fund certain definite securities and properties which conform with state requirements as to investments~~]; *and*

(b) *In the case of co-fiduciaries, such trust company, bank or affiliated bank procures the written consent of its co-fiduciary or co-fiduciaries to such investment, which consent such co-fiduciary or co-fiduciaries are hereby authorized to grant* [~~Issue shares or participation certificates in such trust fund; and~~

~~(c) Invest trust funds in its hands for investment in such shares or participation certificates~~].

(2) Before establishing a common trust fund as provided in subsection (1), the trust company or bank shall file with the commissioner [~~of banking and securities~~] a statement of the plan under which it proposes to establish, maintain, operate and ultimately liquidate the trust fund, and shall secure the written approval of the plan by the commissioner [~~of banking and securities~~].

(3) After such a trust fund has been established, it may be modified or amended by filing with the commissioner [~~of banking and securities~~] a statement setting forth the proposed modification or amendment, and securing the written approval of the change by the commissioner [~~of banking and securities~~].

(4) The bank, [~~or~~] trust company *or affiliated bank* shall at all times maintain definite records showing all securities and properties held in such fund[~~, and all participation certificates issued against such fund~~].

(5) For purposes of this section, a bank shall be deemed to be an "affiliated bank" with the trust company or bank establishing a common trust fund if such bank and the trust company or bank establishing the fund are members of the same affiliated group the meaning of section 1504 of the Internal Revenue Code of 1954, as amended (26 U.S.C. Sec. 1504).

Floor Amendment No. 1 to SB 83, by Representative R. Jones:

Amend printed copy of GA copy of SB 83:

On page 2, after line 18, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or upon request of the statewide professional educational association having the largest paid membership, the superintendent of public instruction may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

On page 2, line 19, change "2" to "3"

Floor Title Amendment to SB 152, by Representatives Morris and Bruce:

Amend printed copy of GA copy of SB 152—TITLE:

By adding "and making an appropriation therefor" after the word "education"

Floor Amendment No. 2 to HB 621, by Representative Freibert:

Amend printed copy of HB 621:

On page 2, lines 19 through 26, to delete the same and to insert in lieu thereof:

"*(c) Cause a probation officer to send a letter to the victim, or if deceased the victim's next of kin, notifying the victim of the time, date and place of the offender's parole hearing and detailing the right of the victim to appear at the hearing or to make a written statement to the parole board about the impact of the crime upon the victim and the victim's views (or the next of kin's views in the event the victim is deceased) with regard to the release of the offender on parole. The letter shall be sent to the last known address of the victim (or to the last known address of the next of kin, if deceased). Except as specifically set forth in this section, nothing in this section shall be deemed to expand or abridge any existing rights of persons to contact and communicate with the parole board or any of its members, agents, or employes. The unintentional failure of the parole board or any of its agents or employes to comply with any provisions of this section shall not affect the validity of any parole decision or give rise to any right or cause of action by the crime victim, the offender, or any other person.*"; and

on page 3, line 1, following "*report*" to add "*, if one is received,*"

Floor Amendment No. 1 to HB 764, by Representative Donnermeyer:

Amend printed copy of HB 764:

On page 3, line 4, after the period insert the following:

"*Such plan may include limitations upon the number of days a teacher may annually contribute to the bank and limitations upon the number of days a teacher may annually draw from the bank. Only those teachers who contribute to the bank may draw upon the bank*";

On page 3, line 6, delete all new language beginning with "*Days*" and ending with "*education*" on line 9.

Floor Amendment No. 2 to HB 732, by Representative Richards:

Amend printed copy of HB 732:

On page 2, after line 14, add the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a robotics advisory board to advise the president of the university of Kentucky on matters relating to the robotics center. The board shall have sixteen (16) members representing higher education, business and industry. The board of each public institution of higher education shall designate one (1) institutional representative and shall nominate one (1) representative of business and one (1) representative of industry to the governor who shall select one (1) nominee from each institution to serve on the board with equal representation of business and industry. The members shall serve four (4) year terms though the initial terms may be less than four (4) years to establish staggered terms.

(2) The governor shall make the appointments with four (4) members appointed for a term of four (4) years, four (4) members for three (3) years, four (4) members for two (2) years, and four (4) members for one (1) year. Each group of four (4) members shall include two (2) institutional representatives, one (1) representative of business, and one (1) representative of industry.

(3) The board shall elect a chairman at its first meeting and annually thereafter. The chief operating officer of the robotics center shall serve as secretary to the board. The board shall meet at least quarterly but may meet more often as needed. Members shall serve without salary but may be reimbursed for necessary expenses. Members may be reappointed.

(4) The board shall, prior to first year of operation of the center, assess the existing and projected needs for robotics and robotic related technologies in Kentucky business and industry and review the existing and planned capabilities of the universities to meet these needs.

(5) The board shall review and provide advice on all plans and budgets for the operations of the robotics center."

Floor Amendment No. 1 to HB 810, by Representative Mann:

Amend printed copy of HB 810:

On page 1, line 12, after "*municipality*" by adding the following:

"*without prior approval by the commission. Within twenty (20) days after any such increase in rates, the association shall file its revised tariffs with the commission, together with a copy of the notice from its wholesale supplier showing the increase in the rate charged to the utility, and a statement of the volume of purchased water used to calculate the increase in rates. The commission shall approve the filing or establish revised rates by order no later than thirty (30) days after the above documents are filed with it.*"; and

On page 2, line 4, after "*municipality*" by adding the following:

"*without prior approval by the commission. Within twenty (20) days after any such increase in rates, the district shall file its revised tariffs with the commission, together with a copy of the notice from its wholesale supplier showing the increase in the rate charged to the utility, and a statement of the volume of purchased water used to calculate the increase in rates. The commission shall approve the filing or establish revised rates by order no later than thirty (30) days after the above documents are filed with it.*"

Floor Amendment No. 1 to HB 985, by Representative Deskins:

Amend printed copy of HB 985:

on page 1, lines 5 and 6, by deleting "*be designed to burn coal*" and substitute therefor "*utilize Kentucky energy resources*" and

on page 1, line 10, by deleting "*be designed to burn coal*" and substitute therefor "*utilize Kentucky energy resources*"

Floor Title Amendment to HB 985, by Representative Deskins:

Amend printed copy of HB 985:

by amending the title to read as follows:

AN ACT relating to Kentucky energy resources.

Floor Amendment No. 1 to SB 99, by Representative Farrow:

Amend printed copy of SB 99:

on page 10, line 19, by removing the brackets and strikethroughs; and on page 10, line 24, by inserting after the word "cabinet." the following:

"*(2) The cabinet shall not permit a solid waste site or facility unless the site or facility maintains a two-hundred and fifty (250)-foot minimum buffer zone between the fill area and the property line, a five-hundred (500)-foot minimum buffer zone between the fill and a blue-line stream, and a one-thousand (1000)-foot minimum buffer zone between the fill and existing residences.*"

Floor Amendment No. 1 to Committee Substitute to HB 310, by Representative Pearman:

Amend printed copy of Committee Substitute to HB 310:

On page 1, line 19, after the word "*specifically*" by inserting the words "*and expressly*"; and

On page 2, after line 8, by inserting the following:

"*(1) For purposes of this Act, state institutions of higher education under KRS Chapter 164 are agencies of the state.*"; and

On page 2, line 9, by deleting the number "*(1)*" and inserting in lieu thereof the number "*(2)*" and by renumbering the subsections of Section 2 accordingly; and

On page 4, line 5, after the word "*is*" by inserting the word "*not*"; and

On page 4, line 7, after the word "*claims*" and before the period by inserting the following language: "*and the doctrine of comparative negligence shall be utilized by the board*"; and

On page 5, line 5, after the word "*citizens*" by deleting the period and inserting the following: "*; and*"; and

On page 5, after line 5, by inserting the following: "*(f) Administrative Acts.*"; and

On page 5, line 7, after the word "*insurance*" by inserting the following language: "*or the establishment of a fund for self-insurance*"; and

On page 5, line 13, after the word "*recoupment*" by inserting the following: "*, cross-claim*"; and

On page 12, line 19, after the number "*413.280.*" by inserting the following language:

"*If there is no guardian or committee or he is unwilling or unable to act or is himself a claimant, the board of claims shall appoint a guardian ad litem to represent the interests of the claimant under legal disability. The board of claims shall allow the guardian ad litem a reasonable fee for his services, to be taxed as costs.*"

Floor Amendment No. 1 to HB 808, by Representative Guenthner:

Amend printed copy of HB 808:

On page 1, line 1, and continuing through page 3, line 19, delete the same and substitute in lieu thereof:

SECTION 1. A NEW SECTION OF KRS CHAPTER 340 IS CREATED TO READ AS FOLLOWS:

"*(1) The provisions of this chapter shall not apply to persons or organizations who provide employment information for a fee but do not make job referrals or placements, provided such persons or organizations do not call themselves employment agencies, advertise as employment agencies or use any term or description which implies that they are employment agencies. Any person or organization providing such a service to the public, shall advise any prospective client, prior to entering into contract for or collecting a fee for the services provided, that it is not an employment agency and that it only provides employment information and does not provide referral or placement services. No person or organization providing such a service to the public shall advertise or engage in any other activity which would misrepresent to prospective clients the nature of the service provided. Any violation of this section shall be considered a violation of the consumer protection act, KRS Chapter 367, and violators shall be subject to penalties provided therein.*

(2) No persons or organizations who provide employment information for a fee but do not make job referrals or placements shall be allowed to operate in this state without a permit from the cabinet which also issues permits for employment agencies.

(3) The cabinet for humans resources is hereby authorized to promulgate rules and regulations necessary to the proper administration of the provisions of this Act."

Floor Amendment No. 1 to SB 343, by Representative P. Richardson:

Amend printed copy of SB 343:

Beginning line 1 on page 2 add:

SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

The secretary for human resources may by regulation require licensees of radioactive materials to provide an adequate surety or other financial arrangement in such amount as the secretary deems reasonably appropriate to cover potential clean-up costs in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the secretary regarding a radioactive material accident or other public health hazard created by the presence of radioactive material at a site occupied by the licensee or formerly under its possession, ownership, or control. Acceptable sureties would include bonds issued by fidelity or surety companies authorized or eligible to do business in Kentucky, cash deposits, certificates of deposit, deposits of *government securities, irrevocable letters or lines of credit, trust funds, escrow accounts or such other types of arrangements, but not including any arrangement which essentially constitutes self insurance. The secretary shall be the obligee of the surety and the proceeds of the surety shall be used by the secretary for defraying the cost of cleaning up and decontaminating the area of property involved. Failure to comply with any regulation promulgated to carry out this section by any licensee shall result in automatic revocation of such license by operation by law.*

Representative Stumbo moved that the rules be suspended to waive the three-day posting requirement on HCR 145, SB 350, HB 531, SB 252, SB 266, and HB 957. Agreed.

Representative Stumbo moved that the rules be suspended to allow Introduction of Resolutions, Posting of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Resolutions

HR 151, by Representatives Hines and Bendl: A RESOLUTION establishing the non-hospitalized patients bill of rights..

HR 152, by Representatives McBee, K. Harper, Caldwell, Kerr, Meyer, Crupper, Reinhardt, Donnermeyer and Mann: A RESOLUTION urging the City of Cincinnati to amend city Ordinance 869 to promote competition between Cincinnati and Northern Kentucky towing operators.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Business Organizations and Professions: HB 750.

Appropriations and Revenue: HB 676, HB 696, HB 546, HB 782.

Energy: HB 899, HB 860, SB 299.

Natural Resources and Environment: SB 305, SB 22, SB 48, SB 179, SB 225, SB 235, SJR 54, HB 809.

Labor and Industry: SB 252, SB 266, HB 957.

State Government: HB 531, HCR 145.

Judiciary-Criminal: SB 141, SB 124, SB 196.

Health and Welfare: HB 554, HCR 147, HB 948, SB 346.

Judiciary-Civil: HB 664.

The Clerk announced HB 545 has been withdrawn from Committee consideration by the Committee on Appropriations and Revenue.

Report of Committees

The Committee on Appropriations and Revenue reported HB 53 with Committee Amendments attached thereto, HB 70 with Committee Amendment attached thereto, HB 374 with Committee Amendment attached thereto, and HB 404 with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules:

The Committee Amendment No. 3 to HB 53 is as follows:

Amend printed copy of HB 53:

On page 14, by deleting the language on lines 18 through 26; and

on page 15, by deleting the language on lines 1 through 17.

The Committee Amendment No. 1 to HB 70 is as follows:

Amend printed copy of HB 70:

On page 4, after line 24, by adding the following:

"*(8) Expenditures required to implement this Section may be paid from the asbestos agency account established within the Finance and Administration Cabinet.*"

The Committee Amendment No. 1 to HB 404 is as follows:

Amend printed copy of HB 404:

On page 5, by deleting the language on lines 12 through 16.

The Committee on Appropriations and Revenue reported HB 197, HB 503 with Committee Amendment attached thereto, HB 512, HB 894 with Committee Amendments and Committee Title Amendment attached thereto, HB 915, SB 84, SB 214 with Committee Amendment attached thereto, and SB 325 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 197, AN ACT relating to sales tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.472 is amended to read as follows:

(1) "Prescription medicine" shall mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use which is prescribed for the treatment of a human being by a person authorized to prescribe the medicines and dispensed on prescription by a registered pharmacist in accordance with law.

(2) "Prosthetic devices and physical aids" for the purpose of this section shall mean and include artificial devices individually designed, constructed or altered solely for the use of a particular crippled person so as to become a brace, support, supplement, correction or substitute for the bodily structure including the extremities of the individual; artificial limbs, artificial eyes, hearing aids individually designed, constructed or altered solely for the use of a particular disabled person; crutches, *walkers, hospital beds,* [~~and~~] wheelchairs *and wheelchair lifting devices* for the use of invalids and crippled persons*; insulin and diabetic supplies, such as hypodermic syringes and needles, and sugar (urine and blood) testing materials purchased for use by diabetics.*

(3) The terms "sale at retail," "retail sale," "use," "storage" and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of prescription medicine, prosthetic devices and physical aids.

HB 503, AN ACT relating to property taxation and distribution of revenue produced therefrom.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Cabinet" means the revenue cabinet.

(2) "Taxpayer" means any person, *corporation, company, partnership, association, or other legal entity* made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands, *unmined minerals, oil, natural gas, and natural gas liquids* within this state and improvements thereon.

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent per one hundred dollars of assessed value and applied to the current year's assessment of the property subject to taxation by a taxing district, excluding new property and personal property, produces an amount of revenue approximately equal to that produced in the preceding year from real property. However, in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property. For purposes of this subsection, "property subject to taxation" means the total fair cash value of all property subject to full local rates, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution and the difference between the fair cash value and agricultural or horticultural value of agricultural or horticultural land.

(7) "Net assessment growth" means the difference between:

(a) The total valuation of property subject to taxation by the county, city, school district or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year, and

(b) The total valuation of property subject to taxation by the county, city, school district or special district for the current year.

(8) "New property" means the net difference in taxable value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:

(a) Property annexed or incorporated by a municipal corporation, or any other taxing jurisdiction, however, this definition shall not apply to property acquired through the merger or consolidation of school districts, or the transfer of property from one school district to another;

(b) Property, the ownership of which has been transferred from a tax-exempt entity to a nontax-exempt entity;

(c) The value of improvements to existing nonresidential property;

(d) The value of new residential improvements to property;

(e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;

(f) Property created by the subdivision of unimproved property, provided, that when such property is reclassified from farm to subdivision by the property valuation administrator the value of such property as a farm shall be a deletion from that category;

(g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;

(h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that such property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided; and

(i) The value of improvements to real property previously under assessment moratorium.

"Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year.

(j) The value of all unmined minerals appearing on the tax rolls on or before December 31, 1989, shall be considered "real property additions" for each year such value appears on the tax rolls prior to that date.

Beginning January 1, 1990, "real property additions" shall include the value of all unmined minerals added to the tax rolls on or after that date for the year in which such value is added to the tax rolls.

(9) "Agricultural land" means any tract of land, including all income-producing improvements but excluding all residences, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government, where such activities produced an average annual gross income including payments under a state or federal program according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
10 to 30	$1,000 +	$60.00 per acre, or a fraction thereof, over 10 acres.
30 to 60	$2,200 +	$40.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$3,400 +	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$4,400 +	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$5,900 +	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there must be an annual gross income of these amounts within two (2) years of purchase. Land devoted exclusively to the growing of merchantable timber or nonincome-producing woodland is excluded from the gross income provisions.

(10) "Horticultural land" means any tract of land, including all income-producing improvements but excluding all residences, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers or ornamental plants, where such activities produced an average annual gross income according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
5 to 30	$1,000 minimum, or	$100.00 per acre, or a fraction thereof, over 5 acres, or whichever amount is greater.
30 to 60	$3,000 +	$50.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$4,500 +	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$5,500 +	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$7,000 +	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there is evidence of anticipated annual gross income of these amounts. Land devoted exclusively to the growing of merchantable timber or nonincome-producing woodland is excluded from the gross income provisions.

(11) "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income-producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:

(a) Relative percentages of tillable land, pasture land, and woodland;

(b) Degree of productivity of the soil;

(c) Risk of flooding;

(d) Improvements to and on the land that relate to the production of income;

(e) Row crop capability including allotted crops;

(f) Accessibility to all-weather roads and markets; and

(g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income.

(12) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(13) "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including, but not limited to, lawns, drives, flower or vegetable gardens, outbuildings and all other land connected thereto.

(14) "Residential unit" means all or that part of real property occupied as the permanent residence of the owner.

(15) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

(16) "Mobile home" means a structure, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure.

(17) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

(a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

(b) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

(c) Truck camper: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

(d) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

(18) "Unmined minerals" means all forms of minerals which have not yet been mined or removed from the earth for which there exists a method of extraction of the unmined mineral in common usage in the particular industry and a commercial use for which the mined mineral could be devoted under available technologies, but excluding oil, natural gas and natural gas liquids.

(19) "Active mining property" means an unmined mineral seam or seams on a parcel actively being mined. Contiguous parcels under one (1) ownership or owned or leased by closely related businesses shall be treated as one (1) parcel. The active mining portion of each seam on a parcel is seven hundred fifty (750) acres.

(20) "Active reserves" means the residual part of the unmined mineral seam or seams, on a parcel which is actively being mined, in excess of the active mining acreage of seven hundred fifty (750) acres or the number of acres corresponding to twenty-five (25) years of production, whichever is less.

(21) "Inactive reserves" means those seams of unmined minerals owned, leased, or controlled by a taxpayer in the demonstrated business of leasing or extracting that particular type of unmined mineral but which are not being produced in an active mining operation and which are neither assignable as "active reserve" property nor "barren or unminable" property and shall also mean unmined minerals which have been severed from the surface estate by deed and are not assignable as either "active mining property" or "active reserves."

(22) "Barren or unminable" property means those seams of unmined minerals not being actively mined which have been depleted by prior mining operations or which underlie surface property used for parks, residential, commercial or industrial purposes, and not being actively mined, or from which mining is prohibited by law. In addition, "barren or unminable" property means those seams of unmined minerals which underlie surface tracts being devoted to income producing agricultural or horticultural purposes as defined in subsections (9) and (10) of this section, by the owner of the surface tracts who also owns the unmined minerals, provided the unmined minerals are neither being mined nor prepared for mining.

Section 2. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half (31-1/2) cents upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of all privately-owned leasehold interests in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five (25) cents upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowl, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81, fifteen (15) cents upon machinery of individuals or corporations actually engaged in manufacturing, fifteen (15) cents upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen (15) cents upon property which has been certified as a pollution control facility as defined in KRS 224.850, one-tenth of one cent ($.001) upon property which has been certified as an alcohol production facility as defined in KRS 247.910, twenty-five (25) cents upon each one hundred dollars ($100) of value of motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043, and forty-five (45) cents upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) An annual ad valorem tax for state purposes of one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten percent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) [~~Unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars ($100) of assessed value.~~

~~(6)~~] Thirty (30) cents of the thirty-one and one-half (31-1/2) cents state tax rate on real property and thirty (30) cents of the forty-five (45) cents state tax on tangible personalty subject to local taxation shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said districts as replacement for ad valorem taxes lost on property acquired by a governmental agency. Should the equivalency ever be less than thirty (30) cents, as certified by the department of education, the direct payments shall be reduced proportionately.

(6)[~~(7)~~] The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property, *exclusive of the increase resulting from the assessment of unmined minerals prior to January 1, 1990,* to the extent that such increase exceeds the preceding year's assessment by more than four percent (4%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(7)[~~(8)~~] By July 1 each year, the revenue cabinet shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020*(5)*[~~(6)~~] and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessments for all counties have not been certified by July 1, the cabinet shall, when real property assessments of at least seventy-five percent (75%) of the total number of counties of the Commonwealth have been certified, make an estimate of the real property assessments of the uncertified counties and compute the state tax rate.

(8)[~~(9)~~] In the event that the tax rate set by the cabinet as provided in subsection *(7)*[~~(8)~~] of this section produces more than a four percent (4%) increase in real property tax revenues, *exclusive of revenue produced prior to January 1, 1990 from unmined minerals,* the rate shall be adjusted in the succeeding year so that the cumulative total of each year's property tax revenue increase, *exclusive of revenue produced prior to January 1, 1990 from unmined minerals,* shall not exceed four percent (4%) per year.

(9)[~~(10)~~] An ad valorem tax for state purposes on distilled spirits shall be levied according to the following rate schedule:

Calendar Year	Rate per $100 of Assessed Value
1982	$.225
1983	$.1125
1984 and after	$.001

(10)[~~(11)~~] Effective on or after January 1, 1986, an ad valorem tax for state purposes of one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value shall be paid upon goods held for sale in the regular course of business and raw materials and in-process materials held for incorporation in finished goods held for sale in the regular course of business.

Section 3. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowl;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half (1-1/2) cents on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half (4-1/2) cents on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies;

(8) All privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103;

(9) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(10) Property which has been certified as an alcohol production facility as defined in KRS 247.910;

(11) [~~On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests;~~

~~(12)~~] On and after January 1, *1987* [~~1977~~], the assessed value of *all interests in* unmined *minerals,* [~~coal~~] shall be included in the formula contained in KRS 132.590(2) in determining the amount of county appropriation to the office of the property valuation administrator;

(12)[~~(13)~~] Tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81;

(13)[~~(14)~~] Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.450 based on the vehicle's fair market value at the time of sale.

Section 4. KRS 132.230 is amended to read as follows:

(1) Every person listing his property with the property valuation administrator shall state:

(a) Each separate tract of land, *any interest in unmined minerals, oil, natural gas or natural gas liquids,* with the number of acres in each tract; the value per acre; each of the improvements thereon; the name of the nearest resident thereto; where located, giving the election precinct in which it is located; the number of each city lot and the improvements thereon, in what city, on which street, the value of each, and the value of the improvements thereon to the extent that they enhance the value of each lot; whether there is any land adjoining his owned by a nonresident of the county or state, giving the name and place of residence of any such owner, if known;

(b) The number of livestock, their type, species and value;

(c) All other property including the number, denomination and fair cash value of all bonds subject to taxation owned by him with the value thereof on January 1 of the year for which the assessment is made, unless otherwise provided by law; and

(d) Such other facts as may be required in the blanks provided.

(2) An error or informality in the description or location of the property, or in the name of the owner or person assessed, shall not invalidate the assessment if the property can with reasonable certainty be located or identified from the description given, in which case the collector may receive the taxes and by his receipt correct the error or informality.

Section 5. KRS 132.330 is amended to read as follows:

The field agents, accountants and attorneys of the revenue cabinet shall cause to be listed for taxation all property omitted by the property valuation administrators, county board of assessment appeals, cabinet or any other assessing authority, for any year omitted. The agent, accountant or attorney proposing to have the property assessed shall file in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the property was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause within ten (10) days after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No decision shall be rendered against the alleged owner unless the statement filed contains a description of the property sought to be assessed that will enable the county judge/executive to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent, attorney or person in possession of the property. If the property is real property, *including unmined minerals,* and the owner is known but is absent from the state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the *surface of the* property; if the property consists of tangible personal property the summons shall be placed in a conspicuous place where the property is located. In the case of tangible and intangible personal property, where the owner and his place of residence are unknown and no one (1) has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of rules 4.05, 4.06, 4.07 and 4.08 of the Rules of Civil Procedure. In all of the above cases an attachment of the property omitted from assessment may be procured from the district court against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the representative of the revenue cabinet making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

SECTION 6. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) On and after January 1, 1986, every corporation, company, association, partnership or person owning or engaged in the business of extracting metalliferous or non-metalliferous ore or owning or engaged in the production of unmined minerals or engaged in the extraction or leasing for extraction of oil, natural gas, or natural gas liquids shall, as of January 1 each year, and by February 1, make and deliver a report to the revenue cabinet showing the following facts:

(a) The name, description and location of the interest in unmined minerals, oil, natural gas, or natural gas liquids, and any mine, lease, well or preparation plant, including tipples, owned or operated by him during the preceding calendar year;

(b) The number of tons of ore, or hydrocarbon substance, the number of cubic feet of gas or the number of barrels of oil produced or extracted during the preceding calendar year;

(c) The type(s) or grade(s) of ore or other hydrocarbon substance held by the person, partnership, company or corporation and the extent of such holdings; and

(d) Such other reasonable and necessary information as may be required by the revenue cabinet.

(2) On and after January 1, 1986, the revenue cabinet shall determine the fair cash value of all mineral properties required to be reported by subsection (1) of this section according to valuation methods that fairly establish the actual value of mineral properties taking into consideration the values of minerals for: active mining property; active reserve property; inactive reserve property and barren or unminable property; and taking into consideration the taxpayer's maps and records. Other factors which shall be considered by the cabinet include, but are not limited to:

(a) Sales of other tracts of similar unmined minerals;

(b) The current market price for the mineral if extracted;

(c) The availability of transportation and preparation facilities for the mineral, if extracted;

(d) BTU content, sulfur and ash content of tested samples of the unmined minerals, if available;

(e) The degree to which the unmined minerals and adjacent mineral properties are under production, or can be put into immediate production; and

(f) The existence of any lease for the unmined minerals, including any royalty provisions contained therein.

(3) When the valuation has been finally determined, the cabinet shall certify the valuation to the property valuation administrator who shall place the valuation upon the county assessment rolls and give notice to the property owner as provided in KRS 132.450.

SECTION 7. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) If the taxpayer offers an analysis of any core, or other drilling, or any open prospect holes, benches, test data, chemical analysis or other data, such analysis shall be verified by an independent qualified geologist, chemist, or other expert appointed by the revenue cabinet, according to the acceptable standards of the particular industry. Such analysis, if so verified, shall be used as evidence of value of the unmined minerals for the surrounding area to the extent that the boundary for such area does not exceed the acceptable standards as set by the United States bureau of mines and the United States geological survey.

(2) If any tract of unmined minerals valued as barren or unmineable property is prepared for extraction, then that tract of unmined minerals shall be subject to revaluation based on the current fair cash value of the tract and the owner shall be liable for taxes based on said fair cash value for the two (2) years immediately preceding the year of revaluation but shall not be liable for deferred taxes for any year prior to the effective date of this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) Revenue produced pursuant to KRS 132.020(1) from the assessment and levy upon unmined minerals shall be distributed as follows: for each of the fiscal years beginning July 1, 1986, and July 1, 1987, the lesser of the sum of one million dollars ($1,000,000) or the total revenue produced from the assessment and levy upon unmined minerals for the year shall be transferred to the "restricted fund group" established by KRS 45.322(1)e) for use by the revenue cabinet for the purpose of assessing unmined minerals. Any revenue produced in excess of this amount shall be transferred to the "operating fund group" established by KRS 45.322(1)(a) for the general operations of state government.

(2) In subsequent years, revenue produced pursuant to KRS 132.020(1) from the assessment and levy upon unmined minerals which is adequate to carry out the purposes outlined in paragraph (1) of this section shall be transferred to the "restricted fund group" established by KRS 45.332(1)(e) for use by the revenue cabinet, and the balance, if any, shall be transferred to the "operating fund group" established by KRS 45.322(1)(e) for the general operations of state government.

SECTION 9. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

Beginning January 1, 1987, and each January 1 thereafter, the county clerk shall provide a list of all transfers of unmined minerals for the prior year to the revenue cabinet by February 1 each year which shall include references to deed books and page numbers where the record of the transaction may be found.

Section 10. KRS 133.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the county board of assessment appeals.

(2) "Cabinet" means the revenue cabinet.

(3) "Taxpayer" means any person, *corporation, company, partnership, association, or other legal entity* made liable by law to file a return or pay a tax.

(4) "Real property" includes all lands, *and unmined minerals, oil, natural gas, and natural gas liquids* within this state and improvements thereon.

(5) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

The Committee Amendment No. 1 to HB 503 is as follows:

Amend printed copy of HB 503:

On page 28, after line 21,

By adding the following:

Section 11. KRS 143.020 is amended to read as follows:

For the privilege of severing or processing coal, in addition to all other taxes imposed by law, a tax is hereby levied on every taxpayer engaged in severing and/or processing coal within this Commonwealth at the rate of four and one-half percent (4.50%) of the gross value of all coal severed and/or processed during the reporting period; except that the minimum tax for a reporting period shall be an amount determined by applying a rate of fifty (50) cents per ton to the total number of tons severed during the reporting period. The minimum tax shall not apply to a taxpayer who only processes coal. *The amount of tax imposed hereby on any given taxpayer during any given fiscal year shall be reduced by the portion of ad valorem taxes for state and local purposes levied on real property which has been classified as "active mining property" or "active reserves," as those terms are defined in KRS 132.010, and which have been paid by the same taxpayer during the preceding fiscal year either to the appropriate government authorities or to the person from whom the taxpayer leases the mineral resources that are under production. The Revenue Cabinet shall promulgate rules and regulations for the implementation of this section.*

Section 12. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 13. Whereas it is imperative that all property be assessed as of January, 1986, an emergency is declared to exist and the provisions of this Act shall be effective on January 1, 1986.

HB 512, AN ACT relating to property taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) The revenue cabinet shall develop and administer a centralized ad valorem assessment system for intangible personal property. This system shall be designed to provide on-line computer terminals and accessory equipment in every property valuation administrator's office in the state in order to create and maintain a centralized intangible tax roll data base.

(2) State income tax returns and return preparation instructions shall be revised to facilitate the preparation of the intangible personal property tax return; however, the intangible personal property tax return shall be a separate document and shall be listed with the property valuation administrator in the county of taxable situs

according to the provisions of KRS 132.220(1) or with the revenue cabinet. The revenue cabinet shall prescribe, promulgate and provide such rules, regulations, forms and records as it deems appropriate for the listing and assessment of intangible personal property.

Section 2. KRS 132.220 is amended to read as follows:

(1) Deposits belonging to a resident of Kentucky in any national bank not of this state or in any bank, trust company, or combined bank and trust company not organized under the laws of this state, and unmanufactured tobacco insofar as it is subject to taxation by KRS 132.190 and 132.200, shall be listed, assessed and valued as of September 1 of each year. Money in hand shall be listed, assessed, and valued as of September 1 of each year. Shares of stock, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured, and all interest in such property, unless otherwise provided by law shall be listed, assessed, and valued as of the beginning of business on January 1 of each year. All other taxable property and all interest in other taxable property, unless otherwise specifically provided by law, shall be listed, assessed, and valued as of January 1, 1962, and January 1 of each year thereafter. It shall be the duty of all persons owning or having any interest in any *real property or tangible personal* property taxable in this state to list or have listed such property with the property valuation administrator of the county where it is located, between January 1 and March 1 in each year, except as otherwise provided by law. *It shall be the duty of all persons owning or having any interest in any intangible personal property taxable in this state to list or have listed such property with the property valuation administrator of the county of taxable situs or with the revenue cabinet between January 1 and April 15 in each year, except as otherwise prescribed by law.* All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Any taxpayer who has a reasonable excuse for not listing his property before the property valuation administrator or his deputy may appear before any person authorized to administer an oath and make the necessary affidavit required by the schedule as to the value of his property and may then return the schedule to the property valuation administrator. This shall be a compliance with the law in his particular case.

(3) Real property or any interest therein shall be listed in the taxing district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the property valuation administrator shall nevertheless assess it. The property valuation administrator may swear witnesses in order to ascertain the person in whose name to make the list.

(4) Real property shall be assessed in the name of the owner, if ascertainable by the property valuation administrator, otherwise in the name of the occupant, if ascertainable, and otherwise to "unknown owner." The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person without designating them by name.

(5) Beginning in the year 1951, all real property exempt from taxation by section 170 of the Constitution shall be listed with the property valuation administrator in the same manner and at the same time as taxable real property. The property valuation administrator shall maintain an inventory record of such tax-exempt property, but such property shall not be placed on the tax rolls. A copy of this tax-exempt inventory shall be filed annually with the revenue cabinet within thirty (30) days of the close of the taxing period. This inventory shall be in the form prescribed by the revenue cabinet. The revenue cabinet shall make an annual report itemizing all exempt properties to the governor and the legislative research commission within sixty (60) days of the close of the taxing period.

(6) Each property valuation administrator, under the direction of the revenue cabinet, shall review annually all real property listed with him under subsection (5) of this section and claimed to be exempt from taxation by section 170 of the Constitution. The property valuation administrator shall place on the tax rolls all such property that is not exempt. Any property valuation administrator who fails to comply with this subsection shall be subject to the penalties prescribed in KRS 132.990 (2).

Section 3. KRS 133.040 is amended to read as follows:

(1) The property valuation administrator shall complete the tax roll of all *real property and tangible personal* property in his county before the first Monday in May of each year in accordance with law, and on or before that date he shall file with the revenue cabinet, on blanks to be forwarded by the cabinet, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. [~~The property valuation administrator~~

~~shall file with the revenue cabinet at the same time the schedules containing a list of the intangible personal property.~~] Within thirty (30) calendar days after receiving the recapitulation the revenue cabinet shall direct the property valuation administrator to make any changes that are necessary to correct the assessment. The revenue cabinet shall preserve all recapitulations and schedules or a photographic facsimile thereof for a period of seven (7) years from the assessment date.

(2) At the time the property valuation administrator submits his property recapitulations to the cabinet he shall submit a copy of the recapitulations to the county judge/executive in each county, the treasurer or chief officer of each special district in the county, the chief administrative officer of the urban county and the superintendent of each local school district in his county.

HB 894, AN ACT relating to income taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Secretary" means the secretary of revenue;

(2) "Cabinet" means the revenue cabinet;

(3) For tax years beginning on or after January 1, 1982, except as otherwise provided in this section, "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, *1985* [~~1981~~], [~~including the provisions of the Economic Recovery Tax Act of 1981 effective on the dates specified in that law~~] exclusive of any amendments made subsequent to that date and as modified by KRS 141.0101;

(4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) For taxable years beginning on or after January 1, 1974, "federal income tax" means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude employe pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employe;

(e) Exclude social security and tier I railroad retirement benefits subject to federal income tax;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal

Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Include all overpayments of federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct federal income tax;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code as modified by KRS 141.0101 and by Section 214 of the Internal Revenue Code as it existed on December 31, 1975 except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;

(b) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(h);

(c) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101 except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(d) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(e) Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(14) (a) "Taxable net income," in the case of corporations having property or payroll only in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations having property or payroll both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120; and

(c) "Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction;

(15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the secretary, "taxable year" means the period for which such return is made;

(17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employe" means "employe" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), and (q) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(24) "Corporations" means "corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;

(25) *"S* [~~Electing small business~~] corporations" means *"S* [~~electing small business~~] corporations" as defined in Section *1361(a)* [~~1371(b)~~] of the Internal Revenue Code. Stockholders of a corporation qualifying [~~after December 31, 1979~~] as *an "S* [~~electing small business~~] *corporation* [~~corporations"~~] under Chapter 141 may elect to treat such qualification as an initial qualification under *Subchapter S of the* Internal Revenue Code Sections [~~1371-1378~~].

Section 2. KRS 141.040 is amended to read as follows:

(1) Every corporation organized under the laws of this state, every corporation having its commercial domicile as defined in KRS 141.120(1)(b) in this state, and every foreign corporation owning or leasing

property located in this state or having one or more individuals receiving compensation as defined in KRS 141.120(8)(b) in this state, except those corporations listed in paragraphs (a) through (h) of this subsection shall pay for each taxable year a tax to be computed by the taxpayer on taxable net income at the rates specified in subsections (2), (3) and (4) of this section:

(a) *S* [~~Electing small business~~] corporations;

(b) State and national banks and trust companies;

(c) Saving and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only;

(d) Banks for cooperatives;

(e) Production credit associations;

(f) Insurance companies, including farmers or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers and reciprocal underwriters;

(g) Corporations exempt under Section 501 of the Internal Revenue Code; and

(h) Religious, educational, charitable or like corporations not organized or conducted for pecuniary profit.

(2) For tax years ending before August 1, 1985, the following rates shall apply:

(a) Three percent (3%) of the first twenty-five thousand dollars ($25,000) taxable net income;

(b) Four percent (4%) of the amount of taxable net income in excess of twenty-five thousand dollars ($25,000) but not in excess of fifty thousand dollars ($50,000);

(c) Five percent (5%) of the amount of taxable net income in excess of fifty thousand dollars ($50,000), but not in excess of one hundred thousand dollars ($100,000);

(d) Six percent (6%) of the amount of taxable net income in excess of one hundred thousand dollars ($100,000).

(3) For tax years beginning after July 31, 1985, the following rates shall apply:

(a) Three percent (3%) of the first twenty-five thousand dollars ($25,000) of taxable net income;

(b) Four percent (4%) of the amount of taxable net income in excess of twenty-five thousand dollars ($25,000), but not in excess of fifty thousand dollars ($50,000);

(c) Five percent (5%) of the amount of taxable net income in excess of fifty thousand dollars ($50,000), but not in excess of one hundred thousand dollars ($100,000);

(d) Six percent (6%) of the amount of taxable net income in excess of one hundred thousand dollars ($100,000), but not in excess of two hundred fifty thousand dollars ($250,000); and

(e) Seven and twenty-five one hundreds percent (7.25%) of the amount of taxable net income in excess of two hundred fifty thousand dollars ($250,000).

(4) For tax years beginning before August 1, 1985, and ending after July 31, 1985, the tax shall be the sum of the amounts determined in paragraphs (a) and (b) as follows:

(a) Apply the tax rates in subsection (2) of this section to the taxable net income for the year and multiply the result by a fraction the numerator of which is the number of days from the first day of the taxable year through July 31, 1985, and the denominator of which is the total number of days of the taxable year;

(b) Apply the tax rates in subsection (3) of this section to the taxable net income for the year and multiply the result by a fraction the numerator of which is the number of days from August 1, 1985, through the last day of the taxable year and the denominator of which is the total number of days of the taxable year.

(5) Every *S* [~~electing small business~~] corporation shall pay the tax imposed under subsection (1) of this section whenever the net capital gain of such corporation exceeds twenty-five thousand dollars ($25,000), and exceeds fifty percent (50%) of its taxable income for the taxable year and its taxable income for such year exceeds twenty-five thousand dollars ($25,000). The tax imposed by this subsection shall be the lower of:

(a) The tax determined by applying the rates in this section to the capital gains, in excess of twenty-five thousand dollars ($25,000), determined under the Internal Revenue Code; or

(b) The tax determined by applying the rates in this section to the taxable income, in excess of twenty-five thousand dollars ($25,000), determined under Chapter 1 of the Internal Revenue Code;

(c) In no event shall the tax levied by this subsection apply if Section *1374* [~~1378~~] of the Internal Revenue Code would exempt such capital gains from federal income tax.

Section 3. The provisions of this Act shall apply to taxable years beginning after December 31, 1985.

The Committee Amendment No. 1 to HB 894 is as follows:

Amend printed copy of HB 894:

On page 12, after line 14,

By inserting the following:

"A new section of KRS Chapter 131 is created to read as follows:

Notwithstanding any other provisions of KRS Chapter 131 through 143A, for all taxes payable directly to the revenue cabinet, the secretary shall have authority to waive the penalty, but not interest, where it is shown to the satisfaction of the cabinet that failure to file or pay timely is due to reasonable cause."

And on line 15,

By deleting the numeral "3" and inserting in lieu thereof the numeral "4."

The Committee Amendment No. 2 to HB 894 is as follows:

Amend printed copy of HB 894:

Page 1, after the enacting clause, by adding the following:

"Section 1. KRS 132.220 is amended to read as follows:

(1) Deposits belonging to a resident of Kentucky in any national bank not of this state or in any bank, trust company, or combined bank and trust company not organized under the laws of this state, and unmanufactured tobacco insofar as it is subject to taxation by KRS 132.190 and 132.200, shall be listed, assessed and valued as of September 1 of each year. Money in hand shall be listed, assessed, and valued as of September 1 of each year. Shares of stock, notes, bonds, accounts, and other credits, whether secured by mortgage, pledge, or otherwise, or unsecured, and all interest in such property, unless otherwise provided by law shall be listed, assessed, and valued as of the beginning of business on January 1 of each year. All other taxable property and all interest in other taxable property, unless otherwise specifically provided by law, shall be listed, assessed, and valued as of January 1, 1962, and January 1 of each year thereafter. It shall be the duty of all persons owning or having any interest in any *real property or tangible personal* property taxable in this state to list or have listed such property with the property valuation administrator of the county where it is located, between January 1 and March 1 in each year, except as otherwise provided by law. *It shall be the duty of all persons owning or having any interest in any intangible personal property taxable in this state to list or have listed such property with the property valuation administrator of the county of taxable situs or with the revenue cabinet between January 1 and April 15 in each year, except as otherwise prescribed by law.* All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Any taxpayer who has a reasonable excuse for not listing his property before the property valuation

administrator or his deputy may appear before any person authorized to administer an oath and make the necessary affidavit required by the schedule as to the value of his property and may then return the schedule to the property valuation administrator. This shall be a compliance with the law in his particular case.

(3) Real property or any interest therein shall be listed in the taxing district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the property valuation administrator shall nevertheless assess it. The property valuation administrator may swear witnesses in order to ascertain the person in whose name to make the list.

(4) Real property shall be assessed in the name of the owner, if ascertainable by the property valuation administrator, otherwise in the name of the occupant, if ascertainable, and otherwise to "unknown owner." The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person without designating them by name.

(5) Beginning in the year 1951, all real property exempt from taxation by section 170 of the Constitution shall be listed with the property valuation administrator in the same manner and at the same time as taxable real property. The property valuation administrator shall maintain an inventory record of such tax-exempt property, but such property shall not be placed on the tax rolls. A copy of this tax-exempt inventory shall be filed annually with the revenue cabinet within thirty (30) days of the close of the taxing period. This inventory shall be in the form prescribed by the revenue cabinet. The revenue cabinet shall make an annual report itemizing all exempt properties to the governor and the legislative research commission within sixty (60) days of the close of the taxing period.

(6) Each property valuation administrator, under the direction of the revenue cabinet, shall review annually all real property listed with him under subsection (5) of this section and claimed to be exempt from taxation by section 170 of the Constitution. The property valuation administrator shall place on the tax rolls all such property that is not exempt. Any property valuation administrator who fails to comply with this subsection shall be subject to the penalties prescribed in KRS 132.990 (2).

Section 2. KRS 133.040 is amended to read as follows:

(1) The property valuation administrator shall complete the tax roll of all *real property and tangible personal* property in his county before the first Monday in May of each year in accordance with law, and on or before that date he shall file with the revenue cabinet, on blanks to be forwarded by the cabinet, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. [~~The property valuation administrator shall file with the revenue cabinet at the same time the schedules containing a list of the intangible personal property.~~] Within thirty (30) calendar days after receiving the recapitulation the revenue cabinet shall direct the property valuation administrator to make any changes that are necessary to correct the assessment. The revenue cabinet shall preserve all recapitulations and schedules or a photographic facsimile thereof for a period of seven (7) years from the assessment date.

(2) At the time the property valuation administrator submits his property recapitulations to the cabinet he shall submit a copy of the recapitulations to the county judge/executive in each county, the treasurer or chief officer of each special district in the county, the chief administrative officer of the urban county and the superintendent of each local school district in his county."

And by renumbering subsequent sections to conform.

The Committee Amendment No. 3 to HB 894 is as follows:

Amend printed copy of HB 894:

Page 12, after line 14, by adding the following:

"Section 3. KRS 141.170 is amended to read as follows:

(1) The revenue cabinet may grant a taxpayer other than a corporation a reasonable extension of time for filing his income return whenever in its judgment good cause exists, and shall keep a record of every such extension. Except in case of a taxpayer who is abroad, no extension shall be granted for more than six months, and in no case for more than one year.

(2) A corporation may be granted an extension of not more than six (6) months for filing its income return provided it timely requests such extension before the due date of the return and, [~~pays ninety percent (90%) of its liability~~] prior to the granting of an extension, *pays an amount equal to either:*

(a) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of twelve (12) months; or

(b) Ninety percent (90%) of its liability for the taxable year. The liability shall be reduced by any estimated tax payments, overpayment(s) from prior year(s) or other prepayments which may be properly claimed as a credit.

(3) If the time for filing a return is deferred, the taxpayer shall pay, as part of the tax, an amount equal to the tax interest rate as defined in KRS 131.010(6) on the tax ultimately assessed, but not previously paid, from the time the return was due until it is actually filed in the office of the cabinet."

And by renumbering subsequent sections to conform.

The Committee Title Amendment to HB 894 is as follows:

Amend printed copy of HB 894:

By amending the title to read:

AN ACT relating to revenue and taxation.

HB 915, AN ACT relating to payment of a bonus to certain veterans who served during the Viet Nam conflict and certain persons deriving from them, providing for funding thereof, and appropriating funds for administration.

WHEREAS, the electorate of the Commonwealth of Kentucky, at the regular election on November 3, 1959, approved the payment of a cash bonus to qualified veterans of the Spanish American War, World War I, World War II, and the Korean conflict as an expression of appreciation for their service to the United States of America; and

WHEREAS, many citizens of the Commonwealth served at great personal sacrifice in the armed forces of the United States during the Viet Nam conflict; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky finds it appropriate to express to those citizens the gratitude of all of the citizens of the Commonwealth by the payment of a bonus to all veterans qualified hereunder who served in the armed forces of the United States in the Viet Nam conflict;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

A bonus shall be paid by the Commonwealth of Kentucky in the amounts and to the persons determined in accordance with the provisions of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

As used in this Act, the following terms have the following respective meanings, unless another meaning is clearly required by the context:

(1) "Center" means the Kentucky center for veterans' affairs, established in KRS 36.330, or its successor organization;

(2) "Administrator" means the manager of the Kentucky center for veterans' affairs or its successor organization;

(3) "Armed forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard, including the reserve components thereof on active duty, and shall not include the merchant marine;

(4) "Qualified Viet Nam veteran" means any person who:

(a) Served in the armed forces of the United States for a period of ninety (90) days or more (exclusive of time spent AWOL, or in penal confinement as a result of a sentence imposed by court-martial), for any period between August 6, 1964 and May 7, 1975;

(b) Has been released, separated or discharged from the armed forces under honorable conditions;

(c) was a resident of the Commonwealth at the time of entry into active service in the armed forces and for at least six (6) months prior thereto;

(d) Served at least ninety (90) days active duty, unless the duty was earlier terminated for medical reasons determined to be service-connected by the armed forces or the veterans' administration;

(e) Has served during the period of eligibility as evidenced by separation papers or discharge from the United States armed forces;

(f) If living, was a resident of the Commonwealth on December 31, 1985; or if deceased at that time, was survived by a beneficiary who was a resident of the Commonwealth on December 31, 1985; and

Provided further, that if the legal spouse of a qualified veteran was a legal resident of Kentucky on December 31, 1985, or if the qualified veteran was unmarried, his surviving mother or father were legal residents of Kentucky on December 31, 1985, such shall constitute a rebuttable presumption that the veteran lived in Kentucky on that date.

(5) "Resident of the Commonwealth at the time of entry into the active service" means any person who gave the Commonwealth of Kentucky, or any specific place in this Commonwealth, as his place of residence at such time of entry. Conclusive and exclusive evidence of such giving of place of residence shall be the official records on file in the department of defense of the United States, or any official record thereof in the files of the veterans' administration of the United States; but if it be shown to the satisfaction of the administrator that for any reason no such record was made, or that the same has been lost, misplaced or destroyed, or that an authenticated copy thereof cannot be obtained within a reasonable time, other evidence of bona fide residence may be accepted if deemed sufficient by the administrator;

(6) "Resident," in any context other than as in subsection (5) of this section, means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to such regulations as the administrator may promulgate;

(7) "Beneficiary" means in this order, widow, child or children (sharing equally), mother, father, and no other;

(8) (a) "Widow" means a woman who was the wife of a Viet Nam veteran at the time of his death, and who had not deserted him (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife), and who had not remarried, (unless the purported remarriage was void or had been annulled);

(b) The term "widow" also includes "widower" in the case of a man who was the husband of a female Viet Nam veteran at the time of her death;

(9) "Child" means a person:

(a) Who is under the age of eighteen (18); or

(b) Who, before attaining the age of eighteen (18) years, became permanently incapable of self-support; or

(c) Who, after attaining the age of eighteen (18) years and until completion of education or training (but not after attaining the age of twenty-one (21) years) is pursuing a course of instruction at a bona fide educational institution; and who, in relationship to the veteran, is a legitimate child; a legally adopted child; a step-child

who is a member of a Viet Nam veteran's household or was a member at the time of the veteran's death; or an illegitimate child, but, as to the alleged father, only if acknowledged in writing signed by him or if he had, before his death, been judicially decreed to be the father of such child;

(10) "Mother" means a mother, a mother through adoption, or a woman who for a period of not less than one (1) year stood in the relationship of a mother to a qualified Viet Nam veteran before his or her entry into active service in the armed forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the armed forces;

(11) "Father" means a father, a father through adoption, or a man who for a period of not less than one (1) year stood in the relationship of a father to a qualified Viet Nam veteran before his or her entry into active service in the armed forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the armed forces;

(12) "In the continental United States" means any place in the District of Columbia and the States of the United States which are on the North American continent, exclusive of Alaska;

(13) "Outside the continental United States" means any place elsewhere than as defined in subsection (12) of this section;

(14) "Bonus" and "Viet Nam veteran's bonus" mean the compensation authorized by this Act;

(15) "Bonus claim" means a claim or potential claim for a Viet Nam veteran's bonus; and

(16) "Claimant" means one who seeks to obtain payment of a bonus claim.

SECTION 3. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

No bonus shall be paid to any member of the armed forces of the United States who did only civilian work at civilian pay, who has received from another state a bonus or compensation of a like nature as is provided by this Act, or who received the Kentucky veterans' bonus under the provisions of Chapter 48, Acts of the Regular 1958 Session of the General Assembly, and Chapter 15, Acts of the Regular 1960 Session of the General Assembly.

SECTION 4. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) Every person determined by the administrator to be a qualified Viet Nam veteran shall be paid the sum of fifteen dollars ($15.00) for each month and major fraction of a month of active duty, in the armed forces in the Continental United States, not to exceed in all the sum of three hundred dollars ($300); and the sum of twenty-five dollars ($25.00) for each month and major fraction of a month of such service outside the Continental United States, subject to an aggregate limit for all service in the sum of five hundred dollars ($500). Any qualified Viet Nam veteran who was medically evacuated from Viet Nam shall receive the sum of five hundred dollars ($500.00), this sum to be in lieu of any other bonus for which said veteran may qualify under the provisions of this Act.

(2) If a person determined to have been a qualified Viet Nam veteran shall be deceased at the time payment of the bonus would otherwise be made to him, the amount of his bonus shall be paid to the first surviving beneficiary, if any, according to the order of priority defined in Section 2(7) of this Act and if there be no surviving beneficiary, the bonus of such veteran shall lapse, and no payment thereof shall be made.

(3) A beneficiary (as defined in Section 2, subsections (7), (8), (9), (10), and (11) of this Act) of a person killed in the line of duty while serving in the armed forces of the United States during the period of eligibility, or who died of service-connected injury sustained while so serving, and who would otherwise have qualified for the bonus provided in subsection (1) of this section, shall be paid three hundred dollars ($300) if no part of the total service during the period was served outside the Continental United States or five hundred dollars ($500) if any part of the total service during the period was served outside the Continental United States. The provisions of subsection (1) of this section and the minimum period of service for entitlement to a bonus as established by Section 2(4) of this Act shall not apply to these beneficiaries. However, this exception does not waive the respective maximums of three hundred dollars ($300) or five hundred dollars ($500) for each veteran, person killed in the line of duty while on active duty in the armed forces, or person who died as a result of service-connected injury sustained while on active duty in the armed forces. Payment shall be made to a beneficiary in the order of priority defined in Section 2(7) of this Act.

SECTION 5. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

The center shall administer the provisions of this Act and shall:

(1) Prepare and make available forms on which applications for the bonus shall be made;

(2) Employ such additional personnel as may be required for orderly and expeditious administration;

(3) Promulgate all rules and regulations required for the effective administration of this Act; and

(4) Report annually to the governor and the legislative research commission within sixty (60) days after the end of each fiscal year during its administration of this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

All applications for the bonus shall be submitted to the administrator, in writing, upon forms made available by the center, and shall be accompanied by such documentary evidence as the center may by regulation prescribe. Every application shall be certified under the penalties of perjury, and shall contain representations of the claimant (or, if he shall have been adjudged incompetent, or be an infant, of his committee or guardian), that:

(1) The facts therein stated are true to the best of his knowledge and belief;

(2) All documents submitted in support of the application are believed by the claimant to be genuine originals or copies, as the case may be, and that the claimant has no knowledge that the document has been superseded or cancelled;

(3) The claimant has not received from another state a bonus or compensation of a like nature as provided by this Act;

(4) The claimant has not received the Kentucky veterans' bonus provided under Chapter 48, Acts of the Regular 1958 Session of the General Assembly, and Chapter 15, Acts of the Regular 1960 Session of the General Assembly;

(5) The claimant has neither paid nor agreed to pay, directly or indirectly, any compensation for assistance received in preparing and tendering the application; and

(6) The claimant has knowledge of the final and forfeiture provisions of this Act.

SECTION 7. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) No application shall be filed with or sent to the administrator before the first (1st) day of September, 1986.

(2) No application may be filed with or sent to the administrator after the thirty-first (31st) day of March, 1988; but if an application be sent by mail, the administrator shall receive it if the post-mark on the envelope shows date and time of mailing at or before midnight, central standard time, on or before the thirty-first (31st) day of March, 1988.

(3) Applications tendered to the administrator otherwise than as provided in subsections (1) and (2) of this section shall not be eligible for consideration under this Act and shall not be accepted. Each such application received by mail shall be returned to the sender, if a return address be given, together with notification of the reason for its return.

SECTION 8. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

No claimant shall be entitled to an oral hearing as a matter of right; but the administrator may in his discretion order a hearing in any case presenting unusual circumstances, or where it appears that documentary evidence of any material fact cannot reasonably be obtained, or where the claim cannot otherwise adequately be determined. The administrator may investigate any matter which in his judgment is not adequately proven, or which shows or raises an inference of fraud; and may require submission of supplementary proof.

SECTION 9. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

A hearing ordered by the administrator shall be conducted by a single person designated by the administrator. Formalities of judicial procedure and proof may be waived. No stenographic transcript of the proceedings shall be made except when specifically authorized by the administrator, and in the absence of such authorization the hearing officer shall submit to the administrator his written summary of the proceedings. There shall be no right to written or oral argument; but the administrator may, in his discretion, authorize either.

SECTION 10. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

The burden of proving to the satisfaction of the administrator that a bonus is payable shall in all cases be upon the claimant.

SECTION 11. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

The administrator shall make prompt determination that each application is approved or disapproved for payment of a bonus; and if approved, shall determine the amount to be paid according to the provisions of this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) If a claim is disapproved, the administrator shall send a notice of such decision to the claimant by mail at the address shown in the application. The notice shall be in such form as the administrator may determine, shall contain a designation of the reason for disapproval, shall inform the claimant of his right to seek review, shall have attached such form of request for review as the administrator may prescribe, and shall give information as to procedure for review.

(2) Application for review of the administrator's disapproval shall be made only on the forms prescribed and furnished by the administrator; and shall be received in the office of the administrator by the closing hour in the thirtieth (30th) day after the day upon which the notice of the disapproval is mailed by the administrator, or be forever barred.

(3) Upon receiving an application for review, the administrator shall transmit the same, together with the original application and all papers in the case, to the board of review, hereinafter created.

(4) The board of review shall promptly consider the same evidence which was available to the administrator, and shall promptly enter in the case file its decision either finally affirming the administrator's decision, or finally determining the claim and the amount thereof.

(5) The board of review shall send a notice of its decision to the claimant by registered mail, and shall return the case file to the administrator. The decision of the board of review shall be a final determination of the claim shown in the application.

SECTION 13. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

If the administrator shall disapprove any claim, or if the decision of the board of review be affirmance of the administrator's disapproval of the claim:

(1) No payment of a bonus shall be made,

(2) The administrator, upon receiving advice of the decision, shall note the same in a permanent book or record in his office; shall forthwith return to the claimant the copies of any official records submitted in support of the application; shall finally close the claim file; and may destroy all other papers except the application.

SECTION 14. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) If a claim is approved by the administrator or finally approved upon resort to the board of review, the administrator shall promptly certify to the secretary of finance and administration the names and addresses of persons found entitled to be paid, as shown in the application, and the amount payable to each.

(a) A copy of each such certificate shall be sent to the secretary of revenue, who shall promptly ascertain from the records of his department whether any person proposed to be paid a bonus is delinquent in the payment of any tax liability to the Commonwealth. No delinquency shall be deemed to exist as to any asserted tax liability which is the subject of a bona fide dispute. If any delinquency be found to exist, the secretary of revenue shall within three (3) working days after this receipt of the certificate, furnish the details thereof to the secretary of finance and administration; and if no advice of tax delinquency is received by the secretary of finance and administration before the end of the fourth working day after his receipt of certification from the administrator, he shall, for the purposes of this Act, conclusively presume that no delinquency of tax liability to the Commonwealth exists, but such presumption shall apply only to the existence or absence of a set-off by the Commonwealth against a certified claim for a bonus, and shall not alter the facts as between the Commonwealth and any taxpayer.

(b) If no advice of tax delinquency is received within such allowed time, the secretary of finance and administration may approve payment in accordance with the certificate of the administrator, and may immediately draw a warrant on the state treasury for a check in payment.

(c) Upon receipt of such warrant the state treasurer shall issue a check in accordance therewith payable from funds made available in accordance with this Act, and the same shall promptly be mailed to the payee thereof at the address shown in the certificate.

(2) If the secretary of finance and administration shall, within the allowed time, receive advice from the secretary of revenue of the existence of a delinquency on the part of any person having an approved claim for a bonus, as to any tax liability to the Commonwealth, the secretary of finance and administration shall note the same on the certificate of the administrator, withhold payment, and forthwith send to the claimant by registered mail a notice of the asserted delinquency, and the amount thereof, and that it is proposed that the same be set off against the bonus payment.

(a) If the secretary of finance and administration receives no protest in his office within ten (10) working days after recording such notice, he shall conclusively presume that the proposed set-off is just, shall apply the amount thereof in reduction or extinguishment of the payment certified by the administrator, and shall advise the secretary of revenue of the amount set off against the bonus, which advice shall be noted by the secretary of revenue on the records of his office as a credit upon the delinquent tax liability.

(b) If the tax set-off does not consume the entire amount of the bonus as certified by the administrator, the secretary of finance and administration shall draw a warrant upon the state treasury for a check in the amount of the remainder, and upon receiving such check from the state treasurer shall send the same, together with advice of the set-off, by mail, to the payee at the address shown in the certificate of the director.

(3) If the secretary of finance and administration receives from the claimant a protest of the asserted tax delinquency, within the allowed time, the secretary shall withhold approval for payment, and shall refer the protest to the secretary of revenue for disposition.

(4) If a tax set-off is made, and the claimant shall assert error with regard thereto, the exclusive remedy shall be by seeking refund from the secretary of revenue.

SECTION 15. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) Claims for payment of a bonus shall not be assignable before or after approval thereof; and any attempted or purported assignment received by or tendered to any officer of the Commonwealth shall be void, need not be acknowledged or returned, and may be disregarded.

(2) Payments of the bonus shall be exempt from all taxation by the Commonwealth, its political subdivisions and taxing districts.

(3) No claim for payment of a bonus and no payment made by the Commonwealth under this Act shall give rise to a cause of action against the Commonwealth or any of its officers, agents, or employes, and no claim for payment shall be subject to attachment, levy, garnishment or seizure by or under any legal or equitable process whatever; but this provision shall not extend exemption from legal process to the proceeds of any bonus payment after the same has been received from the Commonwealth.

(4) The Commonwealth does not consent to be sued in any court with regard to any matter connected with or arising out of claims for payment of the bonus herein authorized.

SECTION 16. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) There shall be a board of review consisting of nine (9) persons who are residents and qualified voters of the Commonwealth, appointed by the governor without limitation as to political affiliation, religion, race, sex, or past or present service in the armed forces, except that six (6) members of this board shall be veterans. The name of said board shall be "The Viet Nam Veterans' Bonus Board of Review." The governor shall designate a chairman and a secretary from among the membership.

(2) Three (3) members and no more shall constitute a board of review, and shall by concurrence of two (2) members decide any claim which comes before the board in the manner provided in this Act. The chairman of the board shall designate three (3) members to consider and decide each claim, having due regard for availability for service so that delay may be avoided.

(3) The chairman and secretary shall devote their full time to the affairs of the board and shall receive compensation at the rate to be fixed in accordance with personnel standards fixed by the commissioner of personnel until the functions of the board are performed and the board is dissolved as hereinafter provided. Other members of the board shall be compensated fifty dollars ($50.00) per diem, but only for actual time served in considering and deciding claims for veterans' bonuses pursuant to designation by the chairman. All members of the board shall be reimbursed for necessary travel to and from their places of residence, and in performance of duties pursuant to assignment, at the rate of twenty-one (21) cents per mile.

(4) Each claim coming before the board shall promptly be considered and decided by the three (3) members designated for that purpose. In every case the board shall either affirm the decision of the administrator, or determine that a Viet Nam veterans' bonus should be paid, and to what persons and in what amounts. No written opinions or recitations of reasons for any decision need be made. A statement of the decision made shall be signed by at least two (2) of the three (3) members designated to decide the claim; and upon concurrence of two (2) members a decision shall be final and not subject to reconsideration.

(5) When, after April 1, 1988, the board of review shall have decided all cases coming before it for decision, the chairman shall report such fact to the governor in writing. The governor shall thereupon declare that the board of review is dissolved, and shall so notify the members, and the functions and duties of the board shall be deemed to have been fully performed.

SECTION 17. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

Any person who charges or collects or attempts to charge or collect either directly or indirectly, any fee or other compensation for assisting in any manner a person seeking to obtain payment of a bonus under this Act, shall be fined not more than five hundred dollars ($500) or imprisoned in the county jail for a term of not more than six (6) months, or both; but this provision is not intended to prohibit:

(1) Collection by public officers of statutory fees for providing authenticated copies of public records, or

(2) The giving of assistance or advice to claimants by any bona fide veterans' organization, civic organization, institution, public or private body, or person, through one (1) or more persons compensated from the funds of such organization, institution, or public or private body or person, if no fee or charge therefor is collected from the asserted claimant.

SECTION 18. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

Whoever makes any false or fraudulent statement of a material fact in any application, affidavit, certificate or document submitted or tendered for the purpose of obtaining payment of a bonus under this Act, shall be fined not more than one thousand dollars ($1,000) or imprisoned in the penitentiary for a term of not more than two (2) years, or both.

SECTION 19. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

Any person conspiring to obtain payment of a fraudulent claim for a bonus under this Act, or conspiring to defraud one who receives payment or has a bona fide claim for payment of a bonus, shall be fined not more than one thousand dollars ($1,000) or imprisoned in the penitentiary for not more than two (2) years, or both.

SECTION 20. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

Any person convicted of any offense denounced in Sections 17, 18, and 19 of this Act shall forfeit his or her right, if any, to receive any payment authorized by this Act.

Section 21. KRS 138.480 is amended to read as follows:

(1) Each person entering the grounds or inclosure of any race track at which a race meeting is being conducted under the jurisdiction of the state racing commission, for the purpose of attending the races or for any other purpose connected therewith, shall pay *taxes* [~~a tax of fifteen (15) cents~~] to the state, except as [~~otherwise~~] provided *for* in *subsection (2) of* this section, *as follows:*

(a) A tax of fifteen cents per person; and

(b) A tax at a rate of twenty percent (20%) of the price of admission. In the case of a free admission, the tax shall be levied upon the price which would have been charged had the admission not been a free admission.

(2) (a) If tickets good for more than one (1) day are issued, *the taxes imposed under the provisions of subsection (1) of this section* [~~the sum of fifteen (15) cents~~] shall be paid by each person using such ticket on each day that it is used.

(b) The taxes provided for in subsection (1) of this section shall not apply to employes of the race track, or any of the owners or trainers of horses, or jockeys, or their employes.

(c) The race track shall account and pay to the state the monies collected under the provisions of this Act [~~No admission tax shall be collected from any of the employes of the race track, or any of the owners or trainers of horses, or jockeys, or their employes. The admission tax provided for in this section shall be collected by the race track from each person on entering the race track or inclosure on a paid or free admission. The race track shall account to and pay to the state the money so collected~~].

SECTION 22. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established in the state treasury a fund entitled "Viet Nam veteran's bonus fund." The fund may receive state appropriations, gifts, grants and federal funds and shall be disbursed by the state treasurer upon the warrant of the secretary of the finance and administration cabinet. Any unalloted or unemcumbered balance in the fund shall be invested in United States government securities, and the proceeds from such investments shall be credited to the fund.

(2) An amount equal to the tax collected under the provisions of KRS 138.480(1)(b) shall be transferred from the general fund into this fund. Such transfers shall be made quarterly.

(3) Monies in the Viet Nam veteran's bonus fund shall be used to pay the Viet Nam veteran's bonus provided for in Sections 1 through 20 of this Act and administrative costs necessary to carry out the requirements of this Act. Any monies remaining in the fund after payment of the Viet Nam veteran's bonus and associated administrative costs shall lapse to the general fund.

SECTION 23. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

(1) The center shall provide to the secretary of the finance and administration cabinet an estimate of the cost of the Viet Nam veteran's bonus provided for in Sections 1 through 20 of this Act, together with an estimate of the administrative costs necessary to carry out the requirements of this Act.

(2) The secretary of the finance and administration cabinet shall certify to the legislative research commission the cost of the Viet Nam veteran's bonus and the administrative costs necessary to carry out the requirements of this Act.

(3) The secretary of the finance and administration cabinet shall certify to the legislative research commission within 30 days following the close of fiscal year 1986-87, and each year thereafter, the Viet Nam veteran's bonus fund balance, and at the same time shall provide to the legislative research commission and the center an estimate of the date on which the fund balance shall be equal to the total of the cost of the Viet Nam veteran's bonus and associated administrative costs.

(4) The secretary of the finance and administration cabinet shall notify the legislative research commission

and the center when the Viet Nam veteran's bonus fund balance equals the total of the cost of the Viet Nam veteran's bonus and associated administrative costs.

SECTION 24. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

The Viet Nam veteran's bonus provided for in Sections 1 through 20 of this Act shall be payable at such time as the Viet Nam veteran's bonus fund balance equals the total of the cost of the Viet Nam veteran's bonus and associated administrative costs.

SECTION 25. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

There is hereby appropriated from the Viet Nam veteran's bonus fund, established under the provisions of Section 22 of this Act, amounts sufficient to pay the Viet Nam veteran's bonus provided for in Sections 1 through 20 of this Act and the administrative costs necessary to carry out the requirements of this Act.

SECTION 26. A NEW SECTION OF KRS CHAPTER 40 IS CREATED TO READ AS FOLLOWS:

The tax provided for in KRS 138.480(1)(b) is repealed effective the last day of the month in which the Viet Nam veteran's bonus is payable, as provided for in Section 24 of this Act.

SB 84, AN ACT relating to the personal care assistance program.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 205.900 TO 205.920 IS CREATED TO READ AS FOLLOWS:

The cabinet shall implement the provisions of KRS 205.900 to 205.920 on a statewide basis and shall serve at least two hundred (200) severely physically disabled adults.

SB 214, AN ACT relating to individual income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any statutory provisions to the contrary, a deduction shall be allowed individuals against adjusted gross income in arriving at net income for ''qualified artistic charitable contributions" in an amount equal to the fair market value of the property contributed as determined at the time of such contribution.

(2) For purposes of this chapter, "qualified artistic charitable contribution" shall mean a charitable contribution of any literary, musical, artistic or scholarly composition, any letter or memorandum, or similar property, but only if:

(a) Such property was created by the personal efforts of the taxpayer no less than one (1) year prior to such contribution;

(b) The taxpayer has received a written appraisal of the fair market value of such property by a person qualified to make such an appraisal (other than the taxpayer, donee, or any related person within the meaning of section 168(e)(4)(D) of the internal revenue code), and the appraisal is made within one (1) year of the date of such contribution;

(c) The taxpayer attaches to his income tax return for the taxable year in which such contribution was made a copy of such appraisal;

(d) The donee is an organization described in section 170(b)(1)(A) of the internal revenue code;

(e) The use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 of the internal revenue code, or in the case of a governmental unit, to a public purpose; and

(f) The taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with paragraph (e) of this subsection.

(3) The aggregate amount of qualified artistic charitable contributions allowable to any taxpayer as a deduction under this section for any taxable year shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year. For purposes of this subsection, the term "artistic adjusted gross income" means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to:

(a) Income with respect to property described in subsection (2) of this section that is created by the taxpayer; and

(b) Income from teaching, lecturing, performing or similar activity with respect to such property or to similar property created by individuals other than the taxpayer.

(4) The provisions of this section shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared or produced by or for an individual while such individual was an officer or employe of the United States or any state, or political subdivision thereof, if the writing, preparation, or production of such property was related to, or arose out of the performance of such individual's duties as such an officer or employe.

(5) The provisions of this section shall be effective for tax years beginning on or after January 1, 1986.

The Committee Amendment No. 1 to SB 214 is as follows:

Amend printed copy of SB 214:

Page 3, line 17, by deleting the date "1986" and inserting in lieu thereof, "1987."

SB 325, AN ACT relating to low-income energy assistance and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established in the treasury of the Commonwealth a trust fund to be known as the "low-income energy assistance trust fund" herein referred to as the "trust fund."

(2) The trust fund shall consist of any oil overcharge refunds which become available to the state as a result of settlements of litigation for alleged overcharges for crude oil or refined petroleum products sold during the period of time in which federal price controls on such products were in effect, any monies as may be appropriated by the general fund, and any investment interest earned on the fund.

(3) The fund shall be managed by the state office for investment and debt management and the principal accumulated shall be invested with a maximum long-range return. The principal shall at no time lapse to the general fund and shall continue to be invested. Interest accrued to the fund during the previous year shall be available for disbursement by the cabinet for human resources upon the authorization of the low-income energy assistance trust fund board as provided for in Section 5 of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The low-income energy assistance trust fund board, herein referred to as the "board," is established to monitor the trust fund and all activities financed by the trust fund.

(2) The board shall be comprised of the secretary of the finance and administration cabinet, the secretary of the cabinet for human resources, the secretary for the energy cabinet, the secretary for the revenue cabinet and the state treasurer. The secretary of the finance and administration cabinet shall serve as chairperson.

(3) The board shall meet not less than four (4) times a year upon call of the chairperson.

SECTION 3. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The board shall review all investments of trust fund monies made by the office for investment and debt management and advise the secretary of the cabinet for human resources by March 1 of each year on the estimated funds to be available from the trust fund for the forthcoming fiscal year.

SECTION 4. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet for human resources shall prepare and submit a plan to the board for the expenditures of those monies available from the trust fund on or before April 15 of each year.

(2) The board shall review the plan and shall forward it to the governor no later than June 15 with such comments and recommendations as the board may deem appropriate.

(3) The governor shall act upon the plan no later than June 30.

SECTION 5. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

Once a plan is approved by the governor the board shall authorize the withdrawal of monies from the trust fund for the purposes provided in the approved plan. Funds shall be withdrawn as expenditures are incurred and billing received to maximize interest earned on the monies.

SECTION 6. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources shall expend monies from the trust fund to benefit only low-income households and only in areas related to weatherization and related energy conservation activities which will result in long-term energy savings.

SECTION 7. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The board shall prepare and submit to the legislative research commission a report by July 30 of each year on the operational and financial status of the fund and shall include in such report the plan as approved by the governor for expenditures of monies available from the trust fund.

SECTION 8. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources may promulgate such administrative regulations as necessary to effectively administer the requirements of this Act.

Section 9. Whereas, oil overcharge refunds could be received into the state at any time, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Motions, Petitions and Communications (continued)

The Speaker resumed the Chair.

Representative Donnermeyer moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Donnermeyer moved the adoption of the following HR 150:

HR 150, A RESOLUTION adjourning the House of Representatives in memory and honor of former state representative James E. Murphy.

WHEREAS, James E. Murphy of Campbell County, Kentucky, departed this earthy life on September 29, 1985, and has crossed that final bourne from which no traveler returns; and

WHEREAS, James E. Murphy ably served the 63rd District of the Commonwealth of Kentucky from 1960 to 1972; and

WHEREAS, prior to his legislative service, James E. Murphy had a successful career as a real estate insurance broker; and

WHEREAS, this distinguished Kentuckian was a devout person; and

WHEREAS, James E. Murphy diligently served as City Commissioner; and

WHEREAS, James E. Murphy was active in civic organizations and unselfishly dedicated his time to serving the Elks, the Knights of Columbus, the Lions Club, and the Jaycees; and

WHEREAS, all who knew and admired James E. Murphy sorely grieve over his loss and join his family and many friends who mourn his passing;

With deepest respect we pay homage and tribute to the memory of our beloved colleague, James E. Murphy.

May the road rise to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
May the rain fall softly upon your fields,
And until we meet again
May God hold you in the palm of his hand.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby express its profound sense of sorrow upon the death of James E. Murphy and does extend to his family its most heartfelt sympathy.

Section 2. That when the House of Representatives does adjourn this St. Patrick's day Monday, March 17, 1986, it does so in loving memory and honor of James E. Murphy, the Irishman who loved this day so much.

Section 3. That the Clerk of the House is directed to transmit a copy of this resolution to the family of James E. Murphy.

HR 150 was adopted by voice vote.

Representative Hines moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Hines moved the adoption of the following HR 151:

HR 151, A RESOLUTION establishing the non-hospitalized patients bill of rights.

WHEREAS, the provision of high-quality health care appropriate to the needs of each patient is of primary concern to all Kentuckians; and

WHEREAS, the health care delivery system is a highly complex and changing field, involving numerous professions, providers, third-party payors, and governmental reimbursement programs; and

WHEREAS, determination of the health care needs of individual patients and appropriate treatment modalities to meet those needs, and selection of the best providers of those treatment modalities involves a complex decision-making process involving the patient and the various health care professions, providers, third-party payors, and governmental reimbursement programs; and

WHEREAS, the consequences of inappropriate decisions concerning health care needs and treatment modalities and the lack of availability of appropriate providers and means of payment can include neglect or aggravation of treatable medical conditions, unnecessary morbidity, mortality, disability, loss of productivity, and greatly increased costs both to individuals and to the taxpayers of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the following non-hospitalized patients Bill of Rights is hereby established:

(1) I have the right to quality health care;

(2) I have the right to change my physician or health plan;

(3) I have the right to receive the proper medications based on my medical needs, not on the financial needs of a health care plan that may promote overuse or underuse of drugs;

(4) I have the right to be seen by a specialist if my condition deserves special care;

(5) I have the right to health care services provided at reasonably convenient locations in my community; and

(6) I have the right to a second opinion to ensure that I am receiving proper care.

Section 2. That the House of Representatives of the Commonwealth of Kentucky recommends that all health care professionals, providers, third-party payors, and governmental reimbursement programs take the appropriate steps to ensure that the rights enumerated above are protected for all consumers of health care in Kentucky.

HR 151 was adopted by voice vote.

Representative L. Clark moved that HB 791 be withdrawn. Agreed.

Representative Johnson moved that the rules be suspended to waive the three-day posting period on HB 664. Agreed.

Representative Reinhardt requested that he be recorded as changing his vote from "yea" to "nay" on HB 660. Agreed.

Representative Napier requested that he be recorded as voting "nay" on HB 447. Agreed.

Representative Ford requested that he be recorded as voting "yea" on HB 59. Agreed.

Announcements

The following meetings were announced:

Committee on Labor and Industry: March 18, 1986, 8:30 a.m., Room 104.

Committee on Judiciary-Criminal: March 18, 1986, twenty minutes after adjournment; regular meeting on March 21, 1986, 8:30 a.m.

Committee on State Government: On adjournment, Speaker Pro Tempore's office.

Committee on Rules: On adjournment, State Reception Room.

Adjournment

Representative Stumbo moved that the House adjourn until 2 p.m., Tuesday, March 18, 1986.

On the roll call the vote was yeas 73—Barrows, Bendl, Bennett, Blandford, Bronger, M. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Clarke, Cowan, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Johnson, T. Jones, Keith, Kerr, Lefevers, Lile, Little, Lyne, Mack, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Napier, Nett, Noe, Noland, O'Brien, Pearman, Preston, Priddy, Pritchett, Rapier, Reinhardt, Richards, P. Richardson, Riner, Rose, Siler, Smith, Stewart, Strong, Stumbo, Thomas, Todd, Turner, White, Worthington, Yates. Nays 2—Blevins, LeMaster

The motion to adjourn was adopted.

TUESDAY, MARCH 18, 1986

FORTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend Robert Wood, First United Methodist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 17, 1986, be dispensed with and the same approved. Agreed.

Introduction of Resolutions

HR 153, by Representative Hancock: A RESOLUTION saluting the City of Frankfort upon the occasion of its bicentennial celebration.

HR 154, by Representative Stumbo: A RESOLUTION adjourning the House of Representatives in honor of Danny Sullivan.

HR 155, by Representative Stumbo: A RESOLUTION directing appointment of a committee to wait upon the Chief Justice.

HR 156, by Representative Barrows: A RESOLUTION adjourning the House in honor of the 1985-86 Woodford County High School Boys' Basketball Team.

Report on Enrolled Bills

The Committee on Enrollment reported HB 143, HB 332, and HB 466 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:05 p.m.)

HB 143, HB 332 and HB 466 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of SB 185, SB 224, SB 234, SB 241, SB 253, SB 322, SB 352, SB 374, SCR 98, HB 285 with Senate Amendment, HB 571 with Senate Amendment, HB 75, HB 174, HB 266, HB 359, HB 401; HB 451, HB 540, HB 523, HB 618, HB 622, HB 626, and HCR 20.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills:

Appropriations and Revenue: SB 286.

Judiciary-Civil: SB 289.

Judiciary-Criminal: SB 315, SB 320, SB 317, SB 387.

Labor and Industry: SB 143.

Natural Resources and Environment: SB 354.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bill and Resolution have been posted for Committee consideration:

Judiciary-Criminal: SB 317.

Education: HJR 126.

The Clerk announced SB 367 has been withdrawn from Committee consideration by the Committee on Education.

Report of Committees

The Committee on Rules reported HB 40, HB 535, HB 774, HB 919, HB 938, HB 946, HB 699, HB 783, HB 818, HB 897, HB 954, HB 955, HB 975, HR 27, SB 212, SB 213, SB 264, SB 265, SB 278, SB 284, HB 695, HB 727, HB 733, HCR 114, HJR 80, SB 250, SB 271 and HB 741 have been posted for passage in Orders of the Day, March 19, 1986.

The Committee on Rules reported HB 644 has been recommitted to the Committee on Labor and Industry.

The Committee on Education reported HB 811, HB 866, HB 952, HB 979 with Committee Amendment attached thereto, HB 981, HCR 132, SB 67 with Committee Amendment attached thereto, and SB 350 with Committee Amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 811, AN ACT relating to higher education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

The governing board of each public university shall develop regulations concerning athletic grants-in-aid to include the following:

(1) A one (1) year suspension of an athlete's athletic grant-in-aid upon his conviction for the illegal possession or use of a controlled substance as defined in KRS 218A.010; and

(2) Permanent revocation of an athlete's athletic grant-in-aid upon his second conviction for the illegal possession or use of a controlled substance as defined in KRS 218A.010.

HB 866, AN ACT relating to the state life insurance program for school employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.159 is amended to read as follows:

The state board of education, upon the recommendation of the superintendent of public instruction, shall adopt rules and regulations to implement the state life insurance program provided for employes of the common schools subject to the following standards:

(1) The life insurance program shall cover both certified and non-certified common school personnel.

(2) The life insurance program shall be made available to all regular full-time personnel as defined by the state board of education regulations.

(3) The life insurance program shall provide insurance coverage for employes of the common schools in an amount equal to insurance coverage for all other state employes. Benefits paid under the retirement system established by KRS 161.220 to 161.716 shall not be considered in determining insurance coverage.

HB 952, AN ACT relating to textbooks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 156.476 is amended to read as follows:

The state board of education, upon the recommendation of the superintendent of public instruction, may select suitable textbooks, *which include braille textbooks,* and other materials printed in clear type of 18 to 24 points in the different subject areas for children with impaired vision who are attending the public schools of the commonwealth of Kentucky in grades kindergarten through twelve (12). Such textbooks and materials shall not be subject to the official textbook bids, filing fees, textbook sampling, and the stipulated list prices, lowest wholesale prices, exchange prices, and the standards and specifications required for the textbooks approved and listed by the state textbook commission for regular use by the pupils attending the public schools of the state of Kentucky. The state board of education, upon the recommendation of the superintendent of public instruction, shall have the authority to prescribe rules and regulations for determining the pupils eligible for such books, the number of books to be purchased, and the general administration of the program. The superintendent of public instruction, subject to the approval of the state board of education, may purchase these books and distribute them without cost to the pupils with impaired vision attending the public schools of the state. All textbooks purchased under this section for the pupils with impaired vision are the property of the state.

HB 979, AN ACT relating to the recall of school tax levies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.597 is amended to read as follows:

Any school tax authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 may be recalled as follows:

(1) The order or resolution levying any of the school taxes designated heretofore in this section shall go into effect not less than thirty (30) days nor more than ninety (90) days after its passage. If during the thirty (30) days immediately following the passage of the order or resolution a petition signed by a number of [~~registered and qualified~~] voters*, registered and qualified in accordance with Constitution of Kentucky section 145 and the election laws generally,* equal to fifteen percent (15%), except in counties containing a city of the first class, equal to five percent (5%), of the votes cast in the school district or combined taxing district levying the tax for the office receiving the greatest total vote at the last preceding presidential election is presented to the *county clerk* [~~county board of elections~~] requesting that the order or resolution of such tax be placed before the voters for approval, the order or resolution shall be suspended from going into effect for that district until after the election provided for in subsection *(4)*[~~(2)~~] of this section. [~~The person presenting the petition shall be given a receipt indicating the date of presentation.~~] Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, number or designation of the district or ward wherein the precinct is situated. [~~If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it.~~] One (1) or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. *The person presenting the petition shall be given a receipt indicating the date of presentation to the county clerk.*

(2) The recall petition shall be in the following form:

SCHOOL TAX LEVY RECALL PETITION

____________________ *(Precinct)*
County Clerk

____________________ *County*
Commonwealth of Kentucky

We, the undersigned, registered and qualified voters of the above precinct, request the _____ (number or date) tax levy order or resolution of the board of education of ____________ school district be placed on the ballot for voter approval at the next regular November election.

Name	*Social Security Number*	*Street Address*	*Signature*

(Print) (Requested, but not required)

________________ ________________ ________________ ________________

________________ ________________ ________________ ________________

________________ ________________ ________________ ________________

The signatures on this petition were obtained voluntarily in the presence of affiant(s) and affiant(s) is signing based upon personal knowledge.

______________________________ *(Affiant).*

______________________________ *(Affiant).*

(3) The *county clerk* [~~county board of elections~~] shall make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution, and immediately thereafter shall notify the school board that the petition has been received and that the order or resolution levying such tax will be placed before the voters for approval. The *county clerk* [~~board of elections~~] shall certify to the school board within thirty (30) days of receipt of the petition that the petition is properly presented and in compliance with the provisions of this section. If the *county clerk* [~~board of elections~~] finds the petition to be invalid, *he* [~~it~~] shall state in writing the deficiency of said petition. Written notification that the petition has been declared invalid and the deficiencies thereof shall be sent by certified mail to *all persons* [~~the person~~] to whom *receipts were* [~~a receipt was~~] given by the *county clerk* [~~board of elections~~], and shall be published at least one (1) time in a newspaper of general circulation within the county containing the school district levying the tax, or if there be no such newspaper, shall be posted at the courthouse door. *If petitioners submitted the required number of signatures within thirty (30) days of passage of the order or resolution, but the county clerk finds one (1) or more signatures invalid, petitioners may correct the deficiencies by securing additional valid signatures if ninety-five percent (95%) of the required number of signatures remain after the invalid signatures are removed. Additional signatures shall* [~~If good cause is shown, the board of elections shall permit the petitioners to correct the deficiencies either by securing additional valid signatures or by circulating a new petition, such petition to~~] be submitted to the *county clerk* [~~board~~] within thirty (30) days from the date of the written notification of the deficiencies.

(4)[~~(2)~~] Thereupon, if it has been determined that the petition contains enough valid signatures to suspend the effect of the order or resolution, the *district board of education* [~~county board of elections~~] shall submit the question to the voters of the school district at the next regular election or a called common school election, either of which is to be held not less than sixty (60) days from the date of the passage of the order or resolution. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast in a district or combined taxing district upon the question oppose its passage, the order or resolution shall not go into effect in that district or combined taxing district. If a majority of the votes cast in a district or combined taxing district upon the question favor its passage, the order or resolution shall go into effect in that district. In the event that the election is to be held in more than one (1) school district within a county the votes shall be counted separately. The cost of a called common school election shall be borne by the school district causing the election to be held.

(3) If any statute in existence on June 17, 1978, is found to be in conflict with any provision of this section, the provisions of this section shall prevail.

The Committee Amendment No. 1 to HB 979 is as follows:

Amend printed copy of HB 979:

On page 3, line 3 delete "*November*" and insert "*or special called*" in lieu thereof.

On page 4, line 14 after the word "*invalid*" insert the following:

"*so as to render the petition deficient under KRS 160.597(1)*"

HB 981, AN ACT relating to public school district finances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.570 is amended to read as follows:

(1) Each board of education shall appoint a bank, trust company or savings and loan association to serve as its depository, and if its annual receipts from all sources exceed one hundred thousand dollars ($100,000) it may designate three (3) depositories except boards of education of school districts in counties containing cities of the first class may designate up to five (5) depositories. *Each board of education shall notify by letter each bank, trust company and savings and loan association in the county or counties encompassing the school district, that the board is accepting bids for banking services.* The depository *or depositories* may be designated for a period not to exceed two (2) years, and before entering upon its duties shall agree with the board as to the rate of interest to be paid on average daily, [~~or~~] monthly *or other available* balances. *When two (2) or more financial institutions are under consideration for selection as depository or depositories for the boards' funds, the board shall select the depository or depositories which agree to pay the highest rate or rates of interest on average daily, monthly or other available balances. Such available balances shall be invested pursuant to KRS 66.480.*

(2) The depository selected shall, before entering upon its duties, execute bond for the faithful performance of its duties, to be approved by the local board of education and the state board of education. The bond shall be guaranteed by at least five (5) solvent personal sureties whose solvency must exceed the amount of the bond, or by a surety company authorized to do business in this state, or through the execution of a collateral bond consistent with the general banking laws of the state and the bonding laws applying to the safeguarding of state funds. The penal sum of the depository bond shall be determined by the board of education in accordance with the rules and regulations of the state board of education. A board of education may enter into an agreement with its depository whereby the premium on a bond guaranteed by a surety company may be paid either by the board or by the depository. If the board pays the premium, the depository shall allow the board not less than two percent (2%) interest on its average daily or average monthly balances. All depository bond forms shall be prepared by the superintendent of public instruction and approved by the state board of education.

(3) The depository shall hold for the board all funds deposited by the treasurer of the board or its tax collector or duly authorized agent, subject to withdrawal by the board at any time, and shall pay all funds so deposited to such person and in such manner as the board directs. The depository shall keep full and complete accounts of all of the board's funds, and make reports to the board or its authorized agents upon request. The depository shall keep all records relating to the transactions and duties of the office and turn them over to the successor of its office along with all school funds in hand. The board of education may at any time require a due and proper audit of the depository's records of the funds of the board by a competent outside agent.

(4) A board of education may designate as its depository the authorized and bonded depository of the governing authority of the territory which the school district embraces. In such cases, the bond of the depository shall be made to cover specifically the safekeeping of the school board's funds, and all conditions set out in this section shall be carried out.

Section 2. KRS 160.476 is amended to read as follows:

(1) The board of education of any district may, in addition to other taxes for school purposes, levy not less than four (4) cents nor more than twenty (20) cents on each one hundred dollars ($100) valuation of property subject to local taxation, to provide a special fund for the purchase of sites for school buildings and physical education and athletic facilities, for the erection and complete equipping of school buildings and physical education and athletic facilities, and for the major alteration, enlargement and complete equipping of existing buildings and physical education and athletic facilities, provided, however, that such tax shall come within the maximum school tax levy provided by KRS 160.470. In addition to or in lieu of this special tax, any board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and all or any balances remaining in the general fund over and above the amount necessary for discharging obligations for the fiscal year in full.

(2) The special fund provided for herein shall be kept in a separate account designated as "school building fund." The fund shall be kept in a depository selected by the board of education, *and any available balance shall be* [~~or~~] invested *pursuant to the provisions of KRS 66.480* [~~in bonds of the United States, of this state, or county or municipality in this state~~], provided, however, that such investments shall be approved by the state board of education.

(3) All expenditures from such fund shall be made solely for the purposes enumerated herein and shall be made in accordance with the school laws of the state at such times as the board of education determines. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the state department of education.

(4) Notwithstanding the provisions of any other subsection of this section to the contrary, for the 1966 tax year and for all subsequent years no district board of education shall levy a tax at a rate under the provisions of this section which exceeds the compensating tax rate as defined in KRS 132.010. The superintendent of public instruction shall certify the compensating tax rate to the district board of education.

Section 3. KRS 160.477 is amended to read as follows:

(1) (a) Upon request of the board of education of any school district, the county board of elections shall submit to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five (5) cents nor more than fifty (50) cents as requested by the board shall be levied on each $100 of property subject to local taxation. This tax levy shall be in addition to the maximum school tax levy provided by subsection (2) of KRS 160.470. The income from the tax shall be used for the purchase or lease of school sites and buildings and physical education and athletic facilities, for the erection and complete equipping of new school buildings and physical education and athletic facilities, for the major alteration, enlargement and complete equipping of existing buildings, and physical education and athletic facilities, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school improvements, and for the purpose of financing any program for the acquisition, improvement, or building of school improvements. The question shall be so framed that the voter may by his vote answer "for" or "against."

(b) The election shall be held not less than fifteen (15) or more than thirty (30) days from the time the request of the board is filed with the county board of elections, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the school district.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax-levying authority shall, when the next tax rate for the district is fixed, levy the special rate specified for the school building fund in addition to the levy provided by subsection (2) of KRS 160.470.

(2) There may be included, in the maximum levy provided for in subsection (2) of KRS 160.470, a special levy for building fund purposes as authorized by KRS 160.476, which shall be in addition to the levy authorized by vote as provided in subsection (1) of this section.

(3) In addition to or in lieu of this special tax, any board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and allow any balances to remain in the general fund over and above the amount necessary for discharging obligations for the fiscal year in full.

(4) The special fund provided for in subsection (1) of this section shall be kept in a separate account designated as "special voted school building fund." The fund shall be kept in *a* [~~the~~] depository selected by the district board of education, *and any available balance shall be* [~~or~~] invested *pursuant to the provisions of KRS 66.480* [~~in bonds of the United States, of this state, or of any county or municipality in this state~~], provided, however, that such investment shall be approved by the state board for elementary and secondary education.

(5) All expenditures from such fund shall be made solely for the purposes enumerated in this section and shall be made in accordance with the school laws of the state at such times as the district board of education determines. The district board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the state board for elementary and secondary education.

(6) Notwithstanding the provisions of any other subsection of this section to the contrary, for the 1966 tax year and for all subsequent years no district board of education shall levy a tax at a rate under the provisions of this section which exceeds the compensating tax rate as defined in KRS 132.010, except as provided in subsection (7) of this section, and except that a rate which has been approved by the voters under this section but which was not levied by the district board of education in 1965 may be levied after it has been reduced to the compensating tax rate as defined in KRS 132.010, and except that in any school district where the rate levied in 1965 was less than the maximum rate which had been approved by the voters, the compensating tax rate shall be computed and may be levied as though the maximum approved rate had been levied in 1965 and the amount of revenue which would have been produced from such maximum levy had been derived therefrom.

(7) Notwithstanding the limitations contained in subsection (6) of this section no tax rate shall be set lower

than that necessary to provide such funds as are required to meet principal and interest payments on outstanding bonded indebtedness and payments of rentals in connection with any outstanding school revenue bonds issued under the provisions of KRS chapters 58 and 162.

Section 4. KRS 162.240 is amended to read as follows:

The sinking fund shall be deposited in a depository selected by the governing body of the city. The deposit, where practicable, shall be continuously secured by a pledge to the city of direct obligations of the United States, exclusive of accrued interest, at all times at least equal to the balance on deposit in the account, or in some other manner acceptable to the purchasers or holders of the bonds. The securities shall be deposited with the city or held by a trustee or agent satisfactory to the governing body of the city. The sinking fund *available balance shall* [~~may~~] be invested *pursuant to KRS 66.480* [~~in direct obligations of the United States~~].

Section 5. KRS 157.420 is amended to read as follows:

Public school foundation program funds made available to the credit of each district during any year, shall be received, held and expended by the district board, subject to the provisions of law and Kentucky administrative regulations of the state board of education. The following restrictions shall govern the expenditure of funds from the public school foundation program fund:

(1) The teachers' salaries allotment for each district from the public school foundation program fund and from local sources shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the amount set forth in the biennial budget schedule for each rank and experience for a term of one hundred eighty-five (185) days and no teacher shall be paid less than ninety-three percent (93%) of the public school foundation program fund allotment for that rank for full-time service during the regular school year or the allotment under KRS 157.390(4) shall be reduced by an amount equal to the amount by which the district failed to meet the salary requirements.

(2) The state board of education shall not approve any working budget or salary schedule summary for local boards of education for any school year in which the total amount for one hundred eighty-five (185) days on the salary schedule summary for foundation program instructional salaries is not equal to:

(a) The amount for one hundred eighty-five (185) days on the district's salary schedule summary for foundation program instructional salaries the preceding year; plus

(b) The additional amount for instructional salaries to be received by the district under the biennial budget schedule for a one hundred eighty-five (185) day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year.

(3) The capital outlay allotment for each district from the public school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the superintendent of public instruction in accordance with requirements of law, and based on a survey made in accordance with Kentucky administrative regulations of the state board of education. These funds shall be used for the following capital outlay purposes:

(a) For direct payment of construction costs;

(b) For debt service on voted and funding bonds;

(c) For payment or lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For the retirement of any deficit resulting from over-expenditure for capital construction, if such deficit resulted from an emergency declared by the state board of education under KRS 160.550;

(e) As a reserve fund for the above-named purposes, to be carried forward in ensuing budgets; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above-named purposes, the superintendent of public instruction under Kentucky administrative regulations of the state board of education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

(4) If a survey shows that a school district has no capital outlay needs as shown in paragraphs (a), (b), (c), and (d) of subsection (3) of this section, upon approval of the superintendent of public instruction, these funds may be used for school plant maintenance, repair, insurance on buildings, replacement of equipment, purchase of school buses and the purchase of modern technological equipment, including telecommunications hardware, televisions, computers and other technological hardware to be utilized for educational purposes only.

(5) Any available balance in the capital outlay fund shall be invested pursuant to KRS 66.480.

Section 6. KRS 162.460 is amended to read as follows:

The insurance fund shall be kept on deposit with the treasurer of the board of education, unless by order of the board it is invested in *instruments pursuant to KRS 66.480* [~~United States, state, county, or city bonds~~] that are not payable from assessments, and are registered, if practicable. If the bonds are coupon bonds they shall be kept deposited in a safe deposit vault and be opened only by the business manager or secretary of the board in the presence of a member of the board authorized to represent it. Every vote upon the use or investment of any portion of the fund shall be by call of the yeas and nays and the record shall show how each member voted.

Section 7. Whereas, banking service agreements become effective at the beginning of a fiscal year and school districts will need time prior to that date to consider bids for services, this Act shall become effective upon its passage and approval by the governor.

HCR 132, A CONCURRENT RESOLUTION directing the Legislative Research Commission to appoint a special subcommittee of the Interim Joint Committee on Education to study the Kentucky Essential Skills Testing Program and the Remediation Program and the effect of the latter program on the need for additional classrooms.

WHEREAS, the General Assembly has established a commitment to educational reform; and

WHEREAS, it is of the utmost importance that the General Assembly monitor the implementation of reform initiatives to assure that they do in fact improve the quality of education in this state; and

WHEREAS, the General Assembly appropriated $18,000,000 in the 1984-86 biennium to establish the Essential Skills Testing Program and the Remediation Program;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission shall appoint a seven (7) member special subcommittee of the Interim Joint Committee on Education to study the Kentucky Essential Skills Testing (KEST) Program and the Remediation Program. The Director of the Legislative Research Commission shall call the first meeting, at which time the members shall elect a chairperson.

Section 2. That the study shall include, but not be limited to, the following:

1. Recommendations concerning the purpose of the testing program in Kentucky and a review of the present program to ascertain whether or not it achieves that purpose;

2. A review of the available statistical data and reports concerning the reliability and validity of the KEST, and the advisability of allocating remediation units based on KEST scores;

3. A review of the Department of Education's cost projections for the testing program and for making any necessary revisions in the KEST for the next ten (10) years;

4. A review of the available data concerning the educational impact on students participating in the Remediation Program;

5. A review of the Department of Education's plans for long-term evaluation of the KEST and Remediation Programs;

6. A review of the impact of the Remediation Program on school districts, including funds received, additional personnel required and additional classroom space needed;

7. A review of the method of allocating units for remediation.

Section 3. The subcommittee shall make its recommendations to the Legislative Research Commission and the Interim Joint Committee on Education no later than October 1, 1987.

Section 4. Staff services to be utilized in this study are estimated to cost $10,000. These staff services shall be provided from the regular Commission budget and are subject to the limitation and other research responsibilities of the Commission.

SB 67, AN ACT relating to state vocational schools and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 163.085 TO 163.095 IS CREATED TO READ AS FOLLOWS:

The superintendent of public instruction is authorized to provide liability insurance for licensed and nonlicensed motor vehicles owned or operated by the department of education in vocational schools. If the transportation of members of the student bodies is let out under contract, the contract shall require the contractor to carry an indemnity bond or liability insurance against negligence to such amounts as the superintendent of public instruction designates. In either case the indemnity bond or insurance policy shall be issued by a surety or insurance company authorized to transact business in this state, and shall bind the company to pay any final judgment not to exceed the limits of the policy rendered against the insured for loss or damage to property of any student or other person, or death or injury of any student or other person.

Section 2. Due to the potential liability which could result from lack of coverage, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

The Committee Amendment No. 1 to SB 67 is as follows:

Amend printed copy of GA copy of SB 67:

On page 1, line 4 delete "*for*" and insert "*coverage of*" in lieu thereof

SB 350, AN ACT relating to the legal status, powers, and duties of the state board of education and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 156.035 is amended to read as follows:

(1) The Kentucky state *board of* [~~boards for elementary and secondary~~] education *is* [~~and occupational education are~~] recognized to be *a* public *body* [~~bodies~~] corporate and politic, and *an agency* [~~agencies~~] and *instrumentality* [~~instrumentalities~~] of the Commonwealth in the performance of essential governmental functions.

(2) For the benefit of programs under *its* [~~their~~] control and supervision the *board is* [~~boards are~~] authorized to implement the provisions of any act of congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky general assembly, and to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devises.

(3) The board is authorized to expend funds necessary for liability insurance premiums for insurance to cover the defense of, and any damages and costs awarded in, any civil action brought against individual board members, in their official or individual capacities, or both, on account of an act made in the scope and course of their performance of legal duties as board members.

Section 2. Whereas, the ever-increasing statutory duties and responsibilities of state board of education members make it imperative that the board have statutory authority to purchase appropriate liability insurance coverage, and whereas there is currently no such authority, an emergency is declared to exist and this bill shall become effective upon its passage and approval by the Governor.

The Committee Amendment No. 1 to SB 350 is as follows:

Amend printed copy of SB 350:

On page 1, line 17 after "*(3)*" insert "*(a)*"

On page 1, line 18 delete "*liability*" and insert "*errors and omissions*" in lieu thereof

On page 2, lines 2 and 3, after "*members*" delete "*, in their official or individual capacities, or both,*"

On page 2, after line 4 add the following:

"*(b) The authorization of the expenditure of public funds for such insurance is deemed critical to continuing to attract qualified individuals to become state board of education members, and is deemed to authorize the expenditure of public funds for a public purpose.*

(c) Nothing in this subsection shall be construed as a waiver of the sovereign immunity of the Commonwealth with respect to claims against the state board of education, the department of education, or any of their respective officers, agents, or employes."

On page 2, line 8 delete "liability" and insert "errors and omissions" in lieu thereof.

The Committee on Labor and Industry reported HB 710, HB 876, HB 887, SB 108, SB 252 and SB 266 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 710, AN ACT relating to workers' compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.140 is amended to read as follows:

The average weekly wage of the injured employe at the time of the injury or last injurious exposure shall be determined as follows:

(1) If at the time of the injury which resulted in death or disability or the last date of injurious exposure preceding death or disability from an occupational disease:

(a) The wages were fixed by the week, the amount so fixed shall be the average weekly wage;

(b) The wages were fixed by the month, the average weekly wage shall be the monthly wage so fixed multiplied by twelve (12) and divided by fifty-two (52);

(c) The wages were fixed by the year, the average weekly wage shall be the yearly wage so fixed divided by fifty-two (52);

(d) The wages were fixed by the day, hour, or by the output of the employe, the average weekly wage shall be the wage most favorable to the employe computed by dividing by thirteen (13) the wages (not including overtime or premium pay) of said employe earned in the employ of the employer in the first, second, third, or fourth period of thirteen (13) consecutive calendar weeks in the fifty-two (52) weeks immediately preceding the injury.

(e) The employe had been in the employ of the employer less than thirteen (13) calendar weeks immediately preceding the injury, his average weekly wage shall be computed under paragraph (d) *of this subsection*, taking the wages (not including overtime or premium pay) for such purpose to be the amount he would have earned had he been so employed by the employer the full thirteen (13) calendar weeks immediately preceding the injury and had worked, when work was available to other employes in a similar occupation.

(f) The hourly wage has not been fixed or cannot be ascertained, the wage for the purpose of calculating compensation shall be taken to be the usual wage for similar services where such services are rendered by paid employes.

(2) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year, the average weekly wage shall be taken to be one-fiftieth (1/50) of the total wages which the employe has earned from all occupations during the twelve (12) calendar months immediately preceding the injury.

(3) In the case of volunteer firemen, police, and civil defense members or trainees, the income benefits shall be based on the average weekly wage in their regular employment. *However, if any volunteer fireman, police and civil defense member or trainee is unemployed, self-employed or employed on an irregular or part-time basis, or is a full-time student, the income benefit shall be based on the state average weekly wage.*

(4) If the employe was a minor, apprentice or trainee when injured, and it is established that under normal conditions his wages should be expected to increase during the period of disability, that fact may be considered in computing his average weekly wage.

(5) When the employe is working under concurrent contracts with two (2) or more employers and the defendant employer has knowledge of such employment prior to the injury, his wages from all such employers shall be considered as if earned from the employer liable for compensation.

(6) The term "wages" as used in this section and KRS 342.143 means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, and fuel or similar advantage received from the employer, and gratuities received in the course of employment from others than the employer to the extent such gratuities are reported for income tax purposes.

(7) The board shall, from time to time, based upon the best available information, determine by regulation industries which ordinarily do not have a full working day for five (5) days in every week. In such industries compensation shall be computed at the average weekly wage earned by the employe at the time of injury reckoning wages as earned while working full time. "At full time" as used herein means a full working day for five (5) working days in every week regardless of whether the injured employe actually worked all or part of the time.

Section 2. KRS 342.620 is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Injury" means any work related harmful change in the human organism, arising out of and in the course of employment including damage to or loss of a prosthetic appliance, but does not include any communicable disease unless the risk of contracting such disease is increased by the nature of the employment. "Injury" when used generally, unless the context indicates otherwise, shall include an occupational disease.

(2) "Occupational disease" means a disease arising out of and in the course of the employment.

(3) An occupational disease as defined in this section shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause. The occupational disease shall be incidental to the character of the business and not independent of the relationship of employer and employe. An occupational disease need not have been foreseen or expected but, after its contraction, it must appear to be related to a risk connected with the employment and to have flowed from that source as a rational consequence.

(4) "Injurious exposure" as used in KRS 342.316 shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which claim is made.

(5) "Death" means death resulting from an injury or occupational disease.

(6) "Carrier" means any insurer, or legal representative thereof, authorized to insure the liability of employers under this chapter and includes a self-insurer.

(7) "Self-insurer" is an employer who has been authorized under the provisions of this chapter to carry his own liability on his employes covered by this chapter.

(8) "Department" means the department of workers' claims in the labor cabinet.

(9) "Commissioner" means the commissioner of the department of workers' claims under the direction and supervision of the secretary of labor.

(10) "Director" means the director of the workers' compensation board.

(11) "Board" means the workers' compensation board.

(12) "Disability" means a decrease of wage earning capacity due to injury or loss of ability to compete to obtain the kind of work the employe is customarily able to do, in the area where he lives, taking into consideration his age, occupation, education, effect upon employe's general health of continuing in the kind of work he is customarily able to do, and impairment or disfigurement.

(13) "Income benefits" means payments made under the provisions of this chapter to the disabled worker or his dependents in case of death, excluding medical and related benefits.

(14) "Medical and related benefits" means payments made for medical, hospital, burial and other services as provided in this chapter other than income benefits.

(15) "Compensation" means all payments made under the provisions of this chapter representing the sum of income benefits and medical and related benefits.

(16) "Medical services" means medical, surgical, dental, hospital, nursing and medical rehabilitation services, medicines, and fittings for artificial or prosthetic devices.

(17) "Person" means any individual, partnership, firm, association, trust, joint venture, corporation, or legal representative thereof.

(18) "Wages" means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel or similar advantages received from the employer, and gratuities received in the course of employment from others than the employer as evidenced by the employe's federal and state tax returns.

(19) "Agriculture" means the operation of farm premises, including the planting, cultivation, producing, growing, harvesting and preparation for market of agricultural or horticultural commodities thereon, the raising of livestock for food products and for racing purposes, and poultry thereon, and any work performed as an incident to or in conjunction with such farm operations. It shall not include the commercial processing, packing, drying, storing, or canning of such commodities for market, or making cheese or butter or other dairy products for market.

(20) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this chapter.

(21) "United States" when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and the territories of the United States.

(22) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(23) "Volunteer fireman" means any active member of a volunteer fire department recognized under KRS 17.250. A volunteer fireman shall be deemed to be acting in performance of his duties when engaged in:

(a) Activities of fire fighting, fire drills, other related training and meetings;

(b) Rescue or emergency activities including activities involving an ambulance or rescue unit which is an integral part of the fire department;

(c) Repair and maintenance of the department's equipment, buildings and grounds by order of a department officer; and

(d) Travel to and return from the situs of the activities enumerated in paragraphs (a), (b) and (c) of this subsection and home, work, school or other normal situs.

Section 3. KRS 342.640 is amended to read as follows:

The following shall constitute employes subject to the provisions of this chapter, except as exempted under KRS 342.650:

(1) Every person, including a minor, whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, express or implied, and all helpers and assistants of employes whether paid by the employer or employe, if employed with the knowledge, actual or constructive, of the employer.

(2) Every executive officer of a corporation.

(3) Every person in the service of the state or of any political subdivision or agency thereof, or of any county, city of any class, school district, drainage district, tax district, public or quasi-public corporation or other political entity, under any contract of hire, express or implied, and every official or officer thereof, whether elected or appointed, while performing his official duties. Every person who is a member of a volunteer fire or police department shall be deemed for the purposes of this chapter, to be in the employment [~~of the political subdivision~~] of the state [~~where the department is organized~~]. Every person who is a regularly enrolled volunteer member or trainee of the civil defense corps of this state as established under KRS Chapter 39, shall be deemed for the purposes of this chapter, to be in the employment of this state. Every person who is a member of the Kentucky national guard, while said person is on active state service as defined in KRS 38.010(4) shall be deemed for the purposes of this chapter to be in the employment of this state.

(4) Every person performing service in the course of the trade, business, profession or occupation of an employer at the time of the injury.

(5) Subject to the provisions in subsection (4) of this section, every person regularly selling or distributing newspapers on the street or to customers at their homes or places of business. For the purposes of this chapter such a person shall be deemed an employe of an independent news agency for whom he is selling or distributing newspapers, or, in the absence of such independent agency, of each publisher whose newspapers he sells or distributes.

HB 876, AN ACT relating to occupational safety and health of employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any statute to the contrary, there is hereby established the occupational safety and health education and training fund consisting of funds which accrue from penalties pursuant to KRS 338.991.

(2) All monies deposited in the fund, including earnings from their investment, shall be deemed a trust and agency account, shall not lapse, and shall be continuously appropriated for the purposes specified in KRS 338.041(2) and shall not be disbursed, expended, encumbered or transferred for any use or purpose other than as prescribed by KRS 338.041(2).

Section 2. KRS 338.041 is amended to read as follows:

(1) There is hereby created in the department of workplace standards a program for occupational safety and health. This program shall consist of a division of occupational safety and health compliance and a division of education and training for occupational safety and health. This program shall administer all matters pertaining to occupational safety and occupational health and shall be under the supervision of an occupational safety and health coordinator. The secretary of the labor cabinet shall appoint the occupational safety and health coordinator.

(2) *The division of education and training for occupational safety and health shall administer the occupational safety and health education and training fund for the exclusive purpose of training workers in accident prevention in the workplace, in recognition of hazardous practices and substances and in other areas of knowledge which will reduce illness, injuries and deaths in the workplace.*

(3) The department of workplace standards may require the assistance of other state agencies and may enter into agreements with other state agencies and political subdivisions of the Commonwealth for the administration of this chapter.

(4)[~~(3)~~] The department of workplace standards may enter into an agreement with the cabinet for human resources and other appropriate departments or agencies to conduct research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems in the administration of this chapter.

Section 3. KRS 338.991 is amended to read as follows:

(1) Any employer who willfully or repeatedly violates the requirement of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, may be assessed a civil penalty of up to *twenty thousand dollars ($20,000)* [~~$10,000~~] for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to *two thousand dollars ($2,000)* [~~$1,000~~] for each violation.

(3) Any employer who has received a citation for a violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to *two thousand dollars ($2,000)* [~~$1,000~~] for each violation.

(4) Any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a civil penalty of up to *two thousand dollars ($2,000)* [~~$1,000~~] for each day during which such failure or violation continues.

(5) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be assessed a civil penalty of up to *twenty thousand dollars ($20,000)* [~~$10,000~~] for each violation.

(6) The review commission shall have the authority to modify all civil penalties and fines provided for in this chapter. The review commission may, at its discretion, suspend the time period allotted for correction of a violation during the review of an appeal from the violation in question.

(7) All civil penalties and fines collected under the provision of this chapter shall be paid into the *occupational safety and health education and training fund* [~~general fund~~].

(8) Any employyer or individual who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than *twenty thousand dollars ($20,000)* [~~$10,000~~] or by imprisonment for not more than six (6) months, or by both.

(9) Any person who gives advance notice of any investigation or inspection to be conducted under this chapter, without authority from the commissioner, shall, upon conviction, be punished by a fine of not more than *two thousand dollars ($2,000)* [~~$1,000~~] or by imprisonment for not more than six (6) months, or by both.

(10) Any employer or individual who willfully causes bodily harm to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than *twenty thousand dollars ($20,000)* [~~$10,000~~], or by imprisonment for not more than one (1) year, or by both.

(11) As used in this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such

place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

HB 887, AN ACT relating to plumbers and plumbing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 318.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means department of housing, buildings and construction;

(2) "Journeyman plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation, alteration, maintenance, repair, remodeling or removal, and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(3) "Master plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumbers' apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises or otherwise represents that he is permitted or qualified to engage in the design, planning, superintending, contracting for or responsible charge of plumbing;

(4) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall not include the installation of on-site sewage disposal systems, except for the piping, fixtures, or other appurtenances needed within the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire-fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; [~~and~~]

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building*; and*

(e) Prefabrications, assemblies, or other component parts that may be used.

(5) "Public building" means any building intended for public use or built with public funds and includes but is not limited to the following: schools, industrial establishments, housing projects, restaurants, food-handling establishments, private clubs, theaters including drive-ins, trailer coach parks, camping areas, hospitals, nursing homes, hotels, motels, tourist courts, rooming houses, boarding houses, and other establishments furnishing public sleeping accommodations;

(6) "Maintenance man" means a person employed to maintain and keep plumbing in good repair;

(7) "Apprentice" means a person in the process of learning the plumbing trade who assists and is under the personal supervision of a licensed master or licensed journeyman plumber;

(8) "Farmstead" means a farm dwelling together with other farm buildings and structures incident to the operation and maintenance of the farm located outside the corporate limits of a municipality and not connected to a public water supply;

(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(10) "Commissioner" means the commissioner of the department of housing, buildings and construction;

(11) "Code" means the Kentucky state plumbing code.

Section 2. KRS 318.015 is amended to read as follows:

(1) This chapter applies and shall be in full force and effect in all counties of the Commonwealth.

(2) The state plumbing code promulgated by the department under the provisions of this chapter applies and shall be in full force and effect for all public buildings regardless of location in the Commonwealth.

(3) The state plumbing code promulgated by the department under the provisions of this chapter applies and shall be in full force and effect for all prefabrications and assembled plumbing systems used in this state, except mobile homes, regardless of where they are constructed.

(4) This chapter shall not apply to farmsteads.

Section 3. KRS 318.054 is amended to read as follows:

(1) Every master and journeyman plumber's license issued by the department shall expire on June 30 of each year following the date of issuance unless sooner canceled or revoked.

(2) On or before June 1 of each year, the department shall send notices to all licensed master and journeyman plumbers in this state, at their last known addresses, advising them that the annual license renewal fee is due on July 1. The annual license renewal fee shall be a reasonable fee set by regulation of the department. The fee for the renewal of a master plumber's license shall exceed the fee charged for a journeyman plumber's license.

(3) Any master or journeyman plumber who fails to renew his license on or before July 1 of each year may have his license renewed upon payment of the required renewal fee and a revival fee. The revival fee for a master plumber shall be five dollars ($5.00) and for a journeyman plumber three dollars ($3.00). If the renewal and revival fees are not paid by January 1 of the following year, such licenses shall be automatically canceled by operation of law for nonpayment; Provided, however, That such licenses may be reinstated upon payment of all delinquent renewal fees plus a revival fee of ten dollars ($10.00) for a master plumber and six dollars ($6.00) for a journeyman plumber. Upon presentation of proper evidence, the department may waive payment of any renewal or revival fee specified herein for persons serving on active duty in the armed forces of the United States *or upon request for persons sixty-five (65) years and older with at least twenty (20) years of services.*

Section 4. KRS 318.090 is amended to read as follows:

(1) The department shall appoint and assign plumbing inspectors to each county subject to the provisions of this chapter. *In addition, the department shall appoint and assign plumbing inspectors to locations where such plumbing systems are prefabricated or assembled, who shall inspect such plumbing systems as well as component parts.*

(2) Each plumbing inspector shall have at least eight (8) years experience as a journeyman or master plumber. At the time of his appointment he shall be licensed in accordance with the provisions of this chapter.

SB 108, AN ACT relating to workers' compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.640 is amended to read as follows:

The following shall constitute employes subject to the provisions of this chapter, except as exempted under KRS 342.650:

(1) Every person, including a minor, whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, express or implied, and all helpers and assistants of employes whether paid by the employer or employe, if employed with the knowledge, actual or constructive, of the employer.

(2) Every executive officer of a corporation.

(3) Every person in the service of the state or of any political subdivision or agency thereof, or of any county, city of any class, school district, drainage district, tax district, public or quasi-public corporation or other political entity, under any contract of hire, express or implied, and every official or officer thereof, whether elected or appointed, while performing his official duties. Every person who is a member of a volunteer *ambulance service,* fire or police department shall be deemed for the purposes of this chapter, to be in the employment of the political subdivision of the state where the department is organized. Every person who is a regularly enrolled volunteer member or trainee of the civil defense corps of this state as established under KRS Chapter 39, shall be deemed for the purposes of this chapter, to be in the employment of this state. Every person who is a member of the Kentucky national guard, while said person is on active state service as defined in KRS 38.010(4) shall be deemed for the purposes of this chapter to be in the employment of this state.

(4) Every person performing service in the course of the trade, business, profession or occupation of an employer at the time of the injury.

(5) Subject to the provisions in subsection (4) of this section, every person regularly selling or distributing newspapers on the street or to customers at their homes or places of business. For the purposes of this chapter such a person shall be deemed an employe of an independent news agency for whom he is selling or distributing newspapers, or, in the absence of such independent agency, of each publisher whose newspapers he sells or distributes.

SB 252, AN ACT relating to city or urban-county employe payroll deductions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

Any city or urban-county government which makes deductions from the pay of its employes for any cause other than taxes shall, upon the petition of a majority of the employes within a department or division, deduct such amount from the pay of an employe as he may note on a signed payroll notification card or voucher, for the purposes of employe benefits, insurance, community projects or union dues. No deduction shall be made pursuant to this section from the pay of any employe who does not sign a payroll notification card or voucher. Upon such deductions, the city or urban-county government shall, within thirty (30) days, pay to the elected representative or designated recipient for the employes of such department or division the total amount of the deductions minus the actual cost to the city or urban-county government of processing such deductions.

SB 266, AN ACT relating to labor/management relations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Any individual, partnership, association or corporation who represents, advises or acts as consultant or spokesman for any party to labor/management negotiations or arbitration conducted in Kentucky shall be, for the purposes of this section known as third parties.

(1) Prior to representing or agreeing to represent any party to any labor/management negotiations or arbitration, all third parties shall notify the secretary of such intent.

(2) The secretary shall require third parties to labor/management negotiations or arbitration to report such information as may assist the cabinet in determining whether such third party is to be certified to engage in or render advice on negotiations or any matter under arbitration.

(3) The secretary shall offer mediation and arbitration services elsewhere provided by law to all parties to negotiations or arbitration where third party intervention is contemplated.

(4) The secretary shall promulgate regulations to implement the requirements of this section; regulations are to include but not be limited to: definitions, filing requirements, notification procedures and reasonable penalties for failure to comply.

(5) The provisions of this section shall not apply to full time employes of any party to negotiations or arbitration nor to any third party licensed to do business in Kentucky under any other section of Kentucky Revised Statutes.

(6) No third party shall participate in or offer advice on negotiations or arbitration in the Commonwealth of Kentucky until the provisions of this section have been met.

The Committee on State Government reported HB 531, HB 731, HB 918, HB 970 with Committee Substitute attached thereto, and HCR 145 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 531, AN ACT relating to retirement credit for tip income.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 61.541 is amended to read as follows:

(1) The creditable compensation of fee officers who receive salary or fees or maintenance or other perquisites as a result of their official duties is the gross amount thus received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses.

(2) Each such officer shall estimate the amount of creditable compensation he expects to receive during a calendar year and shall report and pay employe contributions monthly on one-twelfth (1/12) of such estimated creditable compensation.

(3) On or before April 30 of each fiscal year, each such officer shall file with the retirement office a report of his actual creditable compensation during the previous calendar year. This report shall be in the form of an affidavit and shall be used by the retirement system as a basis of adjusting the individual's account in the retirement system.

(4) The retirement office shall make a calculation of the amount of the additional contributions due or the excess contributions paid during the previous calendar year. In the event additional contributions are due, both the officer and employer shall pay such contributions on or before June 30 of the year in which the recalculation was made. In the event the recalculation shows that excess contributions have been paid both the officer and the employer shall be reimbursed the amount of overpayment.

(5) Refund of contributions or retirement allowances which might otherwise be due such an officer shall be withheld until the provisions of this section have been fully met.

(6) The creditable compensation of a member who receives tips as compensation for services performed for the employer shall include such tips, and employe and employer contributions on tip income shall be governed by the provisions of KRS 61.560 and 61.565.

HB 731, AN ACT relating to campus police.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 15.340 is amended to read as follows:

Subject to approval by the secretary, the bureau may make its facilities and services available upon the following terms:

(1) The bureau may determine to which law enforcement agencies, corrections agencies and court agencies and its officers it will offer training;

(2) In determining the law enforcement officers for which it will offer training and in allocating available funds, the bureau shall give first priority to "police officers" as defined by KRS 15.420(2), [~~and~~] public airport authority security officers *and campus police*;

(3) Except for the officers described in subsection (2), the bureau may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.

HB 918, AN ACT relating to arson and its investigation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

(1) The division of arson investigation is created within the department of state police.

(2) The commissioner, department of state police, may designate officers and employes of the department of state police to investigate and enforce the provisions against arson and arson related offenses occurring within the state and such officers when duly authorized by the commissioner, department of state police, shall have the general powers of a peace officer for the prevention of other offenses against the Commonwealth. Each arson investigator so appointed shall, before entering upon the discharge of his various duties, take an oath before a person authorized to administer oaths to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the records of the department.

(3) Each of said persons shall give such bond as the commissioner, department of state police, may designate and with such surety as required by the commissioner, department of state police, conditioned upon faithful performance of his duties.

(4) Arson investigators of the department shall have full access for the purpose of arson investigation to:

(a) Records of the department;

(b) Records of the corrections cabinet;

(c) Records of the department of housing, buildings, and construction; and

(d) Records of the department of insurance.

(5) Arson investigators of the department shall have full access, for the purpose of arson investigation, to the facilities and services of:

(a) The department and the state police laboratory; and

(b) The department of housing, buildings, and construction, office of the state fire marshal, and the department of insurance.

(6) The department of state police shall cooperate with the corrections cabinet, department of housing, buildings, and construction, and the department of insurance with regard to arson investigation.

SECTION 2. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

If, after an investigation or examination, the commissioner, department of state police, believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the commonwealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

SECTION 3. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO READ AS FOLLOWS:

The cabinet shall cooperate with the department of state police, department of housing, buildings, and construction, and the department of insurance with regard to arson investigation.

SECTION 4. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

The department shall cooperate with the department of state police, corrections cabinet, and department of insurance with regard to arson investigation.

SECTION 5. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

The state fire marshal shall cooperate with the department of state police, corrections cabinet, and department of insurance with regard to arson investigation.

SECTION 6. A NEW SECTION OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The department shall cooperate with the corrections cabinet, department of housing, buildings and construction, and the department of state police with regard to arson investigation.

Section 7. KRS 227.275, Arson investigators, and 227.990, Commissioner, department of state police, to furnish data, are repealed.

Section 8. The commissioner of state police shall report to the Legislative Research Commission on the need for additional arson investigators and costs associated therewith no later than September 1, 1987.

HB 970, AN ACT relating to administrative regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 13A.030 is amended to read as follows:

(1) The administrative regulation review subcommittee shall:

(a) Conduct a continuous study as to whether additional legislation or changes in legislation are needed based on various factors, including but not limited to, review of proposed administrative regulations, review of existing administrative regulations, the lack of administrative regulations, and the needs of administrative bodies;

(b) Review and comment upon administrative regulations submitted to it by the commission;

(c) Make recommendations for changes in statutes, new statutes, repeal of statutes affecting administrative regulations or the ability of administrative bodies to promulgate them;

(d) Conduct such other studies relating to administrative regulations as may be assigned by the commission.

(2) The subcommittee may make a nonbinding determination:

(a) That a proposed administrative regulation, proposed amendment to an administrative regulation, emergency administrative regulation, or existing administrative regulation:

1. Is wrongfully promulgated;

2. Appears to be in conflict with an existing statute;

3. Appears to have no statutory authority for its promulgation;

4. Is in excess of the administrative body's authority; or

5. Appears to be deficient in any other manner;

(b) That an administrative regulation is needed to implement an existing statute;

(c) That an existing administrative regulation should be amended or repealed.

(3) The subcommittee may require any administrative body to submit such data and information as required by the subcommittee in the performance of its duties under this chapter and no administrative body shall fail to provide the information or data required.

(4) (a) If the subcommittee makes a determination pursuant to subsections (1) and (2) of this section, it shall transmit such determination to the appropriate interim joint committee or to the appropriate standing committee if the general assembly is in session.

(b) The interim joint committee to which a determination is transmitted shall review the matter and make recommendations for legislation to be considered by the general assembly at its next regular session. The standing committee to which a determination is transmitted shall review the matter and make recommendations for legislation to the general assembly. Such recommendations shall be forwarded to the subcommittee and to the legislative research commission. The legislative research commission shall transmit such recommendations to the general assembly.

Section 2. KRS 13A.150 is amended to read as follows:

(1) Except as provided by subsection (2) of this section, when any section of this chapter requires that an action be taken at a specified date with regard to filing of items to the commission *such items* [~~they~~] shall be filed on or before 12:00 noon, eastern time, on the specified date.

(2) When the specified date falls on a Saturday, Sunday or holiday, such items shall be filed on or before 12:00 noon, eastern time, on the working day immediately preceding the Saturday, Sunday or holiday.

Section 3. KRS 13A.190 is amended to read as follows:

(1) An emergency administrative regulation is one that due to the exigencies of the situation must be placed into effect immediately, and

(a) Is temporary in nature and will expire as provided herein; or

(b) Is temporary in nature and will be replaced by an ordinary administrative regulation as provided herein.

(2) Emergency administrative regulations shall become effective and shall be considered as adopted upon filing. Emergency administrative regulations shall be published in the next administrative register.

(3) Emergency administrative regulations shall expire ninety (90) days after the date of publication or when the same matter filed as an ordinary administrative regulation filed for review is adopted, whichever occurs first.

(4) An emergency administrative regulation shall not be renewed for a period of nine (9) months after it has been initially filed. No other emergency administrative regulation that is identical to or substantially the same as the previously filed emergency administrative regulation shall be promulgated.

(5) If it is intended that an emergency administrative regulation's subject matter remain in effect then the ordinary administrative regulation covering that subject matter shall be filed on or before the effective date of the emergency administrative regulation.

(6) The subcommittee may review an emergency administrative regulation and may recommend to the governor that the regulation be revoked.

(7) *(a)* Each emergency administrative regulation shall *be accompanied by* [~~contain~~] a statement detailing the nature of the emergency, the reasons why an ordinary administrative regulation would not suffice, whether or not the emergency administrative regulation will be replaced by an ordinary administrative regulation, and if the emergency administrative regulation will not be replaced by an ordinary administrative regulation, the reasons therefor. *The number of the emergency administrative regulation to which the statement of emergency refers shall be printed on such statement.*

(b) Such statement shall not be included in the body of the emergency administrative regulation. It shall precede and be attached to the first page of the emergency administrative regulation.

(c)[~~(8)~~] *Such statement* [~~Each emergency administrative regulation~~] shall be signed by the head of the administrative body and shall be countersigned by the governor.

Section 4. KRS 13A.240 is amended to read as follows:

(1) Every administrative body shall prepare and submit to the legislative research commission an original and five (5) duplicate copies of a regulatory impact analysis for every proposed administrative regulation. The regulatory impact analysis shall include, but not be limited to, the following information:

(a) The type and number of individuals, businesses, organizations and state and local governments affected by the administrative regulation; and

(b) The direct and indirect costs or savings, as well as the compliance, reporting and paperwork requirements of the administrative regulation on those affected for the first year following the implementation of the administrative regulation*;* [~~, and~~] the continuing costs or savings for the second year with any factors which might increase or decrease the cost of the administrative regulation, including the effect on competition being noted; and

(c) *An analysis of the:*

1. Variables specified in KRS 13A.210(3);

2. Specific benefits to be derived by the public;

3. Demographic characteristics;

4. Composition of the work force;

5. Changes in the inflation rate;

6. Market concentration and segmentation;

7. Technological feasibility; and

(d) The direct and indirect costs or savings and paperwork requirements to the promulgating administrative body for the administration and enforcement of the administrative regulation for the first year following the implementation of the administrative regulation, and the continuing costs or savings for the second year with any factors which might increase or decrease the cost of the administrative regulation being noted; and

(e)[~~(d)~~] An assessment of any anticipated effect on state and local revenues; and

(f)[~~(e)~~] An assessment of alternative methods for accomplishing the purpose of the administrative regulation and the reasons why they were rejected in favor of the proposed administrative regulation; and

(g) Based upon the evidence in the record of the public hearing, a written determination of the specific adverse economic impact of the proposed administrative regulation on:

1. The regulated entity; and

2. The public.

(h)[~~(f)~~] A written statement identifying any statute, rule, regulation or governmental policy which the proposed administrative regulation may be in conflict with overlap or duplicate; and a written statement for the necessity to promulgate the administrative regulation if conflict, overlapping or duplication is found to exist. The administrative body shall also indicate whether or not any effort has been made to harmonize the proposed administrative regulation with any statute, rule, regulation or governmental policy with which it has been found to be in conflict.

(2) The legislative research commission shall review all regulatory impact analyses submitted by all administrative bodies, and prepare a written analysis thereof and of the proposed administrative regulation. The legislative research commission may require any administrative body to submit background data upon which subsections (1)(a) through (1)*(h)*[~~(f)~~] *of this section* are based and an explanation of how the data was gathered.

Section 5. KRS 13A.280 is amended to read as follows:

(1) Following the scheduled hearing date the administrative body shall give consideration to all written *statements received on or before the scheduled hearing date* and *to all written and* oral statements received[~~, whether~~] at the hearing [~~or otherwise,~~] regarding the proposed administrative regulation, proposed amendment to an administrative regulation or repeal of an administrative regulation.

(2) The administrative body shall then file with the commission by 12 noon, eastern time, on the fifteenth (15th) day following the scheduled hearing date the statement of consideration relating to the administrative regulation.

(3) If the proposed administrative regulation, proposed amendment of an administrative regulation, or repeal of an administrative regulation is amended as a result of the hearing or other comments received a copy of the regulation as amended, a statement indicating what changes have been made in the original wording, and a statement summarizing the comments to the administrative body shall be submitted within the time limit specified in subsection (2) of this section.

(4) If the administrative regulation is amended pursuant to subsection (3) of this section the full text shall be published in the administrative register.

Section 6. KRS 13A.290 is amended to read as follows:

(1) Within forty-five (45) days of the receipt of the statement of consideration the subcommittee shall meet to review the administrative regulation.

(2) The meetings shall be open to the public.

(3) Public notice of the time, date, and place of the meeting shall be given in the administrative register.

(4) A representative of the administrative body promulgating the proposed administrative regulation, proposed amendment of the administrative regulation, proposed repeal of the administrative regulation, or emergency administrative regulation under consideration, *with the authority to amend such administrative regulation,* shall be present to explain the administrative regulation, [~~and~~] to answer questions thereon, *and to amend such administrative regulation as provided by KRS 13A.320.*

(5) Following the meeting and before the next regularly scheduled meeting of the commission the subcommittee shall forward to the commission its findings, recommendations, or other comments as it deems appropriate in writing. One copy thereof shall be sent to the promulgating agency. The subcommittee's findings shall be published in the administrative register.

Section 7. KRS 13A.300 is amended to read as follows:

(1) *(a)* The administrative body which has promulgated a proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation may request at *or prior to* a meeting of the subcommittee that consideration of the administrative regulation be deferred by the subcommittee.

(b)[~~(2)~~] Upon receipt of the request the subcommittee shall defer consideration of the proposal.

(c) If the administrative body defers action and subsequently determines that the proposal should go into effect either with or without further amendment, the administrative body shall notify the regulations compiler in writing before the deadline for publication in the administrative register. The regulations compiler shall:

1. Publish this determination in the administrative register; and

2. Place the matter on the agenda of the next scheduled meeting of the subcommittee.

(d) The subcommittee shall consider such an administrative regulation as if it had met all other requirements of filing and repromulgation shall not be required.

[~~(3) The deferring of a proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation shall have the same effect as an action under KRS 13A.310.~~]

(2)[~~(4)~~] The subcommittee shall not have the authority to defer consideration of a matter on its own authority or upon the request of any party other than the administrative body which promulgated the proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation.

(3)[~~(5)~~] Except as provided in subsections (1) through *(2)*[~~(4)~~] of this section neither the promulgating administrative body, the commission, nor the subcommittee shall defer any action which is required to be taken pursuant to this chapter.

Section 8. KRS 13A.310 is amended to read as follows:

(1) An administrative regulation, once adopted, cannot be withdrawn but shall be repealed if it is desired that it no longer be effective.

(2) An administrative regulation, once adopted, cannot be suspended but shall be repealed if it is desired to suspend its effect.

(3) A proposed administrative regulation, proposed amendment of an existing administrative regulation, or proposed repeal of an administrative regulation may be withdrawn by the promulgating agency at any time prior to its adoption.

(4) Once a proposed administrative regulation, proposed amendment of an existing administrative regulation, or proposed repeal of an administrative regulation is withdrawn it shall not be reinstated, except by repromulgation as a totally new matter.

[~~(5) If the administrative body defers action on a proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation and subsequently determines that the proposal should go into effect without amendment, the administrative body shall, before the deadline for publication in the administrative register, notify the regulations compiler who shall publish the determination in the administrative register and place the matter on the agenda of the next scheduled meeting of the subcommittee. The subcommittee shall consider the matter as if the proposal had met all other requirements of filing. Repromulgation shall not be required in such cases.~~]

The Committee Substitute to HB 970 is as follows:

HB 970, AN ACT relating to administrative regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 13A.030 is amended to read as follows:

(1) The administrative regulation review subcommittee shall:

(a) Conduct a continuous study as to whether additional legislation or changes in legislation are needed based on various factors, including but not limited to, review of proposed administrative regulations, review of existing administrative regulations, the lack of administrative regulations, and the needs of administrative bodies;

(b) Review and comment upon administrative regulations submitted to it by the commission;

(c) Make recommendations for changes in statutes, new statutes, repeal of statutes affecting administrative regulations or the ability of administrative bodies to promulgate them;

(d) Conduct such other studies relating to administrative regulations as may be assigned by the commission.

(2) The subcommittee may make a nonbinding determination:

(a) That a proposed administrative regulation, proposed amendment to an administrative regulation, emergency administrative regulation, or existing administrative regulation:

1. Is wrongfully promulgated;

2. Appears to be in conflict with an existing statute;

3. Appears to have no statutory authority for its promulgation;

4. Is in excess of the administrative body's authority; or

5. Appears to be deficient in any other manner;

(b) That an administrative regulation is needed to implement an existing statute;

(c) That an existing administrative regulation should be amended or repealed.

(3) The subcommittee may require any administrative body to submit such data and information as required by the subcommittee in the performance of its duties under this chapter and no administrative body shall fail to provide the information or data required.

(4) (a) If the subcommittee makes a determination pursuant to subsections (1) and (2) of this section, it shall transmit such determination to the legislative research commission, or to the committees on committees of the house of representatives and the senate if the general assembly is in session. The legislative research commission may refer the determination to the appropriate interim joint committee for review. The committees on committees may refer the determination to the appropriate standing committees of their respective houses for review pursuant to the applicable rules of the house of representatives and the senate.

(b) The interim joint committee to which a determination is referred shall review the matter and may make recommendations for legislation to be considered by the general assembly at its next regular session. The standing committee to which a determination is referred shall review the matter and may make recommendations for legislation to the general assembly. Such recommendations shall be forwarded to the subcommittee and to the legislative research commission. The legislative research commission shall transmit such recommendations by interim joint committees to the general assembly.

Section 2. KRS 13A.150 is amended to read as follows:

(1) Except as provided by subsection (2) of this section, when any section of this chapter requires that an action be taken at a specified date with regard to filing of items to the commission *such items* [~~they~~] shall be filed on or before 12:00 noon, eastern time, on the specified date.

(2) When the specified date falls on a Saturday, Sunday or holiday, such items shall be filed on or before 12:00 noon, eastern time, on the working day immediately preceding the Saturday, Sunday or holiday.

Section 3. KRS 13A.190 is amended to read as follows:

(1) An emergency administrative regulation is one that due to the exigencies of the situation must be placed into effect immediately, and

(a) Is temporary in nature and will expire as provided herein; or

(b) Is temporary in nature and will be replaced by an ordinary administrative regulation as provided herein.

(2) Emergency administrative regulations shall become effective and shall be considered as adopted upon filing. Emergency administrative regulations shall be published in the next administrative register.

(3) Emergency administrative regulations shall expire ninety (90) days after the date of publication or when the same matter filed as an ordinary administrative regulation filed for review is adopted, whichever occurs first.

(4) An emergency administrative regulation shall not be renewed for a period of nine (9) months after it has been initially filed. No other emergency administrative regulation that is identical to or substantially the same as the previously filed emergency administrative regulation shall be promulgated.

(5) If it is intended that an emergency administrative regulation's subject matter remain in effect then the ordinary administrative regulation covering that subject matter shall be filed on or before the effective date of the emergency administrative regulation.

(6) The subcommittee may review an emergency administrative regulation and may recommend to the governor that the regulation be revoked.

(7) *(a)* Each emergency administrative regulation shall *be accompanied by* [~~contain~~] a statement detailing the nature of the emergency, the reasons why an ordinary administrative regulation would not suffice, whether or not the emergency administrative regulation will be replaced by an ordinary administrative regulation, and if the emergency administrative regulation will not be replaced by an ordinary administrative regulation, the reasons therefor. *The number of the emergency administrative regulation to which the statement of emergency refers shall be printed on such statement.*

(b) Such statement shall not be included in the body of the emergency administrative regulation. It shall precede and be attached to the first page of the emergency administrative regulation.

(c)[~~(8)~~] *Such statement* [~~Each emergency administrative regulation~~] shall be signed by the head of the administrative body and shall be countersigned by the governor.

Section 4. KRS 13A.240 is amended to read as follows:

(1) Every administrative body shall prepare and submit to the legislative research commission an original and five (5) duplicate copies of a regulatory impact analysis for every proposed administrative regulation. The regulatory impact analysis shall include, but not be limited to, the following information:

(a) The type and number of individuals, businesses, organizations and state and local governments affected by the administrative regulation; and

(b) The direct and indirect costs or savings, as well as the compliance, reporting and paperwork requirements of the administrative regulation on those affected for the first year following the implementation of the administrative regulation*;* [~~, and~~] the continuing costs or savings for the second year with any factors which might increase or decrease the cost of the administrative regulation, including the effect on competition being noted; and

(c) *An analysis of the impact of the administrative regulation on the regulated entity to include the:*

1. Variables specified in KRS 13A.210(3);

2. Composition of the work force;

3. Cost of compliance;

4. Technological feasibility of compliance; and

(d) The direct and indirect costs or savings and paperwork requirements to the promulgating administrative body for the administration and enforcement of the administrative regulation for the first year following the implementation of the administrative regulation, and the continuing costs or savings for the second year with any factors which might increase or decrease the cost of the administrative regulation being noted; and

(e)[~~(d)~~] An assessment of any anticipated effect on state and local revenues; and

(f)[~~(e)~~] An assessment of alternative methods for accomplishing the purpose of the administrative regulation and the reasons why they were rejected in favor of the proposed administrative regulation; and

(g) A written determination of the:

1. Specific adverse economic impact of the proposed administrative regulation on the regulated entity and the public; and

2. Specific benefits to the public.

The information upon which such determination is based shall be specifically identified and available to the public for review.

(h)[~~(f)~~] A written statement identifying any statute, rule, regulation or governmental policy which the proposed administrative regulation may be in conflict with overlap or duplicate; and a written statement for the necessity to promulgate the administrative regulation if conflict, overlapping or duplication is found to exist.

The administrative body shall also indicate whether or not any effort has been made to harmonize the proposed administrative regulation with any statute, rule, regulation or governmental policy with which it has been found to be in conflict.

(2) The legislative research commission shall review all regulatory impact analyses submitted by all administrative bodies, and prepare a written analysis thereof and of the proposed administrative regulation. The legislative research commission may require any administrative body to submit background data upon which subsections (1)(a) through (1)*(h)*[~~(f)~~] *of this section* are based and an explanation of how the data was gathered.

Section 5. KRS 13A.280 is amended to read as follows:

(1) Following the scheduled hearing date the administrative body shall give consideration to all written *statements received on or before the scheduled hearing date* and *to all written and* oral statements received[~~, whether~~] at the hearing [~~or otherwise,~~] regarding the proposed administrative regulation, proposed amendment to an administrative regulation or repeal of an administrative regulation *and the written determination provided for by KRS 13A.240(1)(g).*

(2) The administrative body shall then file with the commission by 12 noon, eastern time, on the fifteenth (15th) day following the scheduled hearing date the statement of consideration relating to the administrative regulation.

(3) If the proposed administrative regulation, proposed amendment of an administrative regulation, or repeal of an administrative regulation is amended as a result of the hearing or other comments received a copy of the regulation as amended, a statement indicating what changes have been made in the original wording, and a statement summarizing the comments to the administrative body shall be submitted within the time limit specified in subsection (2) of this section.

(4) If the administrative regulation is amended pursuant to subsection (3) of this section the full text shall be published in the administrative register.

Section 6. KRS 13A.290 is amended to read as follows:

(1) Within forty-five (45) days of the receipt of the statement of consideration the subcommittee shall meet to review the administrative regulation.

(2) The meetings shall be open to the public.

(3) Public notice of the time, date, and place of the meeting shall be given in the administrative register.

(4) A representative of the administrative body promulgating the proposed administrative regulation, proposed amendment of the administrative regulation, proposed repeal of the administrative regulation, or emergency administrative regulation under consideration shall be present to explain the administrative regulation, and to answer questions thereon. *Such representative shall have the authority to amend such administrative regulation consistent with the provisions of KRS 13A.320.*

(5) Following the meeting and before the next regularly scheduled meeting of the commission the subcommittee shall forward to the commission its findings, recommendations, or other comments as it deems appropriate in writing. One copy thereof shall be sent to the promulgating agency. The subcommittee's findings shall be published in the administrative register.

Section 7. KRS 13A.300 is amended to read as follows:

(1) *(a)* The administrative body which has promulgated a proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation may request at *or prior to* a meeting of the subcommittee that consideration of the administrative regulation be deferred by the subcommittee.

(b)[~~(2)~~] Upon receipt of the request the subcommittee shall defer consideration of the proposal.

(c) If the administrative body defers action and subsequently determines that the proposal should go into

effect either with or without further amendment, the administrative body shall notify the regulations compiler in writing before the deadline for publication in the administrative register. The regulations compiler shall:

1. Publish this determination in the administrative register; and

2. Place the matter on the agenda of the next scheduled meeting of the subcommittee.

(d) The subcommittee shall consider such an administrative regulation as if it had met all other requirements of filing and repromulgation shall not be required.

[~~(3) The deferring of a proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation shall have the same effect as an action under KRS 13A.310.~~]

(2)[~~(4)~~] The subcommittee shall not have the authority to defer consideration of a matter on its own authority or upon the request of any party other than the administrative body which promulgated the proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation.

(3)[~~(5)~~] Except as provided in subsections (1) through *(2)*[~~(4)~~] of this section neither the promulgating administrative body, the commission, nor the subcommittee shall defer any action which is required to be taken pursuant to this chapter.

Section 8. KRS 13A.310 is amended to read as follows:

(1) An administrative regulation, once adopted, cannot be withdrawn but shall be repealed if it is desired that it no longer be effective.

(2) An administrative regulation, once adopted, cannot be suspended but shall be repealed if it is desired to suspend its effect.

(3) A proposed administrative regulation, proposed amendment of an existing administrative regulation, or proposed repeal of an administrative regulation may be withdrawn by the promulgating agency at any time prior to its adoption.

(4) Once a proposed administrative regulation, proposed amendment of an existing administrative regulation, or proposed repeal of an administrative regulation is withdrawn it shall not be reinstated, except by repromulgation as a totally new matter.

[~~(5) If the administrative body defers action on a proposed administrative regulation, proposed amendment to an existing administrative regulation, or proposed repeal of an administrative regulation and subsequently determines that the proposal should go into effect without amendment, the administrative body shall, before the deadline for publication in the administrative register, notify the regulations compiler who shall publish the determination in the administrative register and place the matter on the agenda of the next scheduled meeting of the subcommittee. The subcommittee shall consider the matter as if the proposal had met all other requirements of filing. Repromulgation shall not be required in such cases.~~]

HCR 145, A CONCURRENT RESOLUTION urging the Interim Joint Committee on State Government to study and make recommendations concerning the statutes relating to the Auditor of Public Accounts.

WHEREAS, state law specifies that it is the policy of the General Assembly to provide for the independent auditing of the accounts and financial transactions of all spending agencies of the state through a disinterested auditor who is entirely independent of the state administration whose affairs he is called upon to audit; and

WHEREAS, other statutes subject the Auditor of Public Accounts to the jurisdiction of various state agencies, including the Finance and Administration Cabinet and the Department of Personnel, which must be audited annually; and

WHEREAS, these conflicting statutes frustrate the General Assembly's stated policy of providing for independent auditing;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Interim Joint Committee on State Government is urged to review the Kentucky Revised Statutes which relate to the Auditor of Public Accounts.

Section 2. That the Committee is urged to recommend to the 1988 General Assembly such statutory changes as the Committee deems necessary to implement the policy stated in KRS 43.050(1) of providing for the independent auditing of the accounts and financial transactions of all spending agencies of the state through a disinterested auditor, who is entirely independent of the state administration whose affairs he is called upon to audit.

Section 3. Staff services to be utilized in completing this study are estimated to cost $10,000, and shall be provided from the regular Legislative Research Commission budget subject to the limitations and other research responsibilities of the Commission.

Calendar

HB 787, HB 51, HB 76, HB 488, HB 637, HB 761, HB 779, HB 805, HB 832, HB 931, HB 936, HB 450, HB 197, HB 503, HB 512, HB 894, HB 915, SB 84, SB 214 and SB 325 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Report on Enrolled Bills

The Committee on Enrollment reported SB 130 had been examined and found correctly enrolled. Said bill read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:22 p.m.)

Orders of the Day

HB 126, with Committee Substitute, Committee Amendments, and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Crupper moved the adoption of the Committee Substitute to HB 126. Agreed.

Representative Stumbo moved the adoption of the Floor Amendment No. 5 to the Committee Substitute to HB 126. Agreed.

Representative Stumbo moved the adoption of the Committee Amendment No. 2 to the Committee Substitute to HB 126. Agreed.

Representative Stumbo moved that HB 126, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 62, Nays 38. (See March 18, 1986, roll call on HB 126—Appendix A.)

HB 126, by way of Committee Substitute as amended, was passed.

Representative Stumbo moved the adoption of the Floor Title Amendment to HB 126. Agreed, and the title was agreed to.

Representative Stumbo moved that the vote by which HB 126, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Stumbo moved the adoption of the following HR 154:

HR 154, A RESOLUTION adjourning the House of Representatives in honor of Danny Sullivan.

WHEREAS, son of Peggy and Dan Sullivan, Jr., Danny was born in Louisville, Kentucky thirty-five years ago; and

WHEREAS, Danny Sullivan launched his phenomenal career as a race car driver at the age of twenty-one when he enrolled in the renowned Jim Russell Driving School in England; and

WHEREAS, Danny Sullivan developed his racing skills and driving techniques while racing on the European circuit in the 1970's; and

WHEREAS, Danny Sullivan was named "Rookie of the Year" in the Can-Am series in 1980; and

WHEREAS, Danny Sullivan competed on the Formula One racing circuit for a year; and

WHEREAS, a versatile driver who can handle oval tracks as well as road courses, Danny Sullivan debuted in Indy cars at Atlanta in 1982; and

WHEREAS, during his debut in Atlanta, Danny Sullivan crossed the finish line third, which is the highest finish ever recorded for a first race in Indy style cars; and

WHEREAS, in 1984 Danny Sullivan won three Indy car events, the Cleveland Grand Prix (road race), the Pocono 500 (superspeedway event), and the Sanair 300k in Quebec which is a short, tight oval track; and

WHEREAS, Danny Sullivan's racing performances during 1984 resulted in his finishing fourth in the national point standings; and

WHEREAS, Danny Sullivan is now racing for the most successful owner in Speedway history, Roger Penske, whose cars and drivers have claimed six out of the last eight national driving titles; and

WHEREAS, Danny Sullivan has competed in three Indianapolis 500 races, finishing fourteenth in his first Indy appearance in 1982 and finishing twenty-ninth in his 1984 outing; and

WHEREAS, on Sunday, May 26, 1985, Danny Sullivan became the recipient of the most prestigious crown in the sport of racing, the Indianapolis 500 championship; and

WHEREAS, before over 400,000 spectators, Danny Sullivan displayed his experience, skill and ability as a race car driver when he entered Lap 120 and began to pass racing legend Mario Andretti; and

WHEREAS, on that infamous lap in Turn 1, Danny Sullivan's car travelling in excess of 200 m.p.h. began to spin and completed a 360 degree loop; and

WHEREAS, the unexpected delay of race could not keep Danny Sullivan from crossing the Checkered Flag 2.477 seconds ahead of his nearest competitor; and

WHEREAS, Danny Sullivan's notoriety has broadened his personal interests and has resulted in the handsome Louisvillian making guest appearances on two hit N.B.C. television series, "Knight Rider" and "Miami Vice";

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives proudly honors its native son and internationally famous racing prodigy Danny Sullivan.

Section 2. That the members of this honorable body recognize and commend Danny Sullivan for his immeasurable contributions to the sport of racing.

Section 3. That the House of Representatives proclaims Danny Sullivan to be an outstanding citizen and hails him to be an exemplary representative and ambassador of good will for the Commonwealth.

Section 4. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Tuesday, March 18, 1986, it does so in honor of Danny Sullivan.

Section 5. That the Clerk of the House of Representatives is hereby directed to transmit a copy of this resolution to the distinguished Kentuckian in the Victory Circle, Danny Sullivan.

HR 154 was adopted by voice vote.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Stumbo moved the adoption of the following HR 155:

HR 155, A RESOLUTION directing appointment of a committee to wait upon the Chief Justice.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Speaker appoint a committee of this body to join a like committee of the Senate to wait upon the Chief Justice of the Supreme Court of Kentucky and invite him to address a joint session of the General Assembly on Tuesday, March 18, 1986.

HR 155 was adopted by voice vote.

The Speaker announced the appointment of the following members to the Committee to Wait upon the Chief Justice: Representatives McNutt, Cowan, and Representative Lear, Chairman.

The Speaker announced the House would stand at ease until 3 p.m. to await the arrival of Chief Justice Robert F. Stephens of the Supreme Court of Kentucky.

The Speaker called the House to order.

Representative Stumbo moved that floor privileges be granted to the Justices of the Supreme Court and invited guests. Agreed.

The Honorable Steven L. Beshear, Lieutenant Governor and President of the Senate, and the members of the Senate entered upon the floor of the House.

Representative Stumbo moved that the House and Senate resolve into Joint Session. Agreed.

Lieutenant Governor Beshear assumed the chair and called the Joint Session to order.

Joint Session

Representative Stumbo moved to dispense with a call of the roll. Agreed.

The doorkeeper announced the arrival of Chief Justice Stephens.

The Committee of the House, along with a like Committee from the Senate, previously appointed to wait upon the Chief Justice, escorted him to the podium.

The Honorable Steven L. Beshear introduced the Honorable Robert F. Stephens, Chief Justice of the Supreme Court of the Commonwealth of Kentucky.

Justice Stephens addressed the General Assembly as follows:

STATE OF JUDICIARY ADDRESS

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY

BY: ROBERT F. STEPHENS

CHIEF JUSTICE, KENTUCKY SUPREME COURT

MARCH 18, 1986

ACKNOWLEDGE:

LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE, MEMBERS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH, FELLOW MEMBERS OF THE JUDICIARY, GUESTS, FRIENDS AND CITIZENS OF THE COMMONWEALTH

The pinnacle of *judicial* distinction, according to the great Chief Justice John Marshall, is "the ability to look a lawyer straight in the eyes for two hours and not to hear a damned word he says." The pinnacle of *legislative* distinction, on the other hand, is the ability for you to listen with rapt attention to all that I tell you and to cast your votes similarly. Like Walter Mitty of literary fame, I, too, have my fantasies—a dream that someday all I ask of you will be summarily granted, with no questions asked, and that in this grand gesture of trust and confidence each you will be out front on a white horse leading the charge on the judiciary's behalf.

In a more serious vein, I assure you that the judges of Kentucky well recognize that this distinguished body is representative of the will of the people of Kentucky and that, consequently, we must fully justify our needs to you. It is an exercise which we welcome, for with it comes the opportunity to advise you of our hopes, our aspirations, of our most pressing concerns, and at the same time, to seek your assistance in the realization of our goals and in the resolution of the numerous complex problems with which we are presently plagued. Therefore, I deeply appreciate and welcome this opportunity to appear before this joint session of the Kentucky General Assembly to give my constitutionally mandated report to you and to the people of the Commonwealth, on the State of the Judiciary. I thank each of you for your deep interest in, and concern for, the judicial branch of government. All our citizens, of course, not just legislators, judges and lawyers, have a vital stake in the judiciary branch of government, for in our tripartite system of government, it is the fundamental mission of the judiciary—its core purpose—to secure the right of every citizen to fair and equal justice under the law—a profound principle upon which our republic was founded and under which it has flourished so successfully for so many years.

It is no exaggeration to say that this is a very crucial time in the history of our unified judicial system. In the ten years since the passage of the judicial article we have worked together to implement our court of justice and to develop its capacity to meet the demands of the caseload and the expectations of the public. Our ability to give each and every case adequate attention in a timely manner is crucial to our successfully filling our role as a public institution.

In 1985, the Commonwealth marked the tenth anniversary of the passage of the judicial article. On such an occasion, it is important that we not only recognize what has already been achieved, but also take stock of what is left to be done and to renew our dedication to the principles of court improvement which were at the heart of the Judicial Article, which is the most significant constitutional change since the adoption of the 1892 constitution. We must do so not only to bring about continued improvement, but, also to keep faith with the public which mandated the change.

In 1975, the public image of the courts of limited jurisdiction, for example, was very poor. They were viewed largely as being a collection of speed traps, bastions of local interests and ministers of favoritism to a select few. That image was undoubtedly justified in some instances, but may be viewed as the inevitable consequence of a judicial system attempting to sustain itself on the revenues which it collects. There is no more damning image of a court system than an institution with one eye on the scales of justice and the other eye on the cash register.

In 1975 the public voted in favor of the new judicial article and our "new" court system was born. The voters of Kentucky wanted a fair result from an impartial tribunal and they recognized that the new judicial system would fulfill those needs. No longer were the many courts of Kentucky islands unto themselves, rather they were joined together to form "the court of justice."

So, what has our court of justice achieved in its ten years of existence, its infancy, as it were.

As strongly as the public spoke for fair and impartial courts in 1975, they spoke just as strongly for a professional judiciary. People expect their judicial business to be handled by judges who are true professionals, educated in the law with substantial legal experience. Men and women who have chosen the judiciary as a full-time profession, not as an extra income producer to supplement their practice. Today full-time judges trained in the law serve all citizens of Kentucky. Their hard work and dedication ensure the success of our judicial system.

This principle of full-time, trained judges is at the very heart of the Supreme Court's recent requirement of mandatory continuing judicial education and mandatory continuing legal education for attorneys. To be true to the concept of a professional judiciary we must work to ensure the continued competency of the members of the legal profession and the judiciary.

The judicial article also brought with it the central administration of courts. The Administrative Office of the Courts was created to serve as the arm of the chief justice of the Supreme Court to perform the necessary administrative functions. The Administrative Office of the Courts is today a relatively small and highly efficient operation with its energies being entirely devoted to delivering services to the trial and appellate courts and assisting the courts in improving the capacity to handle their work. By efficient administration, we attempt to build the capacities of the trial courts through personnel, facilities and technological innovation, and we are able to competently address the concerns voiced by the legislature. We have had *no increase* in the number of personnel of the AOC for 6 years.

Another important aspect of central administration has been the vital relationship between the court of justice and the General Assembly of the Commonwealth. It is not entirely coincidental that the judicial and legislative departments of state government were emerging as truly independent branches of government at about the same time. The relationship between our two branches has been extremely productive and we deeply appreciate your efforts on our behalf. In light of the many revenue shortfalls of previous years and the tremendous competing demands for funds, the General Assembly has been and continues to be extremely supportive of the courts' needs.

With the mutual misgivings of the court and the General Assembly during the early days of our dual independence now largely a thing of the past, I pledge my efforts to ensure the continuation of the court's partnership with the General Assembly.

Reducing appellate delay was another important aspect of the judicial article. The creation of a new Court of Appeals which in effect tripled the number of existing appellate judges, held the promise of eliminating the backlog at the appellate level as well as increasing the opportunities for attorneys to be heard in oral argument.

However, the demands now placed upon the judiciary are now exhausting our court systems' resources. It is not simply the increasing caseload that strains our court system—although that is a significant factor—the complexity of litigation has steadily increased, as more and more critical societal values are tested and protected in the courts. Family matters represent an ever growing proportion of cases before our Kentucky courts, even though such matters may well be ill-suited to resolution through adversarial proceedings. Complex commercial law questions and technical matters of great importance to the business community are now a part of the regular fare of the state judiciary. Moreover, the courts are regularly called upon to resolve important constitutional questions.

Fortunately our constitutional framework allows the Chief Justice and the Supreme Court to do more than simply assess the situation and report to you about it. We have the authority to act and we are acting to meet the needs of the public.

It is the Court of Appeals which has been most adversely affected by the increase in caseload. In the first eight months of 1985 there were already as many case filings as in all of 1984. Despite the fact that each Court of Appeals' judge is handling at least ten cases per month, the press of work has been such that delays of a year are not uncommon. There are only *two* solutions to such a problem. The *first* is to add additional judgeships, which the Supreme Court did recommend in 1984 by certifying the necessity, thereof, to the General Assembly. While the members of the General Assembly were certainly sympathetic to our needs, the state's fiscal circumstances precluded any help of that nature. The *second* alternative is to substantially alter the way in which the Court of Appeals "does their business" and this we are doing. Owing to the aggressive and very effective leadership of Chief Judge John Hayes, the Court of Appeals has made internal changes which have begun to alleviate some of their problems.

First, a settlement program has been instituted in which a former judge of the Court of Appeals meets with attorneys for both sides in an appeal and attempts to settle the case. This program has achieved very encouraging results. Not only are settlements achieved in 26% of the cases, but, the settlement conference also has the ancillary benefits of limiting issues on appeal and effecting agreements to prosecute appeals without expensive transcripts and other legal documents. Even more encouraging has been the results of the new special appeals panel of the Court of Appeals. This speeded up process has afforded practitioners an opportunity to promptly and informally explain to the judges their position on the issues on appeal and receive a prompt decision. Each judge on the Special Appeals Panel has increased his work output by 100% per month.

Recognizing the importance of these programs, both versions of the judicial budget approved so far by the General Assembly include funding to expand the number of special appeals panels and settlement conferences, by utilizing retired judges on a limited basis and properly staffing these programs with sufficient law clerks and secretaries. With these measures we will provide full support to the Court of Appeals in their efforts to reduce delay and expense to the litigants.

The impact of increasing caseloads has been felt by the circuit court as well. In 1980, and before an additional judge was regularly added to each circuit where filings were over 1,000 per judge. In the last fiscal year, 23 circuits had filings of 1,000 or more. Since 1980, no additional circuit judgeships have been created, representing the longest period in the last twenty years in which no new circuit judgeships have been added. Again recognizing the needs of circuit courts in particular areas of the state, both versions of the judicial budget approved by the General Assembly provide additional support staff in the form of law clerks to assist circuit judges in the heaviest caseload areas. Our pilot program of law clerks for the Fayette circuit court, funded by the 1984 General Assembly, has proven to be of great assistance to the judges of that court and we anticipate similar good results in the other circuits. It saves a great deal of money in that a law clerk, effectively used, can obviate the need for an additional judge.

The district court has been likewise effected by the increased caseload and the Supreme Court has certified additional judgeships for those districts most in need. The legislature has recognized the need for additional judgeships in Bullitt County, and in Calloway and Marshall counties and both versions of the judicial budget provide much needed relief to these district courts.

During this session, the General Assembly has heard testimony regarding the need for the creation of additional judgeships throughout the Commonwealth. In response thereto, Representative Bob Jones has proposed a project, which I heartily support, to study and recommend to the legislature possible redistricting of judicial districts and circuits. I compliment Bob on the project and will be pleased to participate on the study committee. Ten years of operation of the new judicial system has produced inequities in caseloads which can be corrected by legislative action.

Prompt disposition of cases must be an important concern of the courts at all levels. The lives and futures of our litigants are tied up in these cases and intolerable delays in the disposition of cases has a devastating effect on the quality of service that we render to the public. For this reason, I have appointed a task force to develop time deadlines for the disposition of cases in our courts—at all levels. Raising our own level of concern for the timeliness of our work is important step in reassuring the public that the court's business is in good hands.

A major cost to the court system, expense for the litigant, and a delaying factor in the disposition of cases, is the reporting and transcribing of court proceedings. Court reporting is a two million dollar per annum proposition for the court of justice, just to have a court reporter present to take down the proceedings. Preparation of pauper transcripts requires an additional one-half million dollars expenditure, not to mention the hundreds of thousands of dollars which are expended by private litigants each year to secure the transcription of proceedings in civil matters.

Recently, the Administrative Office of the Courts worked in conjunction with a Kentucky firm located in Louisville, to design a court reporting system which would be entirely voice activated and which would eliminate the use of court reporters. The cornerstone of the system is an automatic mixer which switches cameras and microphones on and off depending on which of the participants in the court proceedings is speaking. The system represents a technological breakthrough. In the morning, the judge inserts two one-half inch video tapes into the recorders and six hours later, assuming that court is still in session, the tapes are changed. Other than that, you don't touch it and you have a complete video and audio record of everything which has occurred. This system is presently installed in ten courtrooms and will be expanded during the upcoming biennium.

The Supreme Court recently adopted procedures for the use of the video tapes at the appellate level. Basically, the tapes themselves will be used on appeal in lieu of a written transcript. References to the tape are made by day, hour, and minute, which is automatically and constantly recorded on the tape. In this way we have reduced the cost to the litigant from the thousands of dollars for transcription by a court reporter, to just a few dollars worth of video tapes and a few pages of transcription.

Of special significance is the fact that no new state monies have been devoted to this project. We have primarily relied on salary savings from attrition among court reporters to finance this important program.

We are very proud of the videotaping system because it represents yet another area in which Kentucky has assumed a position of leadership in judicial improvement. I am particularly gratified by the fact that while it is a tremendous improvement from the courts point of view and it will represent over the long run a tremendous savings to the Commonwealth, its most significant benefit is to the litigant whose time and money will be saved in tremendous proportions as we proceed with this program.

Likewise, the use of computers is an important innovation which can be a great help to our courts. We have spent the last four years developing the capacity to operate a statewide computer network. What remains to be done is to complete the development of the necessary programs and to purchase the peripherals for use at the local level. Likewise, widespread use of word processing and electronic mail can greatly increase the efficiency of appellate courts and can help them cope with the ever increasing press of work.

Modern online data processing systems can increase our understanding of the relative amounts of work being handled by each jurisdiction and can allow us to compare one court to another in terms of volume. Scarce resources can then be directed to the most hard pressed jurisdictions. Such data processing systems can also identify the source of delay within our system and thereby permit us to address administrative problems which occasion such delay. Comprehensive records created by automated systems can also be a tremendous management tool for a trial judge by permitting the judge to exert early and continuous control over the docket.

Another compelling reason for automation of records is the ever increasing expense of courthouse space. Electronic files will greatly ease the space crunch and in the long run will be the most efficient and economical means of record keeping.

Finally, electronic data processing will provide the vast array of information which the General Assembly and other policy makers require to make decisions not only relating to the budget of the Court of Justice, but, also in making judgements pertaining to the effectiveness of the statutes which they enact. Both bodies of the General Assembly have recognized the importance of data processing to the court system and have approved funding for our system in the coming biennium.

While we are encouraged about the benefit of these new technologies, we must never forget that our most important resources are our human resources.

Adequate judicial compensation is an essential element in sustaining a professional judiciary. The standard of compensation need not be that which is comparable to earnings of private practitioners. Rather, salary should be such as to allow a judge to pursue a judicial career while raising and educating a family. Judges willingly undertake a financial sacrifice in leaving the practice of law for the bench. We must, however, guard against a situation where a choice must be made between pursuing a judicial career and family responsibilities. Reasonable cost of living increases should continue to be provided to the members of the judicial branch as they are to other state workers and a fair salary differential should be maintained between the various levels of court. We are grateful that the Legislature has acted to decrease the extreme gap between the salaries of the district and circuit judges by providing incremental salary increases for district judges spread over the next six years. We urge this body to provide cost of living increases to the members of the judicial branch which are equal to the increases provided other state employees.

Of equal concern is compensation for non-elected personnel. The salary level of our employees in many categories substantially lags behind that of the executive branch and again I commend this body for adopting a salary improvement fund which will make the level of pay of court employees more comparable to employees in the executive branch.

Another personnel concern is that of benefits for retired judges. The judicial retirement system presently is the only state supported retirement system which does not provide a medical insurance supplement to medicare. This body recognized that fairness requires that this benefit be provided to retired judges as well and both versions of the judicial budget provide funds for such a medical insurance supplement for retired judges.

In closing, I would urge you to recognize that there is another step which should be taken to achieve the goal of a truly professional judiciary. I believe that the public will not embrace and ought to have the opportunity to adopt a constitutional amendment to provide for a system of uncontested retention elections for judges. I believe that such a system best balances our need for public participation in the selection of judges and the desire for a professional judiciary. The Judicial Article provided for eight year terms for most judges and likewise provided for non-partisan elections. I believe that with the overwhelming success of the Judicial Article, the time has come to take the additional step of entirely eliminating politics from judicial elections. I propose that the concept of judicial retention elections be studied in the upcoming biennium and be reported upon to you during your next session.

We live in a time when frustration with government is so much a fact of everyday life. What the passage and implementation of the Judicial Article clearly demonstrates is that reform and improvement are possible if hardworking and dedicated members of our society are willing to make the commitment necessary to devise a means for such improvement and offer them to the public.

It also, I believe, clearly demonstrates that Kentucky need not be content with anything but first rate services. Whether it be in education or in any other respect, we need not be content with Kentucky being ranked near the bottom. In adopting the Judicial Article for citizens of this Commonwealth distinguished themselves by making Kentucky a leader in the national court reform movement. Kentucky, today, has and is generally recognized as having one of the finest court systems in the country.

This is a fact of which each and every one of us should be extremely proud and should motivate us to renew our own dedication to the important principles of the article and to do our part to make these principles manifest in our service to the public. I thank each of you for your efforts on behalf of the judiciary and for your support of our programs and our system.

Representative Stumbo moved that the Joint Session be dissolved. Agreed.

The Speaker assumed the Chair.

Orders of the Day (continued)

HB 621, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freibert moved the adoption of the Floor Amendment No. 2 to HB 621. Agreed.

Representative Freibert moved that HB 621, as amended, be passed.

On the roll call the vote was: Yeas 83, Nays 1. (See March 18, 1986, roll call on HB 621—Appendix A.)

HB 621, as amended, was passed and the title agreed to.

Representative Freibert moved that the vote by which HB 621, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 777 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Scorsone moved that HB 777 be passed.

On the roll call the vote was: Yeas 52, Nays 31. (See March 18, 1986, roll call on HB 777—Appendix A.)

HB 777 was passed and the title agreed to.

Representative Scorsone moved that the vote by which HB 777 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 808, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative L. Clark moved the adoption of the Floor Amendment No. 1 to HB 808. Agreed.

Representative Guenthner moved that HB 808, as amended, be passed.

On the roll call the vote was: Yeas 63, Nays 17. (See March 18, 1986, roll call on HB 808—Appendix A.)

HB 808, as amended, was passed and the title agreed to.

Representative Guenthner moved that the vote by which HB 808, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 408, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Floor Amendment No. 1 to HB 408. Agreed.

Representative Barrows moved that HB 408, as amended, be passed.

On the roll call the vote was: Yeas 23, Nays 61. (See March 18, 1986, roll call on HB 408—Appendix A.)

HB 408, as amended, was defeated.

HB 902, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stewart moved the adoption of the Floor Amendment No. 1 to HB 902. Agreed.

Representative B. Richardson moved that HB 902, as amended, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 18, 1986, roll call on HB 902—Appendix A.)

HB 902, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which HB 902, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 630 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noland moved that HB 630 be passed.

On the roll call the vote was: Yeas 90, Nays 1. (See March 18, 1986, roll call on HB 630—Appendix A.)

HB 630 was passed and the title agreed to.

Representative Noland moved that the vote by which HB 630 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 606, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Substitute to HB 606. Agreed.

Representative Richards moved that HB 606, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 18, 1986, roll call on HB 606—Appendix A.)

HB 606, by way of Committee Substitute, was passed and the title agreed to.

Representative Richards moved that the vote by which HB 606, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 662, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noe moved the adoption of the Committee Amendment No. 1 to HB 662. Agreed.

Representative Noe moved the adoption of the Floor Amendment No. 1 to HB 662. Agreed.

Representative Noe moved that HB 662, as amended, be passed.

On the roll call the vote was: Yeas 79, Nays 13. (See March 18, 1986, roll call on HB 662—Appendix A.)

HB 662, as amended, was passed.

Representative Noe moved the adoption of the Floor Title Amendment to HB 662. Agreed, and the title was agreed to.

Representative Noe moved that the vote by which HB 662, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 193 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved that SB 193 be passed.

On the roll call the vote was: Yeas 91, Nays 1. (See March 18, 1986, roll call on SB 193—Appendix A.)

SB 193 was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 193 was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 35, SB 91, SB 127, and SJR 26 had been examined and found correctly enrolled. Said bills and resolution read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—4:13 p.m.)

Orders of the Day (continued)

SB 249 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that SB 249 be passed.

On the roll call the vote was: Yeas 89, Nays 3. (See March 18, 1986, roll call on SB 249—Appendix A.)

SB 249 was passed and the title agreed to.

Representative Morris moved that the vote by which SB 249 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 211 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that SB 211 be passed.

On the roll call the vote was: Yeas 91, Nays 3. (See March 18, 1986, roll call on SB 211—Appendix A.)

SB 211 was passed and the title agreed to.

Representative Little moved that the vote by which SB 211 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 57 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that HB 57 be passed.

On the roll call the vote was: Yeas 59, Nays 28. (See March 18, 1986, roll call on HB 57—Appendix A.)

HB 57 was passed and the title agreed to.

Representative Bendl moved that the vote by which HB 57 was passed be reconsidered and said motion be placed on the table. Agreed.

HJR 78, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HJR 78 is as follows:

Amend printed copy of HJR 78 as follows:

On page 2, line 5, after "than" by deleting "fourteen" and replacing it with "sixteen"; after "including" by deleting "two" and replacing it with "four"; and, after "legislators" by inserting "two"

Representative Cyrus moved that the House refuse to concur in the Senate Amendment No. 1 to HJR 78. Agreed.

Motions, Petitions and Communications

Representative Stumbo moved that HB 879 be recommitted to the Committee on Counties and Special Districts. Agreed.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 1 to HB 918, by Representative White:

Amend printed copy of HB 918:

On page 2, line 6, delete "*corrections*" and insert in lieu thereof "*justice.*"

On page 2, line 19, delete "*corrections*" and insert in lieu thereof "*justice.*"

On page 3, line 7, delete "196" and insert in lieu thereof "15A."

On page 3, line 16, delete "*corrections*" and insert in lieu thereof "*justice.*"

On page 3, line 21, delete "*corrections*" and insert in lieu thereof "*justice.*"

On page 3, line 25, delete "*corrections*" and insert in lieu thereof "*justice.*"

On page 4, line 9, delete "September 1, 1987" and insert in lieu thereof "January 1, 1987."

Floor Amendment No. 2 to HB 946, by Representative Stumbo:

Amend printed copy of HB 946:

On page 1, after line 7, and before line 8, by inserting the following:

Mae Turner
% Betty Elliott
P.O. Box 863
Martin, Kentucky 41649 . . . . $1,076.73

FIVECO Area Development District
P. O. Box 863
Catlettsburg, Kentucky 41129 . . . . $5,025.00

Waldrop, Farmer, Breen & Bryant
108 South Liberty Street
Jackson, Tennessee 38301 . . . . $1,005.72

Floor Title Amendment No. 2 to SB 152, by Representative Dawahare:

Amend printed copy of GA Copy of SB 152—TITLE

Amend the title to read as follows:

"AN ACT relating to education and declaring an emergency therefor."

Floor Amendment No. 3 to SB 152, by Representative Dawahare:

On page 1, after line 20, add the following:

"Section 2. KRS 161.600 is amended to read as follows:

(1) Effective July 1, 1978, a member of the retirement system may qualify for service retirement by meeting either of the following requirements:

(a) Attainment of age fifty-five (55) years and completion of five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, or

(b) Completion of *twenty-seven (27)* [~~thirty (30)~~] years of Kentucky service, two (2) years of which are subsequent to July 1, 1941. [~~A member having less than thirty (30) years of service may retire with benefits reduced according to the following schedule:~~

~~29 years—90% of benefits~~

~~28 years—80% of benefits~~

~~27 years—70% of benefits.~~]

[~~(c)~~] Benefits will be reduced in accordance with KRS 161.620 for persons qualifying under *paragraph* (a) *of this subsection* who are less than age sixty (60) years.

(2) Any member shall be automatically retired as of July 1 next following his seventieth (70th) birthday, providing, however, that a member reaching age seventy (70) and having fewer than five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, shall receive a refund of the member's accumulated contributions as provided in KRS 161.470(6) in lieu of a retirement annuity.

(3) Any person who has been a teacher in Kentucky for twenty-seven (27) years or more and who withdraws from teaching after July 1, 1941, and before reaching the age of sixty-five (65) years may continue to pay into the fund each year, until the end of the fiscal year in which he reaches the age of sixty-five (65) years, the current contribution rate based on the annual compensation received during his last full year as a teacher. If he so elects he shall at any time be entitled to receive a retirement allowance as provided in KRS 161.620. No member shall make contributions as provided for above if such member is at the same time making contributions to another retirement system in Kentucky supported wholly or in part by public funds.

(4) Service credit in the Kentucky employes retirement system, the state police retirement system, the legislators' retirement plan, the county employes or the judicial retirement system may be used in meeting the

service requirements of subsections (1)(a) and (1)(b) of this section, provided such service is subsequent to July 1, 1956.

(5) No retirement annuity shall be effective until written application and option election forms are filed with the retirement office in accordance with regulations of the board of trustees.

(6) The surviving spouse of an active contributing member, if named as beneficiary of the member's account, may purchase retirement credit that the member was eligible to purchase prior to his death.

Section 3. KRS 161.620 is amended to read as follows:

(1) The retirement allowance, in the form of a life annuity with refundable balance, of a member retiring for service shall be calculated as follows:

(a) For retirements effective July 1, 1980, and thereafter, the annual allowance for each year of service performed prior to July 1, 1941, shall be one hundred dollars ($100) and the annual allowance for each year of service performed after July 1, 1941, shall be two percent (2%) of the final average salary. Actuarial discounts due to age or service credit at retirement may be applied as provided in this section.

(b) For retirements effective January 1, 1984, and thereafter the annual allowance shall be determined as set out in subsection (1)(a) of this section, except that the allowance for service performed after January 1, 1984, shall be valued at the annual rate of two and one-half percent (2 1/2%) of the final average salary for all members not employed by a state university or college. For purposes of implementing the change in the value of a year of service, the board of trustees shall establish by regulation, the value of services performed during the 1983-84 fiscal year but in no case shall the value of service performed during the 1983-84 fiscal year exceed two and one quarter percent (2.25%).

(c) If the member has five (5) years or more of Kentucky service, but less than *twenty-seven (27)* [~~thirty (30)~~] years of such service credit, the allowance shall be reduced actuarially for the number of years the member is less than sixty (60) years of age or by the number of years the service credit is less than *twenty-seven (27)* [~~thirty (30)~~] years, whichever is the lesser number. The board of trustees shall adopt an actuarial table of discounts for the purpose of calculating these allowances.

(2) Effective July 1, 1980, and annually on July 1 thereafter, the retirement allowance of each retired member and of each beneficiary of a retirement option who has been retired at least ten (10) months shall be increased in the amount of one percent (1%).

(3) Any member qualifying for retirement under a life annuity with refundable balance shall be entitled to receive an annual allowance amounting to not less than eighty-eight dollars ($88) multiplied by the service credit years of the teacher, except that no retired teacher who was sixty (60) years of age or older at retirement, and who has five (5) years or more service credit in a position covered by the teachers' retirement system shall receive a monthly benefit of less than seventy-five dollars ($75). The above minimums shall be effective July 1, 1978, and shall apply to those members retiring on or subsequent to that date.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option other than a life annuity with refundable balance in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries as provided in the duly adopted option tables at the time of the member's retirement.

(5) Effective July 1, 1982, the monthly allowance of each member retired on or before July 1, 1981, and each recipient of a retirement option of such retired members shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member has been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(6) Effective July 1, 1983, the monthly allowance of each member retired on or before July 1, 1982, and each recipient of a retirement option of such retired member shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member had been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(7) Effective July 1, 1980, monthly payments of two hundred dollars ($200) shall be payable for the benefit of an adult child of a member retired for service when the child's mental condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of such child or until such time as the mental condition creating the dependency no longer exists. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto.

(8) The cost of providing the statutory cost-of-living increases for retired members during 1980-82 and 1982-84 shall be funded by annual appropriations from the state on an amortized basis over the lifetime of the recipients. When the earnings on investments of the retired teacher savings exceeds the actuarial assumed rate of interest, the board of trustees may allocate such excess earnings toward the funding of the amortized payments required during the 1982-84 biennium for the cost-of-living increases approved under subsections (5) and (6) of this section.

Section 4. KRS 161.540 is amended to read as follows:

(1) Effective *July 1, 1986* [~~July 1, 1984~~], each member shall contribute to the retirement system *nine and eight hundred and fifty-five thousandths percent (9.855%)* [~~nine and six-tenths percent (9.6%)~~] of annual compensation except that university faculty members shall contribute *eight and three hundred and seventy-five thousandths percent (8.375%)* [~~eight and twelve-hundredths percent (8.12%)~~] of annual compensation. The contribution of members shall not exceed these applicable percentages on annual compensation. When a member retires, if it is determined that he has made contributions on a salary in excess of the amount to be included for the purpose of calculating his final average salary, any excess contribution shall be refunded to him in a lump sum at the time of the payment of his first retirement allowance.

(2) Each public board, institution or agency, as listed in KRS 161.220(4)(a) through (f) shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employe contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(9). However, each public board, institution or agency shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employe until such time as the contributions are distributed or made available to the employe. The picked up employe contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982 by the employe contribution, and the picked up employe contribution shall be in lieu of an employe contribution. Each employer shall pay these picked up employe contributions from the same source of funds which is used to pay earnings to the employe. The employe shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employe contributions picked up after August 1, 1982 shall be treated for all purposes of KRS 161.220 to 161.714 in the same manner and to the same extent as employe contributions made prior to August 1, 1982.

Section 5. Whereas contributions to the retirement system must be made at the beginning of the fiscal year, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Title Amendment to SB 271, by Representative Dawahare:

Amend printed copy of GA Copy of Senate Bill 271—TITLE

Amend the title to read as follows:

"AN ACT relating to education and declaring an emergency therefor."

Floor Amendment No. 2 to SB 271, by Representative Dawahare:

Amend printed copy of GA copy of SB 271:

On page 1, after line 12, add the following:

"Section 2. KRS 161.600 is amended to read as follows:

(1) Effective July 1, 1978, a member of the retirement system may qualify for service retirement by meeting either of the following requirements:

(a) Attainment of age fifty-five (55) years and completion of five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, or

(b) Completion of *twenty-seven (27)* [~~thirty (30)~~] years of Kentucky service, two (2) years of which are subsequent to July 1, 1941. [~~A member having less than thirty (30) years of service may retire with benefits reduced according to the following schedule:~~

~~29 years—90% of benefits~~

~~28 years—80% of benefits~~

~~27 years—70% of benefits.~~]

[~~(c)~~] Benefits will be reduced in accordance with KRS 161.620 for persons qualifying under *paragraph* (a) *of this subsection* who are less than age sixty (60) years.

(2) Any member shall be automatically retired as of July 1 next following his seventieth (70th) birthday, providing, however, that a member reaching age seventy (70) and having fewer than five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, shall receive a refund of the member's accumulated contributions as provided in KRS 161.470(6) in lieu of a retirement annuity.

(3) Any person who has been a teacher in Kentucky for twenty-seven (27) years or more and who withdraws from teaching after July 1, 1941, and before reaching the age of sixty-five (65) years may continue to pay into the fund each year, until the end of the fiscal year in which he reaches the age of sixty-five (65) years, the current contribution rate based on the annual compensation received during his last full year as a teacher. If he so elects he shall at any time be entitled to receive a retirement allowance as provided in KRS 161.620. No member shall make contributions as provided for above if such member is at the same time making contributions to another retirement system in Kentucky supported wholly or in part by public funds.

(4) Service credit in the Kentucky employes retirement system, the state police retirement system, the legislators' retirement plan, the county employes or the judicial retirement system may be used in meeting the service requirements of subsections (1)(a) and (1)(b) of this section, provided such service is subsequent to July 1, 1956.

(5) No retirement annuity shall be effective until written application and option election forms are filed with the retirement office in accordance with regulations of the board of trustees.

(6) The surviving spouse of an active contributing member, if named as beneficiary of the member's account, may purchase retirement credit that the member was eligible to purchase prior to his death.

Section 3. KRS 161.620 is amended to read as follows:

(1) The retirement allowance, in the form of a life annuity with refundable balance, of a member retiring for service shall be calculated as follows:

(a) For retirements effective July 1, 1980, and thereafter, the annual allowance for each year of service performed prior to July 1, 1941, shall be one hundred dollars ($100) and the annual allowance for each year of service performed after July 1, 1941, shall be two percent (2%) of the final average salary. Actuarial discounts due to age or service credit at retirement may be applied as provided in this section.

(b) For retirements effective January 1, 1984, and thereafter the annual allowance shall be determined as set out in subsection (1)(a) of this section, except that the allowance for service performed after January 1, 1984, shall be valued at the annual rate of two and one-half percent (2 1/2%) of the final average salary for all members not employed by a state university or college. For purposes of implementing the change in the value of a year of service, the board of trustees shall establish by regulation, the value of services performed during the 1983-84 fiscal year but in no case shall the value of service performed during the 1983-84 fiscal year exceed two and one quarter percent (2.25%).

(c) If the member has five (5) years or more of Kentucky service, but less than *twenty-seven (27)* [~~thirty (30)~~] years of such service credit, the allowance shall be reduced actuarially for the number of years the member is less than sixty (60) years of age or by the number of years the service credit is less than *twenty-seven (27)* [~~thirty (30)~~] years, whichever is the lesser number. The board of trustees shall adopt an actuarial table of discounts for the purpose of calculating these allowances.

(2) Effective July 1, 1980, and annually on July 1 thereafter, the retirement allowance of each retired member and of each beneficiary of a retirement option who has been retired at least ten (10) months shall be increased in the amount of one percent (1%).

(3) Any member qualifying for retirement under a life annuity with refundable balance shall be entitled to receive an annual allowance amounting to not less than eighty-eight dollars ($88) multiplied by the service credit years of the teacher, except that no retired teacher who was sixty (60) years of age or older at retirement, and who has five (5) years or more service credit in a position covered by the teachers' retirement system shall receive a monthly benefit of less than seventy-five dollars ($75). The above minimums shall be effective July 1, 1978, and shall apply to those members retiring on or subsequent to that date.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option other than a life annuity with refundable balance in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries as provided in the duly adopted option tables at the time of the member's retirement.

(5) Effective July 1, 1982, the monthly allowance of each member retired on or before July 1, 1981, and each recipient of a retirement option of such retired members shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member has been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(6) Effective July 1, 1983, the monthly allowance of each member retired on or before July 1, 1982, and each recipient of a retirement option of such retired member shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member had been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(7) Effective July 1, 1980, monthly payments of two hundred dollars ($200) shall be payable for the benefit of an adult child of a member retired for service when the child's mental condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of such child or until such time as the mental condition creating the dependency no longer exists. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto.

(8) The cost of providing the statutory cost-of-living increases for retired members during 1980-82 and 1982-84 shall be funded by annual appropriations from the state on an amortized basis over the lifetime of the recipients. When the earnings on investments of the retired teacher savings exceeds the actuarial assumed rate of interest, the board of trustees may allocate such excess earnings toward the funding of the amortized payments required during the 1982-84 biennium for the cost-of-living increases approved under subsections (5) and (6) of this section.

Section 4. KRS 161.540 is amended to read as follows:

(1) Effective *July 1, 1986* [~~July 1, 1984~~], each member shall contribute to the retirement system *nine and eight hundred and fifty-five thousandths percent (9.855%)* [~~nine and six-tenths percent (9.6%)~~] of annual compensation except that university faculty members shall contribute *eight and three hundred and seventy-five thousandths percent (8.375%)* [~~eight and twelve-hundredths percent (8.12%)~~] of annual compensation. The contribution of members shall not exceed these applicable percentages on annual compensation. When a member retires, if it is determined that he has made contributions on a salary in excess of the amount to be included for the purpose of calculating his final average salary, any excess contribution shall be refunded to him in a lump sum at the time of the payment of his first retirement allowance.

(2) Each public board, institution or agency, as listed in KRS 161.220(4)(a) through (f) shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employe

contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(9). However, each public board, institution or agency shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employe until such time as the contributions are distributed or made available to the employe. The picked up employe contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982 by the employe contribution, and the picked up employe contribution shall be in lieu of an employe contribution. Each employer shall pay these picked up employe contributions from the same source of funds which is used to pay earnings to the employe. The employe shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employe contributions picked up after August 1, 1982 shall be treated for all purposes of KRS 161.220 to 161.714 in the same manner and to the same extent as employe contributions made prior to August 1, 1982.

Section 5. Whereas contributions to the retirement system must be made at the beginning of the fiscal year, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Title Amendment to SB 83, by Representative Cyrus:

Amend printed copy of GA copy of SB 83—TITLE

By deleting "school schedules" and inserting "public schools" in lieu thereof.

Floor Amendment No. 2 to SB 83, by Representative Cyrus:

Amend printed copy of GA copy of SB 83:

Page 2, after line 18 by adding the following:

"Section 2. KRS 156.160 is amended to read as follows:

(1) The state board of education shall adopt rules and regulations relating to:

(a) Minimum courses of study for the different grades and kinds of common schools, and regulations governing educational equipment of the schools;

(b) Grading, classifying and accrediting [~~all~~] common schools. *A district, which is accredited by a national or regional accrediting association in which the state holds membership, may elect to be exempt from state accreditation. When a district elects such exemption, the department of education shall accept the national or regional accreditation as meeting all state accreditation requirements;*

(c) Determining, [~~and for determining~~] the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;

(d)[~~(c)~~] Taking[~~,~~] and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports;

(e)[~~(d)~~] Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the state board shall adopt the uniform state building code;

(f)[~~(e)~~] Medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;

(g)[~~(f)~~] The transportation of children to and from school;

(h)[~~(g)~~] The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(i)[~~(h)~~] The preparation of budgets and salary schedules for the [~~several~~] school districts under the management and control of the state board of education;

(j)[~~(i)~~] A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the [~~several~~] school districts;

(k)[~~(j)~~] The disposal of real and personal property owned by local boards of education.

(2) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the state board of education and be certified upon application to the board by such schools."

Page 2, line 19 by changing "Section 2" to "Section 3"

Page 2, line 23 by inserting "Section 1 of" after the word "and"

Page 2, after line 24 by adding the following:

"Section 4. Whereas, local school districts spend several months preparing for an accreditation visit and it is necessary that the districts know immediately which accreditation process they need to prepare for in the next school year, an emergency is declared to exist and Section 2 of this Act shall become effective upon its passage and approval of the governor."

Floor Amendment No. 1 to HB 888, by Representative B. Richardson:

Amend printed copy of HB 888:

On page 4, after line 20 by adding:

"Section 4. A NEW SECTION OF SUBTITLE 38 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Any certificate, agreement or contract issued in this state by a health maintenance organization which provides coverage for any service which is within the lawful scope of practice of a chiropractor duly licensed under KRS Chapter 312, shall be deemed to provide benefits for such services whether performed by a duly licensed physician, osteopath or chiropractor, notwithstanding any provision contained in the certificate, agreement or contract."

Floor Amendment No. 1 to HB 859, by Representative P. Clark:

Amend printed copy of HB 859:

On page 12, line 16, by deleting the word "*unsatisfactory*"; and

on page 16, line 9, by adding after the word "*charges.*" the following:

"*However, during the formal executive session the merit board may consult with its attorney regarding legal issues, but in no event shall the merit board attorney comment upon suggested factual findings or participate in any manner in the fact finding function which is delegated exclusively to the merit board.*"; and

on page 17, line 15, by deleting the word "*dismissal*" and by substituting therefor "*the discharge of the officer or employe from employment*"; and

on page 19, line 17, by deleting the word "*demotion,*"; and

on page 19, line 18, by adding after the word "*action*" the following:

"*other than demotion*"; and

on page 19, line 21, by deleting the words "*No past disciplinary*"; and on page 19, lines 22 through 24, be deleting all of lines 22 through 24; and

on page 22, line 1, by adding after "*78.480,*" the following: "*shall be subject to the penalties imposed in subsection (1) of this section, and in addition* "; and

on page 22, line 22, by deleting "*The rights afforded under this section*"; and

on page 22, lines 23 through 26, by deleting all of lines 23 through 26; and

on page 23, by deleting all of page 23.

Floor Amendment No. 2 to HB 764, by Representative Donnermeyer:

Amend printed copy of HB 764:

On page 3, line 6, after the period insert the following:

"*Such plan may include limitations upon the number of days a teacher may annually contribute to the bank and limitations upon the number of days a teacher may annually draw from the bank. Only those teachers who contribute to the bank may draw upon the bank*";

On page 3, line 4, delete all new language beginning with "*Teachers*" and ending with "*bank*" on line 6.

Floor Amendment No. 1 to HB 881, by Representative Morris:

Amend printed copy of HB 881:

on page 3, after line 6, to insert the following:

Section 2. KRS 186.041 is amended to read as follows:

(1) The transportation cabinet shall issue, free of charge, a certificate of registration and two (2) license plates or renewal decals to each disabled veteran who has been or shall be issued a motor vehicle by the veterans administration under the provisions of Title 38, Section 1901, of the United States Code or any other public law that may be passed by the Congress of the United States, and who is a resident of Kentucky.

(2) The license plates in subsection (1) of this section shall be manufactured to last at least five (5) years and shall be printed in three (3) colors, red, white and blue. One-half (1/2) of the license plate shall be in one color, the other half (1/2) a second color and the figures and lettering the third color. Each tag shall contain the name of the state, the years, the registration number and the words "Handicapped Vet."

(3) Upon the sale or transfer of a vehicle licensed as authorized under this section, the owner shall remove the license plate and return it and the certificate of title and registration upon payment of an eleven dollar fifty cent ($11.50) state fee and a one dollar ($1) clerk's fee. When the special plate has been presented to the clerk, he shall reissue same free from payment to the transportation cabinet and upon payment of a one dollar ($1) clerk's fee, for use on any other vehicle owned by the same person who purchased the special plate for the current licensing period. The license plate and decal on this other vehicle shall be turned in to the county clerk, who will forward the license plate to Frankfort.

(4) License plates provided under this section shall be issued only as long as the veteran is the owner of a motor vehicle provided by the veterans administration. Such license plates are not transferable to any person or persons not entitled to them under this section.

(5) No county, city, town or any other political subdivision of this state shall require any license or fee from any disabled veteran for the privilege of operating a motor vehicle licensed by the department under the provisions of this section upon the streets or alleys of any political subdivision, any other provisions of law to the contrary notwithstanding.

(6) Application for the special license plates shall be made to the cabinet in accordance with such regulations as the cabinet may have issued.

(7) When a motor vehicle bearing plates issued to a disabled veteran as prescribed in this section is being operated by or for the benefit of the disabled veteran, the motor vehicle may be parked for a period of two (2) hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police regulations prohibit parking on a highway for the purpose of creating a fire lane or where the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

(8) Registration issued under this section shall expire on *July* [~~December~~] 31.

(9) In the event a disabled veteran plate, within five (5) years of the date of its issue, deteriorates to the point where the inscriptions thereon are not discernible, the owner may obtain a replacement plate free of charge.

(10) The cabinet may make such reasonable rules and regulations as it deems necessary to further the purpose of this section.

Floor Amendment No. 1 to HB 913, by Representative Kerr:

Amend printed copy of HB 913:

on page 1, line 8, after the "*KRS*" to delete the number "*189.572*" and insert in lieu thereof "*186.572.*"

on page 1, line 19, after the word "*driving*" to delete the word "*right*" and insert in lieu thereof "*privilege.*"

on page 2, line 19, after the word "*driving*" to delete the word "*right*" and insert in lieu thereof "*privilege.*"

on page 2, line 25, after the word "*driving*" to delete the word "*rights*" and insert in lieu thereof "*privilege.*"

on page 3, line 14, after the word "*operating*" to delete the word "*right*" and insert in lieu thereof "*privilege.*"

on page 5, line 2, after the word "*such*" to delete the word "*person*" and insert in lieu thereof "*person's driving privilege.*"

on page 5, line 15, after the word "*driving*" to delete the word "*right*" and insert in lieu thereof "*privilege.*"

Floor Amendment No. 1 to HB 197, by Representative Kerr:

Amend printed copy of HB 197:

On page 1, line 2, after the word "include" by placing a punctuation mark (colon); and

line 3, by inserting the paragraph heading, "*(a),*" before the word "any";

line 10, after the word "law," by adding the following:

"*; and*

(b) medical oxgen when purchased by the patient for private use.";

line 13, after the word "devices" by inserting the following:

"*prescribed by a licensed physician, or*"; and

line 18, after the word "aids," by inserting the following:

"*prescribed by a licensed physician, or.*"

Floor Amendment No. 2 to HB 833, by Representative Stone:

Amend printed copy of HB 833:

On page 4, line 1, by deleting it in its entirety.

Floor Amendment No. 3 to SB 83, by Representative P. Clark:

Amend printed copy of GA copy of SB 83:

On page 2, line 19, after "Section 2." insert the following:

"KRS 158.175 is amended to read as follows:

(1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.

(2) By August 1, 1980, the board of education of each public local school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day. *Instruction concerning the proper display of and respect for the state and national flags shall be included in such policy and in each elementary and secondary school's curriculum.*

Section 3."

On page 2, line 23, after "and" insert the following:

"Section 1 of."

Floor Title Amendment No. 2 to SB 83, by Representative P. Clark:

Amend printed copy of GA copy of SB 83:

By amending the title to read as follows:

"AN ACT relating to education and declaring an emergency."

Floor Title Amendment to SB 325, by Representative Mann:

Amend printed copy of SB 325:

Title line by amending the title to read as follows:

"AN ACT relating to energy assistance and conservation and declaring an emergency."

Floor Amendment No. 1 to SB 325, by Representative Mann:

Amend printed copy of SB 325:

On page 1, line 8, after the word "*state*" by adding the words "*before July 1, 1986*"; and

On page 1, line 12, after the word "*effect,*" by adding the following:

"*one-half of any oil overcharge refunds which become available to the state after July 1, 1986,*"; and

On page 1, line 18, delete the word "*principle*" and insert in lieu thereof "*principal,*" and

On page 4, after line 13, by inserting new sections as follows:

"SECTION 9. A NEW SECTION OF KRS CHAPTER 152A IS CREATED TO READ AS FOLLOWS:

(1) One-half of all oil overcharge refunds made available to the state after July 1, 1986, shall be credited to an energy conservation fund which is hereby created. Funds deposited to the credit of the energy conservation fund and any investment interest earned on the excess cash in the fund shall be used in one (1) or more of the three (3) conservation programs administered by the energy cabinet: the state energy conservation plan program, the energy extension service program, and the institutional building grants program. All monies in excess of the amount required to meet current expenses shall be invested in interest-bearing accounts and accrue to this fund.

(2) The secretary of the energy cabinet shall submit to the legislative research commission a report by July 30 of each year on the operational and financial status of the energy conservation fund."

Section 10. (1) In order to insure funding for weatherization activities under the low-income energy assistance trust fund for fiscal year 1987, the cabinet for human resources is directed to prepare a plan for fiscal year 1987 and submit that plan according to the provisions of this Act. There shall be made available to the cabinet for human resources an amount not more than one million six hundred thousand dollars ($1,600,000) on July 1, 1986 for funding of an approved plan. In order to provide such funding level, a portion of the principal in the trust fund may be released for initial funding.

(2) There shall be released for fiscal year 1987 from the principal in the low-income energy assistance trust fund one million three hundred thousand dollars ($1,300,000) to the energy cabinet for use in one (1) or more of the following programs: the state energy conservation plan program, the energy extension service, and the institutional building grants program."

And on page 4, line 14, by deleting the number "9" and inserting in lieu thereof "11."

Floor Amendment No. 1 to SB 320, by Representative Morris:

Amend printed copy of GA copy of SB 320:

On page 1, line 8, after "*section.*" insert the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

(1) The executive director for the department for the blind, his designee, or any hearing examiner appointed to conduct hearings on matters within the jurisdiction of the department may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof, and receive exhibits in evidence, in connection with, or at such investigations or hearings.

(2) In case of disobedience to a subpoena, or in case of disobedience to any order of the hearing examiner, the executive director, his designee, or hearing examiner may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance or testimony of witnesses, the production of documentary evidence or obeyance of an order of the hearing examiner may be enforced and shall be valid anywhere in this state."

Floor Title Amendment to HB 299, by Representative Morris:

Amend printed copy of HB 299 (Title):

On page 1, amend the TITLE to read as follows:

"An ACT relating to administrative agencies."

Floor Amendment No. 1 to SB 212, by Representative Morris:

Amend printed copy of GA copy of SB 212:

On page 6, line 12, after "appeal." insert the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

(1) The executive director for the department for the blind, his designee, or any hearing examiner appointed to conduct hearings on matters within the jurisdiction of the department may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof, and receive exhibits in evidence, in connection with, or at such investigations or hearings.

(2) In case of disobedience to a subpoena, or in case of disobedience to any order of the hearing examiner, the executive director, his designee, or hearing examiner may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance or testimony of witnesses, the production of documentary evidence or obeyance of an order of the hearing examiner may be enforced and shall be valid anywhere in this state."

Floor Title Amendment to SB 212, by Representative Morris:

Amend print copy of GA copy of SB 212:

On page 1, amend the TITLE to read as follows:

"AN ACT relating to administrative procedure."

Floor Amendment No. 1 to HB 299, by Representative Morris:

Amend printed copy of HB 299:

On page 2, line 14, after "commission." insert the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

(1) The executive director for the department for the blind, his designee, or any hearing examiner appointed to conduct hearings on matters within the jurisdiction of the department may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof, and receive exhibits in evidence, in connection with, or at such investigations or hearings.

(2) In case of disobedience to a subpoena, or in case of disobedience to any order of the hearing examiner, the executive director, his designee, or hearing examiner may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance or testimony of witnesses, the production of documentary evidence or obeyance of an order of the hearing examiner may be enforced and shall be valid anywhere in this state."

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Posting of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Resolution

HCR 157, by Representative Burch: A CONCURRENT RESOLUTION urging the United States Department of Health and Human Services to ease the restrictions on the granting of Medicaid waivers for home and community based services.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Energy: **HB 976.**

Education: **HCR 136.**

Labor and Industry: **HB 773.**

State Government: **HB 905, SB 12, SB 37, SB 42, SB 88, SB 110, SB 111, HR 130, SB 227, SB 229, SB 267, SB 269, SB 270, SB 276, SB 316, SB 319, SB 327, SB 344, SCR 30.**

Health and Welfare: **HB 988, SB 134, SB 148.**

Judiciary-Criminal: SB 311.

Appropriations and Revenue: HB 922, SB 288.

Natural Resources and Environment: HB 871.

Report of Committees

The Committee on Judiciary-Civil reported HB 664, SB 239, SB 244, SB 263 and SB 310 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 664, AN ACT relating to abused, missing, and exploited children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of law or rule of evidence, a child victim's out of court statements regarding physical or sexual abuse, or neglect of the child are admissible in any criminal or civil proceeding, including a proceeding to determine the dependency of the child if, prior to admitting such a statement, the court determines that:

(a) The general purpose of the evidence is such that the interest of justice will best be served by admission of the statement into evidence; and

(b) The statements are determined by the court to be reliable based upon the court's consideration of: the age and maturity of the child, the nature and duration of the abuse, the emotional or psychological effects of said abuse or neglect upon the child, the relationship of the child to the offender, the reliability of the child witness, and the circumstances surrounding the statement.

(2) If the statement is admitted into evidence either party may call the child to testify and the opposing party may cross-examine the child.

Section 2. KRS 421.350 is amended to read as follows:

(1) This section applies only to a proceeding in the prosecution of an offense, including but not limited to an offense under KRS 510.040 to 510.150, 529.030 to 529.050, 529.070, 530.020, 531.310, 531.320, 531.370, *the offense of endangering the welfare of a minor, all dependency proceedings pursuant to KRS Chapter 208,* and the criminal offense of unlawful transaction with a minor when the minor is induced, assisted or caused to engage in illegal sexual activity, when the act is alleged to have been committed against a child twelve (12) years of age or younger, and applies only to the statements or testimony of that child.

(2) The recording of an oral statement of the child made before the proceeding begins is admissible into evidence if:

(a) No attorney for either party was present when the statement was made;

(b) The recording is both visual and oral and is recorded on film or videotape or by other electronic means;

(c) The recording equipment was capable of making an accurate recording, the operator of the equipment was competent, and the recording is accurate and has not been altered;

(d) The statement was not made in response to questioning calculated to lead the child to make a particular statement;

(e) Every voice on the recording is identified;

(f) The person conducting the interview of the child in the recording is present at the proceeding and available to testify or be cross-examined by either party;

(g) The defendant or the attorney for the defendant is afforded an opportunity to view the recording before it is offered into evidence; and

(h) The child is available to testify.

If the electronic recording of the oral statement of a child is admitted into evidence under this section, either party may call the child to testify, and the opposing party may cross-examine the child.

(3) The court may, on the motion of the attorney for any party, order that the testimony of the child be taken in a room other than the courtroom and be televised by closed circuit equipment in the courtroom to be viewed by the court and the finder of fact in the proceeding. Only the attorneys for the defendant and for the state, persons necessary to operate the equipment, and any person whose presence would contribute to the welfare and well-being of the child may be present in the room with the child during his testimony. Only the attorneys may question the child. The persons operating the equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the child during his testimony, but does not permit the child to see or hear them. The court shall permit the defendant to observe and hear the testimony of the child in person, but shall ensure that the child cannot hear or see the defendant.

(4) The court may, on the motion of the attorney for any party, order that the testimony of the child be taken outside the courtroom and be recorded for showing in the courtroom before the court and the finder of fact in the proceeding. Only those persons permitted to be present at the taking of testimony under subsection (3) of this section may be present during the taking of the child's testimony, and the persons operating the equipment shall be confined from the child's sight and hearing as provided by subsection (3) of this section. The court shall permit the defendant to observe and hear the testimony of the child in person, but shall ensure that the child cannot hear or see the defendant. The court shall also ensure that:

(a) The recording is both visual and oral and is recorded on film or videotape or by other electronic means;

(b) The recording equipment was capable of making an accurate recording, the operator was competent, and the recording is accurate and is not altered;

(c) Each voice on the recording is identified; and

(d) Each party is afforded an opportunity to view the recording before it is shown in the courtroom.

(5) If the court orders the testimony of a child to be taken under subsections (3) or (4) of this section, the child may not be required to testify in court at the proceeding for which the testimony was taken.

Section 3. KRS 141.440 is amended to read as follows:

(1) Effective for the tax year beginning January 1, 1984 and until the state treasurer certifies that the assets in the child victims' trust fund exceed twenty million dollars ($20,000,000), any individual who is entitled to a tax refund sufficient to make a designation under this section may designate that two dollars ($2.00) *or four dollars ($4.00) or any amount of his refund* [~~of his or her refund~~] be credited to the child victims' trust fund. [~~In the case of a joint return of husband and wife who are entitled to a tax refund under this chapter sufficient to make a designation under this section, a designation may be made that four dollars ($4.00) of their refund be credited to the child victims' trust fund.~~]

(2) The tax designation authorized in this section shall be clearly and unambiguously printed on the first page of the state individual income tax return.

(3) The proceeds derived from the tax designation shall be credited to the child victim's trust fund to be allocated and distributed as provided in KRS 15.900 to 15.940.

Section 4. KRS 208.060 is amended to read as follows:

(1) All cases involving children brought before the court shall be granted a speedy hearing and shall be dealt with by the juvenile session of district court at separate hearings and without a jury except that a trial by jury may be had in accordance with the provisions of KRS 208.020(3), (4) and (5). The hearings may be conducted in an informal manner. The general public shall be excluded and only the immediate families or guardians of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation

worker with direct interest in the case, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his attorney may be admitted to the hearing. Witnesses shall be admitted to the hearing only for the duration of their testimony.

(2) Juvenile proceedings shall consist of two distinct hearings, an adjudication and a disposition, which may, upon motion of the child, be held on separate days.

(a) The adjudication shall determine the truth or falsity of the allegations in the petition and shall be made on the basis of an admission or confession of the child to the court or by the taking of evidence.

(b) Upon motion by any child brought before the court on a petition under KRS 208.020(1)(a), (b), or (c), the Rules of Criminal Procedure shall apply to all matters involved in the adjudication of the case. All adjudications shall be supported by evidence beyond a reasonable doubt. *On a petition brought under KRS 208.020(1)(d), the rules of civil procedure shall apply to all matters involved in the adjudication of the case, and all adjudications shall be supported by clear and convincing evidence.*

(c) After adjudication, a determination by the court that detention pending disposition is necessary shall be based on a finding of the court by a preponderance of the evidence that the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community.

(d) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child. Unless the provisions of subsections (3) and (4) are observed by the court, the disposition shall be limited to an informal adjustment of the matter between the parties and the court. The provisions of subsections (3) and (4) shall be conditions precedent to any commitment, court-ordered probation, restitution, or other disposition enforceable by the authority of the court. No public or private agency or body, or party before the court, shall participate in any order of the court unless it receives from the court a verified statement, signed by the juvenile judge, that the rights enumerated in subsections (3) and (4) were granted to the child during the proceedings in juvenile court.

(3) Before commencing a hearing and proceeding to determine the truth or falsity of the allegations in a petition filed with the court under KRS 208.020(1)(a), (b), or (c), the court shall decide, on the basis of a preliminary inquiry made by the court, whether or not the best interest of the child indicates that the petition should be dismissed and the child's case adjusted informally among the parties. An informal adjustment may be made at any time during the proceedings. All petitions brought under KRS 208.020(1)(a), (b), or (c) shall receive this consideration by the court. No petition shall be brought against the child as a result of information given to the court by the child as part of an informal adjustment. If the court finds it necessary to extend the discussion, during an informal adjustment, beyond the immediate subject matter of the complaint before it, the child and his parents, relative, guardian, or custodian shall be advised of all the rights under this subsection. If the court determines that a formal proceeding is required to determine the truth or falsity of the allegations against the child, a petition, sworn to by the complainant, shall be required pursuant to KRS 208.070(1) and (2), and the court shall, when the child is brought before the court:

(a) Explain to the child and his parents, relative, guardian, or custodian their respective rights to counsel and, if the child and his parents, relative, guardian, or custodian are unable to obtain counsel, shall appoint counsel for the child and may appoint counsel for the parents, relative, guardian, or custodian;

(b) Explain the privilege against self-incrimination by saying that the child, parents, relative, guardian, or custodian may remain silent concerning the charges against the child, and that anything said may be used against the child and result in his commitment to the cabinet or an institution for juvenile delinquents;

(c) Explain the right to confront anyone who has accused the child and to cross-examine that person on the allegations made against the child;

(d) Advise the child and his parents, relative, guardian, or custodian of the right to appeal from a determination of the court;

(e) Advise the child that these rights belong to him and may not be waived by his parents, relative, guardian, or custodian.

(4) At the disposition of a child adjudicated on a petition brought pursuant to KRS 208.020(1)(a), (b), or (c), all information helpful in making a proper disposition, including oral and written reports, may be received by

the court in compliance with KRS 208.060(2)(d) and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and controvert the reports and cross-examine the individuals making the reports.

(5) In the case of any child brought before the court on a petition under KRS 208.020(1)(d), the rules of evidence and procedure described in subsection (3) of this section shall apply.

Section 5. KRS 199.335 is amended to read as follows:

(1) The purpose of this section, KRS 530.060, 530.070, subsections (4) and (5) of KRS 208.020 and subsections (4) and (5) of KRS 208.990 is to provide for the identifying of any abused or neglected child; to require reports of any suspected abused or neglected child; to assure that the protective services of the state will be made available to an abused or neglected child in order to protect such a child and his siblings; to further prevent abuse or neglect; to preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care; and to provide for immediate and prompt investigation of such reports.

(2) Any physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child caring personnel, resident, intern, chiropractor, dentist, optometrist, health professional, peace officer, mental health professional or other person who knows or has reasonable cause to believe that a child is an abused or neglected child, shall report or cause a report to be made in accordance with the provisions of this section. When any of the above specified persons is attending a child as part of his professional duties, he shall report or cause a report to be made in accordance with the provisions of this section. Nothing in this section is intended to relieve individuals, agencies or organizations of their obligation to report.

(3) A report shall be made immediately by telephone or otherwise to the department or its delegated representative. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency. If the report is made to any agency other than the department, such agency shall promptly refer the report to the department. The report shall be followed by a written report within forty-eight (48) hours if so requested by the department. The department or its delegated representative shall upon the receipt of the initial report immediately *make and oral or written* [~~send a~~] report of suspected physical or sexual abuse to the appropriate law enforcement agency *and the county attorney or his designee* for any appropriate action. *Reports shall be made promptly, and without delay, and shall be followed by a written report if requested.* Such report shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's abuse or neglect (including any evidence of previous abuse or neglect) to this child or his siblings; the name and address of the person responsible for the abuse or neglect; and any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section. The department may request and shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the department to fulfill its responsibilities under this section.

(4) A search warrant shall be issued upon a showing of probable cause that a child is being abused or neglected. If, pursuant to a search under a warrant a child is discovered and appears to be in imminent danger, the child may be removed by the local law enforcement officer. In the event a child who is in a hospital or under the immediate care of a physician appears to be in such certain danger of injury or death if he is returned to the persons having custody of him, the physician or hospital administrator may hold a child in the physician's office or the hospital without court order provided that an attempt is made to obtain such court order at the earliest practicable time not to exceed seventy-two (72) hours. Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person responsible for such child, if the officer has reasonable cause to believe that there exists an imminent danger to the child's life or health.

(5) In a proceeding before the juvenile session of district court to have a child removed from his home and placed in the custody of the department or the court, substantial evidence that the child is an abused or neglected child shall make a prima facie case for removal of the child even though it is not proved conclusively who has perpetrated the abuse or who has caused the neglect.

(6) Anyone acting upon reasonable cause in the making of a report pursuant to this section, KRS 530.060, 530.070, subsections (4) and (5) of KRS 208.020 and subsections (4) and (5) of KRS 208.990 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report.

(7) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding an abused or neglected child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section.

(8) Upon receipt of a report of an abused or neglected child pursuant to this section, the department as the designated agency or its delegated representative shall initiate a prompt investigation, take necessary action and shall offer protective services toward safeguarding the welfare of the child, preventing further abuse or neglect of the child or any other child under the same care, preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.

(9) All information obtained by the departmental staff or its delegated representative, as a result of investigation made pursuant to this section shall not be divulged to any one except:

(a) Persons suspected of neglect or abuse, provided that in such cases names of informants may be withheld, unless ordered by the court;

(b) Persons within the department with a legitimate interest or responsibility related to the case;

(c) Other medical, psychological, or social service agencies, or law enforcement agencies that have a legitimate interest in the case; and

(d) Cases where a court orders release of such information.

(10) As a result of any report of suspected child abuse or neglect as defined in KRS 199.011(6) photographs and x-rays or other appropriate medical diagnostic procedures may be taken or caused to be taken, without the consent of the parent or other person responsible for the child, as a part of the medical evaluation or investigation of such reports. Such photographs and x-rays or results of other medical diagnostic procedures may be introduced into evidence in any subsequent judicial proceedings. The person taking such photographs or x-rays shall be immune from criminal or civil liability.

Section 6. KRS 531.300 is amended to read as follows:

As used in KRS 531.080 and 531.310 to 531.370:

(1) "Distribute" means to transfer possession of, whether with or without consideration.

(2) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines, or materials.

(3) "Obscene" means:

(a) *The predominate appeal of the matter is to a prurient interest in sexual conduct involving minors* [~~To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct~~]; and

(b) The matter depicts or describes the sexual conduct by a minor in a patently offensive way; and

(c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(4) "Sexual conduct by a minor" means:

(a) Acts of masturbation, homosexuality, lesbianism, beastiality, sexual intercourse, or deviant sexual intercourse, actual or simulated; or

(b) Physical contact with, or *lewd* [~~obscene~~] exhibition of the genitals; or

(c) Flagellation or excretion for the purpose of sexual stimulation or gratification; or

(d) The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family.

(5) "Performance" means any play, motion picture, photograph or dance. Performance also means any other visual representation exhibited before an audience.

(6) "Sexual performance" means any performance or part thereof which includes sexual conduct by a minor.

(7) "Promote" means to prepare, publish, print, procure or manufacture, or to offer or agree to do the same.

(8) "Lewd exhibition" means the wilful or intentional and obscene display of the genitals of a minor.

SB 239, AN ACT relating to consumer protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 367.200 is amended to read as follows:

The court may make such additional orders or judgments as may be necessary to restore to any person in interest any moneys or property, real or personal, which may have been *paid out as a result* [~~acquired by means~~] of any practice declared to be unlawful by KRS 367.110 to 367.300, including the appointment of a receiver or the revocation of a license or certificate authorizing any person to engage in business in the Commonwealth or both.

SB 244, AN ACT relating to jails and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 441.045 is amended to read as follows:

(1) The county governing body shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners, provided such rules are consistent with state law. The county judge/executive may inspect the jail at any reasonable time.

(2) Willful violation of the rules promulgated pursuant to subsection (1) of this section shall be deemed a violation.

(3) Except as provided in subsections (4) and (5) of this section, the cost of providing necessary medical, dental and psychological care for *indigent* prisoners in the county jail shall be paid from the county jail budget.

(4) The cost of providing necessary medical, dental or psychological care for prisoners of the United States government shall be paid as provided by contract between the United States government and the county or as may otherwise be provided by federal law.

(5) The cost of providing necessary medical, dental or psychological care, beyond routine care and diagnostic services, for prisoners held pursuant to a contractual agreement with the state shall be paid as provided by contract between the state and county. The costs of necessary medical, dental or psychological care, beyond routine care and diagnostic services, of prisoners held in the county jail for which the county receives a per diem payment shall be paid by the state.

(6) When the cost of necessary medical, dental or psychological care for a prisoner exceeds *two thousand dollars ($2,000)* [~~twenty-five hundred dollars ($2500)~~], as calculated by using the maximum allowable costs to similar persons or facilities for the same or similar services under the Kentucky medical assistance program, the state shall reimburse the county for that portion of the costs that exceed *two thousand dollars ($2,000)* [~~twenty-five hundred dollars ($2500)~~]. The reimbursement shall be subject to the following terms and conditions:

(a) The care is necessary as defined in subsection (9) of this section;

(b) The prisoner is indigent as defined in subsection (7) of this section, or is uninsured; and

(c) No state reimbursement to the county for care provided by physicians, hospitals, laboratories, or other health care providers shall exceed the maximum payments allowed to similar persons or facilities for the same or similar services under the Kentucky medical assistance program *except, as provided in subsection (10) of this section.*

(7) The determination of whether a prisoner is indigent shall be made pursuant to KRS 31.120. Prisoners who are later determined not to have been indigent, or who at a time following treatment are no longer indigent, shall be required to repay the costs of payments made pursuant to this section to the unit of government which made the payment.

(8) The terms and conditions relating to any determination of nonindigency and demands for repayment shall be under the same terms and conditions as are provided under KRS Chapters 31 and 431 relating to similar circumstances in the program for defense of indigents by the public advocate.

(9) For the purposes of this section, ''necessary care'' means care of a nonelective nature that cannot be postponed until after the period of confinement without hazard to the life or health of the prisoner. The physician attending the prisoner shall certify, under oath, that the care was necessary.

(10) Any money appropriated for a given fiscal year to fund the state's obligation under subsection (6) of this section which remains unspent at the end of the year shall not lapse but shall be made available to satisfy, to the maximum extent possible, that portion of each catastrophic claim made during said year above the threshold amount for which the county did not receive state assistance pursuant to subsection (6) of this section. In the event there is an insufficient surplus to satisfy said balance of all such catastrophic claims which are made during that year, the state shall pay to those qualified counties, on a per claim basis, an amount equal to each claim's percentage of the total surplus. Should the surplus be sufficient to satisfy all such catastrophic claims, the amount remaining, if any, shall not lapse but shall be carried forward to the next fiscal year to be made available for future catastrophic claims.

Section 2. Whereas, county governments are facing an ever increasing burden of providing necessary and sufficient medical care for indigent inmates in county jails, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

SB 263, AN ACT relating to the court appointment of special advocates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 208.320 is amended to read as follows:

(1) In counties containing a city of the first or second class, the county judge/executive may appoint a chief probation officer of the court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge/executive. The officers shall be peace officers, with all the powers of the sheriff in making arrests and carrying out the purposes of this chapter. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his or her probation, and detain such child for appropriate action by the court.

(2) In counties containing an urban-county government, the mayor shall appoint a chief probation officer of the juvenile division of the district court and such number of assistant probation officers, professional and clerical personnel as are reasonably necessary for the operation of the juvenile division of the district court. Such officers shall receive reasonable salaries to be fixed by the urban-county council, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the urban-county treasury. The officers shall serve at the pleasure of the mayor but shall be subject to the direction and control of the judges of the district court in the performance of their duties. The officers shall be peace officers, with all the powers of the sheriff in making arrests and carrying out the purposes of this chapter. A probation officer may take into custody any child that he has reasonable grounds to

believe is in violation of conditions of his or her probation, and detain such child for appropriate action by the court.

(3) In any county, the district court may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers *or court appointed special advocates* of the juvenile session of district court. Such officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court or the urban-county council, as appropriate, may authorize the payment of compensation and reasonable expenses out of the county or urban-county treasury of any such officers. Representatives of the cabinet for human resources may be appointed or designated as such volunteer probation officers, but without compensation from county funds. *Court appointed special advocates shall not receive compensation from county funds.*

(4) A child welfare worker may, upon the recommendation of the secretary for human resources, appointed by the governor to act as a peace officer in carrying out the purpose of this chapter and KRS Chapter 199. If the cabinet deems it necessary, it may appoint a child welfare worker to cooperate with the court.

SECTION 2. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

Court appointed special advocates of the juvenile session of district court shall:

(1) Make investigations as provided in KRS 208.140;

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required and advise the court of their recommendations regarding the case;

(3) Visit the children they have been appointed to serve, as well as their families and advocate for services for these children;

(4) Make such reports and records as may be required by the court; and

(5) Work in cooperation with the cabinet for human resources.

SB 310, AN ACT relating to qualified mental health professionals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) No monetary liability and no cause of action shall arise against any qualified mental health professional for failing to predict, warn of or take precautions to provide protection from a patient's violent behavior, unless the patient has communicated to the qualified mental health professional an actual threat of physical violence against a clearly identified or reasonably identifiable victim.

(2) The duty to warn of or to take reasonable precautions to provide protection from violent behavior arises only under the limited circumstances specified in subsection (1) of this section. The duty to warn shall be discharged by the qualified mental health professional if reasonable efforts are made to communicate the threat to the victim, and to notify the police department closest to the patient's and the victim's residence of the threat of violence. The duty to take reasonable precaution to provide protection from violent behavior shall be satisfied if reasonable efforts are made to seek civil commitment of the patient under KRS Chapter 202A.

(3) No monetary liability and no cause of action shall arise against any qualified mental health professional for confidences disclosed to third parties in an effort to discharge a duty arising under subsection (1) of this section according to the provisions of subsection (2) of this section.

The Committee on Banking and Insurance reported HB 723, HB 799, HB 962, SB 309 with Committee Amendment attached thereto, and SB 330 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 723, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.39-140 is amended to read as follows:

(1) On and after July 1, 1975, each reparation obligor of the owner of a vehicle required to be registered in this Commonwealth shall, upon the request of a reparation insured, be required to provide added reparation benefits for economic loss in units of ten thousand dollars ($10,000) per person subject to the lesser of:

(a) Forty thousand dollars ($40,000) in added reparation benefits; or

(b) The limit of security provided for liability to any one (1) person in excess of the requirements of KRS 304.39-110(1)(a).

(2) Each basic reparation obligor shall be permitted to incorporate in added reparation benefits coverage such terms, conditions and exclusions as may be consistent with premiums charged. The amounts payable under added reparation benefits may be duplicative of benefits received from collateral source benefits, or may provide for reasonable waiting periods, deductibles or coinsurance provision. [~~The added reparation obligor shall be subrogated, subject to KRS 304.39-070 and 304.39-300, to the injured person's right of recovery against any responsible third party.~~]

(3) [~~If the injured person, or injured persons, is entitled to damages under KRS 304.39-060 from the liability insurer of a second person, a self-insurer or an obligated government, collection of such damages shall have priority over the rights of the subrogee for its reimbursement of basic or added reparation benefits paid to or in behalf of such injured person or persons.~~

~~(4)~~] Basic reparation insurers shall make available upon request deductibles in the amounts of two hundred fifty dollars ($250), five hundred dollars ($500) and one thousand dollars ($1,000) from all basic reparation benefits otherwise payable, except that if two (2) or more basic reparation insureds to whom the deductible is applicable under the contract of insurance are injured in the same accident, the aggregate amount of the deductible applicable to all of them shall not exceed the specified deductible, which amount where necessary shall be allocated equally among them. Any person who is a basic reparation insured under an insurance policy issued with no deductible or with a deductible of a lesser amount than that under which he receives basic reparation benefits payments, shall be entitled to be paid under such policy the difference between the benefits he is actually paid and the benefits which would have been paid had his benefits been payable under such policy.

(5) Reparation obligors shall make available upon request to those persons who have rejected their tort limitations, in accordance with KRS 304.39-060(4), basic reparation benefits coverage and added reparation benefits.

Section 2. KRS 304.39-070, "Secured person"—Obligor's rights to recovery, is repealed.

HB 799, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

After the effective date of this Act, no insurer shall deliver, issue for delivery or renew any policy or policies providing coverage for loss or damage to a structure located in this Commonwealth for an amount greater than one hundred percent (100%) of the replacement cost of the structure. For the purpose of this section, "structure" means any dwelling, building or fixture permanently affixed to realty, but does not include land, trees, plants or crops.

HB 962, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 15 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "the effective rate of interest" means that portion of the premium which increases the cash value of the policy or rider after deduction of administrative charges, service fees and expense factors.

(2) All insurers licensed to issue life and annuity policies shall include on the face sheet of every annuity policy and life insurance policy issued with an annuity rider, a statement regarding the effective rate of interest paid on the policy or rider. The statement shall apply to the interest rate credited on the policy's or rider's date of issue.

SB 309, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. SUBTITLE 45 OF KRS CHAPTER 304 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this subtitle:

(1) "Commercial insurance" means property insurance as defined in KRS 304.5-050 and casualty insurance as defined in KRS 304.5-070, except for:

(a) Hazardous waste or environmental impairment insurance; and

(b) Any kind of insurance that is available through the FAIR plan, the Kentucky automobile insurance plan or any other existing residual market mechanism as defined in KRS 304.13-011.

(2) "Association" means the Kentucky commercial insurance association.

SECTION 2. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) If the commissioner finds after a hearing that in any part of this state commercial insurance is not readily available in the voluntary market and that the public interest requires such availability, the commissioner may authorize formation of a voluntary risk sharing or market assistance plan under Section 11 of this Act.

(2) If after a hearing the commissioner finds that the voluntary risk sharing or market assistance plan has failed to restore availability of the needed insurance coverages, he may establish the Kentucky commercial insurance association as an unincorporated association. The purpose of the association shall be to provide a market for certain kinds of commercial insurance on a self-supported basis without subsidy from other kinds of insurance.

(3) The association shall perform its functions under a plan of operation approved by the commissioner. The plan of operation shall:

(a) Give consideration to the need for adequate and readily accessible coverage, to alternative methods of improving the market affected, to the preferences of insurers and agents, to the inherent limitations of the insurance mechanism, to the need for reasonable underwriting standards, and to the requirement of reasonable loss prevention measures;

(b) Establish procedures that will create minimum interference with voluntary markets;

(c) Spread the burden imposed by the association equitably and efficiently within the insurance industry; and

(d) Establish procedures for applicants and participants to have grievances reviewed by an impartial body.

SECTION 3. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The administrative powers of the association shall be vested in a board of directors consisting of seven (7) members serving terms as established in the plan of operation. Seven (7) members of the board of directors shall be appointed by the commissioner in the same manner as the seven (7) members of the governing committee of the FAIR plan and reinsurance association are appointed pursuant to KRS 304.35-040.

(2) Members of the board of directors may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors and for reasonable and equitable compensation as may be prescribed by the terms of plan of operation.

(3) The board of directors of the association shall submit to the commissioner a plan of operation for the association and make suitable or necessary amendments thereto to assure the fair, reasonable, and equitable administration of the association. The plan of operation shall become effective upon the commissioner's approval in writing.

(4) If the association fails to submit a suitable plan of operation within a reasonable period of time, or if at any time thereafter the association fails to submit suitable amendments to the plan of operation, the commissioner shall promulgate a plan of operation which is, in his discretion, necessary or advisable to effectuate the provisions of this subtitle.

SECTION 4. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The plan of operation shall require participation by all insurers transacting insurance in Kentucky of the kind covered by the specific plan and all agents appointed to represent such insurers in this state for the specified types of business, except that the commissioner may exclude classes of persons for administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

(2) The plan may provide for optional participation by insurers not required to participate under subsection (1) of this section.

SECTION 5. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The plan of operation shall specify the basis of participation of insurers and agents and the conditions under which risks must be accepted.

(2) Every participating insurer and agent shall provide to any person seeking coverage of the kinds available under the plan of operation the services prescribed in the plan of operation, including full information on the requirements and procedures for obtaining coverage under the plan of operation, assuming coverage is not placed in the voluntary market.

SECTION 6. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The plan of operation shall provide for the method of underwriting and classifying risks, making and filing rates, adjusting and processing claims, and any other insurance or investment function that is necessary for the purpose of providing essential insurance coverage.

(2) All policies issued by the association shall be subject to a nonprofit group retrospective rating plan to be approved by the commissioner under which the final premium for all policyholders of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses and a reasonable management fee on policyholder supplied funds. Any additional premium resulting from a retrospective adjustment will first be collected from the stabilization fund set forth in Section 7 of this Act. If these funds are insufficient to pay the entire amount due, the balance will be recouped through surcharges upon policyholders in accordance with a procedure approved by the commissioner.

(3) In providing for the recoupment of deficits which may be incurred by the association, an option shall be offered to an insured each policy year to pay a capital stabilization charge which shall not exceed one hundred percent (100%) of the premium charged to the insurer in that year. The commissioner shall determine the amount of the charge from appropriate factors of loss experience and risks associated with the plan of operation and the insurer. An insured who pays the stabilization charge shall not be required to pay any assessment to recoup a deficit in the plan incurred in any policy year for which the charge is paid. The plan of operation shall provide for the return to the insured so much of his payment as remains after all actual or potential liabilities under the policy have been discharged.

SECTION 7. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a stabilization reserve fund, to be administered in accordance with procedures submitted by the association and approved by the commissioner.

(2) Each policyholder shall pay to the association a stabilization reserve fund charge equal to one-half (1/2) of each premium due for commercial insurance issued by the association until the fund reaches a level deemed appropriate by the commissioner. The means of payment shall be set forth in the plan of operation and shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.

(3) The monies held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan authorized by this subtitle. Payment of retrospective premium charges shall be made by the board of directors upon certification to them by the association of the amount due.

(4) Any monies remaining in the fund after all such retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the board of directors.

SECTION 8. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The association has, for the purposes of this section and to the extent approved by the commissioner, the general powers and authority granted under the laws of this state to insurers authorized to transact commercial insurance as defined in Section 1 of this Act.

(2) The association shall take any necessary action to make available necessary commercial insurance, including, but not limited to, the following:

(a) Assess participating insurers amounts necessary to pay the obligations of the association, administrative expenses, the cost of examinations, and other expenses authorized by this subtitle. The assessment of each member insurer for the kinds of insurance designated in the plan shall be in the proportion which the net direct written premiums of the member insurer for the preceding calendar year bear to the net direct written premiums of all member insurers for the preceding calendar year. However, the basis for participation shall exclude those premiums which are used for participation ratios in other existing residual market mechanisms. A member insurer may not be assessed in any one (1) year an amount greater than five percent (5%) of his direct written premiums for the preceding calendar year. Each member insurer shall be allowed a premium tax credit at the rate of twenty percent (20%) per year for five (5) successive years following termination of the association;

(b) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this subtitle;

(c) Sue or be sued, including taking any legal action necessary to recover any assessments for, on behalf of, or against member insurers;

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims. The association may process claims through its employes or through one (1) or more member insurers or other persons designated as servicing facilities. Designation of a service facility is subject to approval of the commissioner;

(e) Classify risks as may be applicable and equitable;

(f) Establish appropriate rates, rate classifications, and rate adjustments, and file such rates with the commissioner in accordance with this chapter;

(g) Pool risks among member insurers;

(h) Issue and market, through agents, policies of insurance providing coverage required by this subtitle in its own name or on behalf of the member insurers;

(i) Administer separate pools, separate accounts, or other plans as may be deemed appropriate for separate insurers or groups of insurers;

(j) Invest, reinvest, and administer all funds and monies held by the association;

(k) Develop, effectuate, and promulgate any loss prevention programs intended to serve the best interests of the association and the insuring public;

(l) Operate and administer any combination of plans, pools, or other arrangements as deemed appropriate to best accomplish the fair and equitable operation of the association for the purposes of making available commercial insurance coverage; and

(m) Any other action necessary or proper to effectuate the purposes of this subtitle.

SECTION 9. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

There is no liability on the part of, and no cause of action of any nature arising against the association, its agents, or employes, member insurers, members of the board of directors, the commissioner or his representatives, or the department or its employes for any good faith performance of their powers and duties as specified under this subtitle.

SECTION 10. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

(2) Premium taxes shall not apply to premiums received for insurance placed through the association.

SECTION 11. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Insurers doing business in Kentucky are authorized to prepare voluntary risk sharing or market assistance plans providing any specific kind, line, or class of commercial insurance coverage, or subdivision or combination thereof, for all or any part of the state in which such insurance is not readily available in the voluntary market and which the public interest requires to be available. Voluntary risk sharing or market assistance plans shall be submitted to the commissioner and may be put into operation only with the commissioner's approval. If the commissioner finds that a voluntary risk sharing or market assistance plan would sufficiently provide essential commercial insurance coverage, he may authorize formulation of such plans in lieu of establishing the association.

SECTION 12. A NEW SECTION OF SUBTITLE 45 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The provisions of this subtitle shall expire on October 1, 1987. All obligations and duties arising under the plan of operation and under policies issued by the association shall remain in full force and effect during their terms.

The Committee Amendment No. 1 to SB 309 is as follows:

Amend printed copy of SB 309:

On page 11, line 18 by deleting "*October 1, 1987*" and inserting in lieu thereof "*July 15, 1988*"

SB 330, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of this section apply to all domestic, foreign, and alien insurers fraternal benefit societies, and nonprofit hospital, medical-surgical, dental, and health service corporations authorized to transact business pursuant to this chapter.

(2) (a) Each domestic, foreign, and alien insurer and fraternal benefit society, and nonprofit hospital, medical-surgical, dental, and health service corporation authorized to transact business pursuant to this chapter shall annually on or before March 1st of each year file with the national association of insurance commissioners a copy of its annual statement convention blank, along with such additional filings as prescribed by the commissioner, for the preceding year. The information filed with the national association of insurance commissioners shall be in the same format and scope as that required by the commissioner and shall include the signed jurat page and the life and health actuarial certification. Any amendments or additions to the annual statement filing subsequently filed with the commissioner shall also be filed with the national association of insurance commissioners;

(b) Foreign insurers and fraternal benefit societies that are domiciled in states which have laws substantially similar to paragraph (a) of this subsection shall be deemed in compliance with this section; and

(c) Nothing contained in this section shall be deemed to require anyone filing documents with the national association of insurance commissioners to pay any filing fee for such filing.

(3) Members of the national association of insurance commissioners, their duly authorized committees, subcommittees, and task forces, their delegates, national association of insurance commissioners employes, and all others charged with the responsibility of collecting, reviewing, analyzing, or disseminating the information developed from the filing of the annual statement convention blanks shall not be subject to civil liability for defamation or any other cause of action by virtue of their collection, review, analysis, or dissemination of the data and information collected from the filings required by this section while acting in good faith.

SECTION 2. A NEW SECTION OF KRS 304.29-450 TO 304.29-470 IS CREATED TO READ AS FOLLOWS:

Fraternal benefit societies authorized to transact business in Kentucky pursuant to this subtitle shall comply with Section 1 of this Act.

SECTION 3. A NEW SECTION OF KRS 304.32-090 TO 304.32-110 IS CREATED TO READ AS FOLLOWS:

Corporations subject to this subtitle shall comply with Section 1 of this Act.

SECTION 4. A NEW SECTION OF KRS 304.38-090 TO 304.38-100 IS CREATED TO READ AS FOLLOWS:

In his discretion, the commissioner may require organizations subject to the provisions of this subtitle to comply with Section 1 of this Act.

The Committee on Transportation reported HB 881, HB 913, SB 17, SB 162, SB 283 with Committee Amendment attached thereto, and SB 301 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 881, AN ACT relating to motor vehicle registration plates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Upon application to the county clerk of the county of his residence, a member of the civil air patrol shall be issued a license plate in the same form and character as license plates authorized by law to be used on passenger cars. The license plate may be issued for a passenger car as set forth in KRS 186.050(1) or for a commercial vehicle as set forth in KRS 186.050(3)(a), but shall not authorize the operation of the vehicle at a gross laden weight in excess of six thousand (6000) pounds. The plate shall bear the name "Civil Air Patrol," a registration number and an appropriate logo to be determined by the transportation cabinet. The civil air patrol member may purchase only one (1) such registration plate annually and it must be for a vehicle in which he has total or partial ownership. Each application shall be accompanied by proof of current service by presentation of an identification card issued by the national office of the civil air patrol and the payment of a fee of twenty-five dollars ($25). License plates issued under this section shall expire on December 31. Annually

thereafter, upon application to the county clerk of the county of his residence, together with proof of current service and with payment of an eleven dollar and fifty cent ($11.50) renewal fee, the clerk shall issue a renewal decal, as directed by the transportation cabinet.

(2) Upon the sale or transfer of a vehicle licensed as authorized by subsection (1) of this section, the owner shall remove the civil air patrol license plate and return it and the certificate of title and registration to the county clerk. The clerk shall issue a regular license plate, and certificate of title and registration, upon payment of an eleven dollar fifty cent ($11.50) state fee and a two dollar ($2.00) clerk's fee.

(3) Upon termination of membership in the civil air patrol, an applicant to whom a civil air patrol license plate was issued under this section shall, within thirty (30) days, return the civil air patrol plate to the county clerk of the county of his residence.

(4) For the services performed in issuing civil air patrol license plates and in annually issuing a renewal decal to be affixed to the civil air patrol license plate, the county clerk shall receive from each applicant a fee of two dollars ($2.00). A like fee shall be charged for the issuance of another replacement license plate after the sale or transfer of the vehicle for which it was originally issued.

(5) The secretary of the transportation cabinet shall in accordance with the provisions of KRS Chapter 13A make such reasonable regulations and prescribe such forms as may be necessary to carry out the purpose of this section.

HB 913, AN ACT relating to motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) The transportation cabinet, in making a determination that a person is an habitually reckless or negligent driver pursuant to KRS 186.570(1)(d) for the purpose of denying, suspending or revoking that person's operator's license, shall utilize a schedule of penalty points as established by KRS 189.572. Points shall be assessed for conviction, forfeiture of bail or payment of fine, with or without a court appearance, for the enumerated offenses regardless of whether the conviction is received from a court of competent jurisdiction within the Commonwealth or any other jurisdiction, except for out-of-state speeding offenses.

(2) "Probation" for the purposes of this Act means that upon any additional conviction for a moving violation, with or without a court appearance, or upon failure to successfully complete the driver improvement clinic, the driver shall have his driving right in Kentucky suspended for the period of time established by Section 2 of this Act. When a driver has been convicted of driving under the influence of intoxicants in a foreign jurisdiction, probation may include successful completion of the alcohol driver education course in lieu of terms previously stated.

(3) Information regarding convictions may be secured from any official sources or records available to public or cabinet inspection. Complete records of suspensions and point system assessments shall be maintained in the transportation cabinet.

SECTION 2. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) On the accumulation of six (6) or more points against any driver the transportation cabinet may send a letter to the address shown on his driver license record that will require said driver to be interviewed by a driver improvement officer for the purpose of seeking a solution to his errant driving behavior. Failure to report for the interview may be cause for the cabinet to suspend the person's driving right for a period of not less than thirty (30) days. After this interview, the cabinet may require the driver to attend a driver improvement clinic approved by the transportation cabinet. Failure to successfully complete the driver improvement clinic may be cause for the cabinet to suspend the person's driving rights for a period of not less than thirty (30) days.

(2) Upon evidence to the cabinet that a valid license holder has successfully completed this clinic, a four (4) point credit shall be given on the driver record of those who voluntarily complete the driver improvement clinic after the effective date of this Act. This subsection shall not apply when a driver is required to attend the driver improvement clinic as a condition of his probation. No driver shall be permitted to attend this clinic until two

(2) years have elapsed following the date of completion of a previous clinic for the reduction of points or reduction of a suspension period.

(3) Upon the accumulation of twelve (12) points by any driver within a period of two (2) years, the cabinet may suspend the operating right of such driver for a period of six (6) months for the first such accumulation of twelve (12) points, one (1) year for the second such accumulation of twelve (12) points, and two (2) years for any subsequent accumulation of twelve (12) points within the two (2) year period. For any violation for which the suspension of the driving privilege is six (6) months or less for the first offense, the second conviction of a similar offense shall result in a suspension period of not less than one (1) year, and any subsequent conviction for any similar offense not less than two (2) years. Provided the driver is eligible for "probation," the cabinet may waive the remainder of a driver's suspension period after he has served one-half (1/2) of it. Upon this waiver, the cabinet shall place the driver on "probation" as defined in Section 1(2) of this Act, for two (2) times the amount of time remaining on the suspension period.

(4) Any driver who accumulates twelve (12) points or more within a period of two (2) years, or who is convicted of any offense that could result in a discretionary suspension, may be placed on "probation" in lieu of suspension.

(5) A driver receiving a conviction from a moving hazardous violation from any court outside the boundaries of Kentucky which may result in a suspension shall be offered a hearing prior to any suspension of his driving right.

(6) Once a driver has been placed on "probation" by the cabinet, he shall not be considered for probation again until a lapse of two (2) years from the ending date of any previous probation period granted, whether served or not.

SECTION 3. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Any driver who holds a valid driver's license from another licensing jurisdiction and desires to become a valid license holder in Kentucky, upon establishing residency in this state, but has a driving record of one (1) or more convictions for moving violations within the preceding two (2) years, may be considered for an operator's license in Kentucky. However, such person must not be under suspension or revocation by any state at the time of his application in Kentucky. This driver applicant may be required to appear for an interview, as outlined in Section 2(1) of this Act, and may be required by the cabinet to successfully complete a driver improvement clinic, as outlined in Section 2(2) of this Act, as a prerequisite to obtaining a permanent Kentucky operator's license.

(2) Whenever a conviction report is used for a suspension or probation, it shall never be used for an additional suspension. It may be used to show that the driver has previously been suspended on his record.

(3) No person's driving right will be suspended under this Act without his first being offered a hearing, unless such hearing offer has been waived.

Section 4. KRS 186.572 is amended to read as follows:

(1) Conviction for any one (1) of the following serious violations of the motor vehicle laws shall be cause for suspension for the period of time indicated:

Racing	*90 days*
Speeding 26 mph or more over limit	*90 days*
Attempting to elude law enforcement officer by use of motor vehicle	*90 days*

(2) Conviction for any one (1) of the following moving hazardous violations shall be cause for assessment of the penalty points indicated:

	Points
Speeding 1 mph to 5 mph over the limit	*1*
Speeding 6 mph to 10 mph over the limit	*2*

Speeding 11 mph to 15 mph over the limit	*3*

except that conviction for speeding fifteen (15) miles per hour or less over the limit on a limited access highway of four (4) or more lanes on which the speed limit is fifty-five (55) miles per hour or higher, no penalty points shall be assessed;

Speeding 16 to 20 miles per hour over the limit	*4*
Speeding 21 to 25 miles per hour over the limit	*5*
Improper passing	*5*
Reckless driving	*4*
Driving on wrong side of road	*4*
Following too close	*4*
Failure to yield to emergency vehicle	*4*
Changing drivers in a moving vehicle	*4*
Vehicle not under control	*4*
Stop violation (electric signal, railroad crossing, stop sign)	*3*
Failure to yield	*3*
Wrong way on one-way street	*3*
Too fast for conditions	*3*
Too slow for conditions	*3*
Improper start	*3*
Improper driving	*3*
Careless driving	*3*
Improper lane usage	*3*
Failure to illuminate headlights	*3*
Failure to dim headlights	*3*
Any other moving hazardous violations	*3*
Commission of a moving hazardous violation which involves an accident	*6*
Combination of two (2) or more moving hazardous violations in any one occurrence	*6*

[~~Conviction for any one (1) of the following moving hazardous violations on a limited access highway or a limited access highway of four (4) or more lanes in Kentucky on which the speed limit is 55 mph or higher shall be cause for assessment of the penalty points indicated:~~

~~Speeding 15 mph or less over the limit .... 0 points~~]

SB 17, AN ACT relating to air transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

(1) Any person engaged or seeking to engage in the air transportation of persons in intrastate commerce for hire on an unscheduled basis and not between fixed points shall first obtain a charter permit from the cabinet. Upon filing of an application for a charter permit, the cabinet shall cause notice of such filing to be given by mail not less than thirty (30) days before granting such application, addressed to all holders of charter permits and applicants therefor whose operations or proposed operations would be affected by the granting of the permit and upon any person deemed by the cabinet to have an interest in such application.

(2) If no objection to the granting of such permit is filed with the cabinet within thirty (30) days after the mailing of notice, the cabinet may proceed informally, in accordance with such rules and regulations as it may adopt, and grant or deny such application in whole or in part and upon such terms and conditions as the public interest may require.

(3) If an objection is filed and a hearing requested by an interested party, the cabinet shall set the application down for hearing and disposition in accordance with the procedure set forth in KRS 183.560, 183.570 and 183.620.

Section 2. KRS 183.550 is amended to read as follows:

All applications for *a* [~~an intrastate certificate of public convenience and necessity or~~] charter permit shall be in the form prescribed by the cabinet and shall contain such information as the cabinet may require. Such applications shall be accompanied by a filing fee of twenty-five dollars ($25.00), proof of insurance and all other things required by law and regulations of the cabinet. [~~The cabinet is empowered to levy reasonable charges for the use of state air routes and airways in compensation for expenses incurred by the cabinet in administering the provisions of KRS 183.530 to 183.620, not to exceed, however, two percent (2%) of the gross receipts from intrastate business of the carrier, and the annual total of such charges shall not exceed twenty-five thousand dollars ($25,000).~~]

Section 3. KRS 183.560 is amended to read as follows:

When an application for *a charter permit* [~~an intrastate common carrier certificate of public convenience and necessity~~] has been filed *and the cabinet has received an objection to the granting of such permit*, the cabinet shall fix a time and place for hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than thirty (30) days, exclusive of the date of mailing, before such hearing, addressed to all holders of [~~intrastate certificates and~~] interstate certificates issued by the *United States department of transportation* [~~civil aeronautics board~~] as well as *charter permit holders or* [~~intrastate certificate~~] applicants therefor whose operations or proposed operations would be affected by the grant of the proposed *permit* [~~certificate~~], and upon any other person deemed by the cabinet to have an interest in such proceeding. [~~Notice shall also be given to the mayors of all cities on the requested route.~~] All interested persons shall have the right to intervene and to participate in all proceedings either in person or by attorney.

Section 4. KRS 183.570 is amended to read as follows:

(1) The cabinet is hereby vested with the power and authority and it is hereby made its duty upon the filing of an *objection to an* application for a *charter permit* [~~certificate of public convenience and necessity~~] to hear and determine under such [~~rules and~~] regulations as it may promulgate whether the public convenience and necessity require such proposed service.

(2) The cabinet shall issue a *permit* [~~certificate~~] authorizing the whole or any part of the transportation requested by the application if it finds the applicant is fit, willing and able to perform such transportation properly and to conform to applicable provisions of this chapter and the [~~rules,~~] regulations and requirements of the cabinet hereunder[~~, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied~~].

(3) [~~The cabinet may also issue a certificate to engage in temporary air transportation for such limited periods as may be required by the public convenience and necessity if it finds after notice and hearing that the applicant is fit, willing and able to perform such transportation and to conform to the provisions of this chapter and the rules, regulations and requirements of the cabinet hereunder.~~

~~(4) Each certificate issued hereunder shall specify the terminal and intermediate points between which the~~

~~carrier is authorized to provide air transportation and the service to be rendered, and the cabinet may impose such reasonable terms, conditions and limitations as the public interest may require.~~

~~(5)~~] Each *permit* [~~certificate~~] shall be effective from the date specified therein and shall continue in effect until suspended, surrendered or revoked as hereinafter provided, or until the cabinet shall certify that operation thereunder has ceased. If issued for a limited or temporary period of time the certificate shall continue in effect until the expiration thereof.

(4)[~~(6)~~] The cabinet, upon petition or complaint, or upon its own initiative, after notice and hearing, may [~~alter, amend, modify or suspend any such certificate in whole or in part if the public convenience and necessity so require, or may~~] revoke any such *permit* [~~certificate in whole or in part~~] for failure to comply with any provision of this chapter or any order[~~, rule~~] or regulation issued hereunder or any term, condition or limitation of such *permit* [~~certificate~~].

(5)[~~(7)~~] No *permit* [~~certificate~~] may be transferred except upon proper application [~~and hearing~~] and approval by the cabinet [~~as being consistent with the public interest~~].

[~~(8) No air carrier shall abandon any route or part thereof for which a certificate has been issued by the cabinet unless, upon application of such carrier, after notice and hearing, the cabinet shall find such abandonment to be in the public interest. Any interested person may intervene and be heard in opposition or support of such abandonment. The cabinet may by order, regulation or otherwise authorize such temporary suspension of service as may be in the public interest.~~]

(6)[~~(9)~~] No *permit* [~~certificate~~] shall confer any property, proprietary or exclusive right in the use of any airspace, airport, state airway or other air navigation facility.

(7)[~~(10)~~] No *permit* [~~certificate~~] shall be required for the transportation of United States mail unless passengers or freight are also transported.

(8)[~~(11)~~] The jurisdiction of the cabinet shall extend only to common carriers engaged in, or who seek to engage in, intrastate commerce. Orders of the cabinet shall be served upon all parties to said proceedings and shall become effective as determined by the cabinet. Any party to such hearing may, upon proper petition, be granted a rehearing if such petition is filed within thirty (30) days after the issuance of the order. Upon granting of any rehearing the cabinet may suspend prior orders until the petition for rehearing is determined.

Section 5. KRS 183.590 is amended to read as follows:

(1) The cabinet is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or specific [~~rules,~~] regulations and procedures pursuant to and consistent with the provisions of this chapter as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this chapter.

(2) The cabinet is empowered to confer with or to hold joint hearings with any other state or federal agency in connection with any matter arising under this chapter, and to avail itself of the cooperation, services, records and facilities of such agencies, state or federal, as fully as may be practicable in the administration and enforcement of this chapter.

(3) No [~~certificate or~~] charter permit shall be issued until there has been filed with the cabinet a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this state, which shall provide such terms, conditions and provisions and in such penal sums in such a maximum amount, if any, as the cabinet may deem necessary for the reasonable protection of the patrons and of the public in the collection of damages for which the *permit holder* [~~carrier~~] may be liable by reason of the operation under such *permit* [~~certificate~~].

Section 6. KRS 183.620 is amended to read as follows:

(1) The applicant or the holder of any *charter permit* [~~certificate~~] shall have the right of an appeal from any action of the cabinet by filing within forty (40) days after the rendition of the order of the cabinet a petition of appeal with the clerk of the Franklin circuit court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the record certified by the cabinet, or an abstract thereof, if agreed to by all parties to the hearing before said cabinet.

(2) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such cabinet.

(3) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen (15) days after service thereof.

(4) No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of KRS 183.530 to 183.620, or affecting the order, ruling or award, but the court shall otherwise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(a) The cabinet acted without or in excess of its power;

(b) The order, decree or award was secured by fraud;

(c) The order, decision or award is not in conformity with provisions of KRS 183.530 to 183.620;

(d) The finding of facts in issue is not supported by any substantial evidence.

(5) The cabinet and each party shall have the right to appear in such review proceedings. The court shall enter judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the cabinet for proceedings in conformity with direction of the court.

(6) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to the cabinet.

(7) Any party may appeal from the decision of the circuit court to the court of appeals of Kentucky.

Section 7. KRS 183.580, Rate schedules, is hereby repealed.

SB 162, AN ACT relating to emergency vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189.910 is amended to read as follows:

(1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by a fire department; any vehicle used for emergency purposes by the state police, a public police department, *corrections cabinet vehicles* or sheriff's office; any vehicle used for emergency purposes by a rescue squad; any publicly owned vehicle used for emergency purposes by a civil defense agency; ambulances; any vehicle commandeered by a police officer; or any motor vehicle used by a volunteer fireman while responding to an emergency.

(2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

Section 2. KRS 189.920 is amended to read as follows:

(1) All fire department, rescue squad or publicly owned civil defense agency emergency vehicles and all ambulances shall be equipped with one (1) or more flashing, rotating, or oscillating red lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.

(2) All state, county, or municipal police vehicles and all sheriffs' vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.

(3) By ordinance, the governing body of any city or county may direct that the police or sheriffs' vehicles in that jurisdiction be equipped with a combination of red and blue flashing, rotating or oscillating lights.

(4) All public safety vehicles shall be equipped with one or more flashing, rotating, or oscillating yellow lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle. Yellow flashing, rotating, or oscillating lights may also be used by vehicles operated by mail carriers while on duty, funeral escort vehicles, and church buses.

(5) All corrections cabinet vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle. Such corrections cabinet vehicle shall not be equipped or use a siren, whistle or bell. The equipment prescribed by the subsection shall be in addition to any other equipment required by motor vehicle laws.

(6) Red flashing lights may be used by school buses.

(7)[~~(6)~~] No emergency vehicle, public safety vehicle, or any other vehicle covered by KRS 189.910 to 189.950 shall use any light of any other color than those specified by KRS 189.910 to 189.950. Sirens, whistles, and bells may not be used by vehicles other than those specified by KRS 189.910 to 189.950, except that any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

SB 283, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 190 IS CREATED TO READ AS FOLLOWS:

Any group of licensed new motor vehicle dealers or manufacturers may display motor vehicles at a motor vehicle show pursuant to regulations promulgated by the commission; any other display of motor vehicles except at the licensed premises is prohibited.

Section 2. KRS 190.010 is amended to read as follows:

As used in KRS 190.010 to 190.080 unless the context requires otherwise:

(1) "Manufacturer" means any person, partnership, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles, or imports for distribution through distributors of new motor vehicles, or any partnership, firm, association, joint venture, corporation or trust, resident or nonresident, which is controlled by the manufacturer. Additionally, the term "manufacturer" shall include the following terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers, or who maintains factory representatives, or who controls any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling, or offering for sale, new motor vehicles to a distributor, wholesaler, or new motor vehicle dealer, or for directing or supervising, in whole or in part, factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm, or corporation, which is engaged in promoting the sale of new motor vehicles in this state of a particular brand or make to new motor vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their new motor vehicles, or for supervising or contracting with his, its, or their dealers, or prospective dealers.

(d) "Distributor branch" which means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

(e) "Distributor representative" which means a representative similarly employed by a distributor, distributor branch, or wholesaler.

(2) "Motor vehicle dealer" means any person not excluded by subsection (3) of this section, engaged in the business of selling, offering to sell, soliciting, or advertising the same, of new or used motor vehicles, or possessing motor vehicles for the purpose of resale, either on his own account, or on behalf of another, either as his primary business or incidental thereto.

(3) The term "motor vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court, and any bank, trust company or lending institution which is subject to state or federal regulation as such, with regard to its disposition of repossessed motor vehicles;

(b) Public officers while performing their official duties; or

(c) Employes of persons enumerated in paragraphs (a) and (b) of this subsection, when engaged in the specific performance of their duties as such employes.

(4) "New motor vehicle dealer" means a vehicle dealer who holds a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of said manufacturer's new motor vehicles.

(5) "Used motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in used motor vehicles, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing his official duties.

(6) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease or other contractual arrangement under which a charge is made for its use at a periodic rate for at least a monthly term, and title to the motor vehicle is in a person other than the user, but does not mean a manufacturer or its affiliate leasing to its employes or to dealers.

(7) "Restricted motor vehicle dealer" means a motor vehicle dealer who exclusively sells, offers to sell, solicits, or advertises specialized motor vehicles such as, but not limited to, funeral coaches and emergency vehicles.

(8) "Motorcycle dealer" means a motor vehicle dealer who exclusively sells, offers to sell, solicits, or advertises motorcycles. Motorcycles shall not include mopeds as defined in this section.

(9) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer to sell motor vehicles, or who is employed as an auctioneer by a motor vehicle auction dealer to sell motor vehicles at auction.

(10) "Motor vehicle auction dealer" means any person who offers, negotiates, or attempts to negotiate a sale, purchase, or exchange of a motor vehicle which may be lawfully kept or offered for sale by or at public auction or who sells same at auction.

(11) "Broker" means a person who acts as a middleman or negotiator, for a fee between buyer and seller or a dealer who is the agent for the seller or owner of a vehicle and is employed to bring seller and buyer together when each desires to exchange or purchase property from the other. The broker may or may not have an actual custody of the vehicle in order to act as a broker.

(12) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways, which is self-propelled, not including farm tractors and other machines and tools used in the production, harvesting and care of farm products.

(13)[~~(12~~]) "New motor vehicle" means a vehicle which is in the possession of the manufacturer, distributor,

or wholesaler, or has been sold only to the holders of a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of said make of new vehicle, and which is, in fact, new and on which the original title has not been issued from the franchised dealer.

(14)[~~(13)~~] "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

(15)[~~(14)~~] "Commission" means the motor vehicle dealer's licensing commission.

(16)[~~(15)~~] "Commissioner" means the commissioner of vehicle regulation.

(17)[~~(16)~~] "Department" means the department of vehicle regulation.

(18)[~~(17)~~] "Licensor" means the commission.

(19)[~~(18)~~] "Established place of business" means a permanent, enclosed commercial building located within this state easily accessible and open to the public at all reasonable times, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land use regulatory ordinances.

(20)[~~(19)~~] "Person" means a person, partnership, firm, corporation or association, trust, estate or other legal entity.

(21)[~~(20)~~] "Franchise" means the agreement or contract between any new motor vehicle manufacturer, written or otherwise, and any new motor vehicle dealer which purports to fix the legal rights and liabilities of the parties to such an agreement or contract, and pursuant to which the dealer purchases and resells the franchise product.

(22)[~~(21)~~] "Good faith" means honesty in fact, and the observance of reasonable commercial standards of fair dealing in the trade, as is defined and interpreted in KRS 355.2-103(1)(b).

(23)[~~(22)~~] "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of a dealer who, in the case of a deceased dealer, is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's will; or who has otherwise been designated in writing by a deceased dealer to succeed him in the motor vehicle dealership; or who, under the laws of intestate succession of this state is entitled to inherit the interest; or who, in the case of an incapacitated dealer, has been appointed by a court as the legal representative of the dealer's property. The term includes the appointed and qualified personal representative and testamentary trustee of a deceased dealer.

(24)[~~(23)~~] "Fraud" means a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made in good faith; or an intentional failure to disclose material fact.

(25)[~~(24)~~] "Sale" means the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest therein, or of any franchise related thereto, as well as any option, subscription or other contract, or solicitation looking to a sale, offer to attempt to sell in any form, whether spoken or written. A gift or delivery of any motor vehicle or franchise with respect thereto, with or as a bonus on account of the sale of anything, shall be deemed a sale of such motor vehicle or franchise.

Section 3. KRS 190.030 is amended to read as follows:

(1) No motor vehicle dealer, new, used or auction motor vehicle dealer, motor vehicle leasing dealer, restricted motor vehicle dealer, motorcycle dealer, broker, wholesaler, or a salesman of motor vehicles in any of the described categories herein, shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080. If any such person acts as a motor vehicle salesman he shall secure a

motor vehicle salesman's license in addition to a license for a motor vehicle dealer. The motor vehicle commission is authorized to provide by regulation for other licensee activities and an appropriate fee therefor.

(2) No manufacturer of motor vehicles, or factory branch, or distributor or distributor branch, or wholesaler shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(3) No factory representative or distributor representative shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(4) Application for license shall be made to the licensor, at such time, in such form and containing such information as the licensor shall require and shall be accompanied by the required fee. The licensor may require in such application, or otherwise, information relating to the applicant's solvency, his financial standing or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by said licensor in determining the fitness of said applicant to engage in business as set forth in this section.

(5) All licenses shall be granted or refused within 30 days after submission of a complete application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted, except that where a complaint of unfair cancellation of dealer franchise is in the process of being heard, no replacement application for such franchise shall be considered until a decision is rendered by the commission.

(6) The license fee for such calendar year, or part thereof, shall be as follows, effective January 1, 1982:

(a) For new motor vehicle dealers, one hundred dollars ($100.00) for each office or branch or agent thereof, plus one hundred dollars ($100) for a supplemental license for each used car lot not immediately adjacent to the office or to a branch.

(b) For used motor vehicle dealers, one hundred dollars ($100) for each office or branch or agent thereof.

(c) For motor vehicle leasing dealers, one hundred dollars ($100) for each office or branch or agent thereof.

(d) For restricted motor vehicle dealers, one hundred dollars ($100) for each office or branch or agent thereof.

(e) For motorcycle dealers, one hundred dollars ($100) for each office, branch, or agent thereof.

(f) For motor vehicle manufacturers, one hundred dollars ($100); and for each factory branch in this state, one hundred dollars ($100).

(g) For distributors, motor vehicle auction dealers, *brokers* or wholesalers, the same as for dealers.

(h) For motor vehicle salesmen, ten dollars ($10).

(i) For factory representatives, or distributor branch representatives, one hundred dollars ($100).

(7) The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the licensor shall indorse the change of location on the license without charge if it be within the same *county* [~~municipality~~], provided that the licensee, *by filing a new application* meets those requirements set forth by the commission through rules and regulations [~~and pays a fee of one hundred dollars ($100)~~]. A change of location to another *county* [~~municipality~~] shall require a new *application for* license *and a fee of one hundred dollars ($100).*

(8) Every salesman, factory representative or distributor representative shall carry his license when engaged in his business, and display the same upon request. The license shall name his employer, and in case of a change of employer, the salesman shall immediately mail his license to the licensor who shall indorse such change on the license without charge.

(9) Provided the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute the licensor may require such applicant or licensee to

furnish and maintain a bond in such form, amount and with such sureties as it shall approve, but not less than fifteen thousand dollars ($15,000), conditioned upon such applicant or licensee complying with the provisions of the statutes applicable to the licensee. The bonds shall be executed in the name of the state of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after a court adjudication thereof. Upon regulations promulgated by the commission, the commission may permit the applicant to submit evidence, in lieu of posting bond, that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a bond complying with this subsection, for payment on such conditions and such indemnity as set forth in this subsection. The above bonding requirements shall not apply to manufacturers, factory branches, and their agents.

(10) Application for dealer's license shall be submitted to the department in duplicate and contain such information as the department may require. No motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall be permitted to register, receive, or use any motor vehicle registration plates.

(11) Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at such intervals and showing such information as the licensor may require.

Section 4. KRS 190.040 is amended to read as follows:

(1) A license may be denied, suspended or revoked on the following grounds:

(a) Proof of financial or moral unfitness of applicant;

(b) Material misstatement in application for license;

(c) Filing a materially false or fraudulent tax return as certified by the department of revenue;

(d) Willful failure to comply with any provision of this section or any rule or regulation promulgated under this chapter;

(e) Willfully defrauding any retail buyer to the buyer's damage;

(f) Willful failure to perform any written agreement with any buyer;

(g) Failure or refusal to furnish and keep in force any bond required;

(h) Having made a fraudulent sale, transaction or repossession;

(i) False or misleading advertising;

(j) Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the retail buyer;

(k) Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(l) Having violated any law relating to the sale, distribution or financing of motor vehicles;

(m) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has induced or coerced or attempted to induce or coerce any automobile dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities which shall not have been ordered by said dealer;

(n) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent, or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has attempted to induce or coerce or has induced or coerced, any automobile dealer to enter into any agreement with such manufacturer, factory branch or representative thereof, or to do any other act unfair to said dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch or representative thereof and said dealer;

(o) Being a manufacturer, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has unfairly, without due regard to the equities of said dealer and without just provocation, canceled the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this section and shall constitute an unfair cancellation;

(p) Being a distributor or wholesaler who makes, attempts to make or aids or abets the making of a sale of a motor vehicle to a person other than a licensed motor vehicle dealer. Nothing herein shall prevent any license holder from selling any motor vehicle to any of its employes;

(q) Being a dealer who advertises for sale a new motor vehicle unless he is a dealer operating under a franchise with a licensed manufacturer, factory branch or distributor authorizing the sale of such new motor vehicle.

(2) The licensor may without notice deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Upon request by the applicant whose license has been so denied, the licensor shall set the time and place of hearing a review of such denial, the same to be heard with reasonable promptness.

(3) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least thirty (30) days' notice of the time and place of hearing and of the charges against it.

(4) The [~~department or~~] commission may inspect the pertinent books, letters, records and contracts of a licensee.

(5) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee approved of or had knowledge of said acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

(6) Any licensee or other person in interest being dissatisfied with a final order of the department approved by the commission may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided by KRS 281.780 to 281.785.

Section 5. KRS 190.053 is amended to read as follows:

Whenever any licensee is found to be violating any of the provisions of this chapter, or any order or rule or regulation prescribed by the *commission* [~~cabinet~~] pursuant thereto, or is found to be permitting any of its salesmen to violate any of the provisions of this chapter, or any order, or rule or regulation prescribed by the *commission* [~~cabinet~~] pursuant thereto, the *commission* [~~department~~] may, upon complaint or upon its own motion, issue its order to such licensee notifying it to appear before the *commission* [~~department~~] at a fixed time and place at which time and place the *commission* [~~department~~] shall have a hearing. If [~~the department and~~] the commission *is* [~~are~~] satisfied, after a hearing, that the licensee has violated or refused to observe any of the provisions of this chapter, or any order, or rule or regulation of the *commission* [~~cabinet~~], or has permitted any of its salesmen to violate any of the provisions of this chapter or any order, or rule or regulation prescribed by the *commission* [~~cabinet~~] pursuant thereto, the *commission* [~~department~~] may suspend or revoke the license of such licensee. The renewal by the *commission* [~~department~~] of any license shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

Section 6. KRS 190.062 is amended to read as follows:

(1) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, or the terms or provisions of any waiver, any person who is injured in his business or property by a violation of this section or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of *KRS 190.042, 190.043, 190.045, 190.046, 190.0461, 190.0462, 190.047, 190.0491 and 190.070* [~~this section~~], may bring a civil action in the Franklin circuit court to enjoin further violations, to recover the actual damages sustained by him, together with costs of the suit, including a reasonable attorney's fee.

(2) The commission may order, deny, suspend, or revoke the license of any new motor vehicle dealer, manufacturer, distributor, factory branch, or factory representative for failing to comply with any provisions of KRS 190.010 to 190.080, or in lieu thereof, or in addition thereto, may assess monetary penalties of a civil nature not to exceed one thousand dollars ($1,000) for each violation.

(3) The provisions of KRS 190.010 to 190.080 shall apply to all persons required to be licensed under the terms herein, and to dealerships and contracts between new motor vehicle dealers and manufacturers, distributors, factory branches, or factory representatives at the time of its passage, and to all such future new motor vehicle dealerships and contracts.

Section 7. KRS 190.067 is amended to read as follows:

The department of vehicle regulation [~~shall serve as the enforcement agency of the commission in all respects and~~] shall perform such services and duties as it may be legally called upon to do. In addition to the other powers granted to the department, it shall have the powers of arrest for violation of the provisions of this chapter. In the event the commission fails to perform any of its official duties within the time prescribed herein, the department may perform said duties and certify its actions to the commission.

Section 8. KRS 190.071 is amended to read as follows:

(1) It shall be a violation of this section for any new motor vehicle dealer:

(a) To require the purchaser of a motor vehicle as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories, or equipment not desired or requested by the purchaser, unless such features, appliances, accessories, or equipment are the type which are ordinarily installed on the vehicle by the manufacturer or distributor when the vehicle is received or acquired by the dealer.

(b) To advertise, display, represent or sell as a new or unused motor vehicle any vehicle which has been operated for demonstration purposes, or which is otherwise a used motor vehicle.

(c) To sell or offer for sale as a new or unused motor vehicle any motor vehicle for which he cannot secure for the purchaser thereof such new car warranty as may be extended by the manufacturer of the vehicle to purchasers of one (1) of its new vehicles, unless the fact that the vehicle being sold without a manufacturer's warranty is communicated to the purchaser, and disclosed prominently in writing.

(d) To fail to have an established place of business which is used, or will be used primarily for the purpose of selling, buying, displaying, repairing, or servicing motor vehicles.

(e) To use false or fraudulent representations in connection with the operation of the new motor vehicle dealership.

(f) To fail to reasonably supervise his agents, salesmen, or employes.

(g) To transfer a new motor vehicle with a manufacturer's statement of origin to a motor vehicle dealer who does not have either a valid service agreement or franchise from the particular line make manufacturer, distributor, factory branch or factory representative.

(2) Any motor vehicle dealer who fails to comply with this section or the provisions of KRS Chapter 186 *and 186A*, and any motor vehicle dealer other than a wholesale auto dealer who is found by the commission to have acquired a used motor vehicle for cash, trade-in or in any other manner and fails to have the registration transferred to him prior to the time the vehicle is sold or otherwise transferred to another person shall be subject to suspension, fine or revocation of his motor vehicle dealer's license.

(3) A motor vehicle auction dealer or broker, before offering a motor vehicle at a private sale to the general public shall have in his possession at the time of the offering, an unencumbered certificate of title and vehicle transaction record, properly endorsed and executed by the person proposing to sell the vehicle. No broker or motor vehicle auction dealer shall engage in the private sale to the general public of any motor vehicle:

(a) When the dealer has reasonable cause to believe it is not offered by the legal owner thereof; or

(b) When a Kentucky certificate of title is not made available to the purchaser of the motor vehicle prior to accepting payment for same.

Section 9. KRS 190.045 is amended to read as follows:

(1) Notwithstanding the terms, provisions or conditions of any franchise or notwithstanding the terms or provisions of any waiver, no manufacturer shall cancel, terminate or fail to renew any franchise with a licensed new motor vehicle dealer unless the manufacturer has:

(a) Satisfied the notice requirement of subsection (4) of this section; and

(b) Has good cause for cancellation, termination, or nonrenewal; and

(c) Has acted in good faith as defined in KRS 190.010*(22)*[~~(21)~~].

(2) Notwithstanding the terms, provisions or conditions of any franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation or nonrenewal when:

(a) There is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of material significance to the franchise relationship, provided that the dealer has been notified in writing of the failure within one hundred eighty (180) days after the manufacturer first acquired knowledge of such failure.

(b) If the failure by the new motor vehicle dealer, defined in paragraph (a) of this subsection, relates to the performance of the new motor vehicle dealer in sales or service, then good cause shall be defined as the failure of the new motor vehicle dealer to comply with reasonable performance criteria established by the manufacturer, if the new motor vehicle dealer was apprised by the manufacturer in writing of such failure, and

1. Said notification stated that notice was provided of failure of performance pursuant to this section;

2. The new motor vehicle dealer was afforded a reasonable opportunity, for a period of not less than six (6) months, to comply with such criteria; and

3. The new motor vehicle dealer did not demonstrate substantial progress toward compliance with the manufacturer's performance criteria during such period.

(3) The manufacturer shall have the burden of proof under this section.

(4) Notwithstanding the terms, provisions or conditions of any franchise prior to the termination, cancellation, or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation or nonrenewal to the new motor vehicle dealer as follows:

(a) In the manner described in subsection (2)(b) of this section; and

(b) In not less than ninety (90) days prior to the effective date of such termination, cancellation or nonrenewal; or

(c) In not less than fifteen (15) days prior to the effective date of such termination, cancellation or nonrenewal with respect to any of the following:

1. Insolvency of the new motor vehicle dealer, or filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law;

2. Failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;

3. Fraudulent misrepresentation by the new motor vehicle dealer to the manufacturer or distributor which is material to the franchise;

4. Conviction of the new motor vehicle dealer, or any owner or operator thereof, of any felony which is punishable by imprisonment; or

5. Revocation of any license which the new motor vehicle dealer is required to have to operate a dealership;

(d) In not less than one hundred eighty (180) days prior to the effective date of such termination or cancellation where the manufacturer or distributor is discontinuing the sale of the product line.

(5) Notification under this section shall be in writing by certified mail or personally delivered to the new motor vehicle dealer; and shall contain:

(a) A statement of intent to terminate, cancel, or not to renew the franchise; and

(b) A statement of the reasons for the termination, cancellation or nonrenewal; and

(c) The date on which such termination, cancellation or nonrenewal takes effect.

(6) Upon the termination, nonrenewal or cancellation of any franchise, pursuant to this section, the new motor vehicle dealer shall be allowed fair and reasonable compensation by the manufacturer for the:

(a) New current model year motor vehicle inventory which has been acquired from the manufacturer, and which has not been damaged or altered while in the dealer's possession;

(b) Supplies and parts which have been acquired from the manufacturer;

(c) Equipment and furnishings provided the new motor vehicle dealer purchased from the manufacturer or its approved sources; and

(d) Special tools.

Such fair and reasonable compensation shall be paid by the manufacturer within ninety (90) days of the effective date of termination, cancellation or nonrenewal, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

(7) In the event of a termination, cancellation, or nonrenewal under this section, and the new motor vehicle dealer is leasing the dealership facilities from a lessor other than the manufacturer, or owns the dealership facilities, the manufacturer shall pay a reasonable rent to the dealer in accordance with and subject to subsection (8) of this section.

(8) (a) Such reasonable rental value shall be paid only to the extent the dealership premises are recognized in the franchise and only if they are:

1. Used solely for performance in accordance with the franchise; and

2. Not substantially in excess of those facilities recommended by the manufacturer.

(b) If the facilities are owned by the dealer, the manufacturer will either:

1. Locate a purchaser who will offer to purchase the dealership facilities at a reasonable price; or

2. Locate a lessee who will offer to lease the premises for a reasonable term at a reasonable rent; or

3. Failing the foregoing, lease the dealership facilities at a reasonable rental value for one (1) year.

(c) If the facilities are leased by the dealer, the manufacturer will either:

1. Locate a tenant or tenants satisfactory to the lessor, who will sublet or assume the balance of the lease; or

2. Arrange with the lessor for the cancellation of the lease without penalty to the dealer; or

3. Failing the foregoing, lease the dealership facilities at a reasonable rent for one (1) year.

(d) The manufacturer shall not be obligated to provide assistance under this section if the dealer:

1. Fails to accept a bona fide offer from a prospective purchaser, sublessee or assignee; or

2. Refuses to execute a settlement agreement with the lessor if such agreement would be without cost to the dealer; or

3. Fails to make written request for assistance under this section within one (1) month of the termination, cancellation or nonrenewal.

(e) If, in an action for damages under this section, the manufacturer or distributor fails to prove either that the manufacturer or distributor has acted in good faith or that there was good cause for the franchise termination, cancellation, or nonrenewal, then the manufacturer or distributor may terminate, cancel or fail to renew the franchise upon payment to the new motor vehicle dealer of an amount equal to the value of the dealership as an ongoing business location.

Section 10. KRS 190.037, Temporary permits, is repealed.

The Committee Amendment No. 1 to SB 283 is as follows:

Amend printed copy of SB 283:

On page 1, lines 3 through 7, to delete said lines in their entirety and insert in lieu thereof the following:

"*Licensed motor vehicle dealers shall display motor vehicles at their licensed premises only, except that a group of licensed new motor vehicle dealers or manufacturers shall display new motor vehicles at a motor vehicle show pursuant to regulations promulgated under KRS 190.073. Provided, however, this section does not prohibit or limit the display and sale of recreational motor vehicles or trucks by licensed recreational motor vehicle dealers, truck dealers or manufacturers at a recreational motor vehicle show or truck show pursuant to regulations promulgated under KRS 190.073.*"

SB 301, AN ACT relating to county roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 178 IS CREATED TO READ AS FOLLOWS:

Any road, except any road accepted as part of the county road system after July 1, 1914, which according to county records has not been maintained with county funds on a continuous basis for fifteen (15) years shall not be considered part of the county road system. Such roads shall not be maintained or improved with county funds thereafter unless the fiscal court has complied with the provisions of KRS 178.115.

Section 2. KRS 178.010 is amended to read as follows:

(1) As used in this chapter, unless the context otherwise requires:

(a) "Construction" includes reconstruction and improvement;

(b) "County roads" are public roads which have been accepted by the fiscal court of the county as a part of the county road system *after July 1, 1914* or private roads, streets, or highways which have been acquired by the county pursuant to KRS 178.405 to 178.425. "County roads" includes necessary bridges, culverts, sluices, drains, ditches, waterways, embankments or retaining walls;

(c) "Hard surface road" means a road the surface of which is asphalt, brick, stone block, macadam, concrete, gravel or other material of equal merit.

(2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of such city.

(3) Nothing in this chapter shall prevent any fiscal court from acquiring land by gift for public purposes.

(4) Nothing in this chapter, including the fact that a municipal street has not been accepted into the county road system, shall prevent any county from entering into an agreement, pursuant to the provisions of KRS 65.210 to 65.300, with any city located within the county to perform work upon or to provide personnel,

materials or equipment for work to be performed upon any street located within the city, provided that the city agrees to pay the costs if any associated with any such agreement.

The following members requested that their votes be recorded as follows. All requests were agreed to.

Representative Gray, "yea" on SB 35; Representative Todd, "nay" on HB 777; Representative Bendl, change from "nay" to "yea" on HB 172; Representative Napier, "yea" on HB 808; Representative Moberly, "yea" on HB 621; Representative Williams, "yea" on HB 777.

Representative Clarke moved that the rules be suspended to waive the posting requirements on SB 288, SB 325 and SB 361. Agreed.

Representative Mann moved that the rules be suspended to waive the posting requirement on HB 976. Agreed.

Representative Barrows moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Barrows moved the adoption of the following HR 156:

HR 156, A RESOLUTION adjourning the House in honor of the 1985-86 Woodford County High School Boys' Basketball Team.

WHEREAS, the Woodford County "Yellow Jackets" amassed an impressive season record of 23 wins and 5 losses during the 1985-86 playing season; and

WHEREAS, this is the first occasion that any Woodford County team has made it to the Sweet Sixteen; and

WHEREAS, under the skilled leadership of Head Coach Gene Kirk, the Woodford County "Yellow Jackets" defeated the Jessamine County "Colts" for the 11th region championship; and

WHEREAS, the Woodford County "Yellow Jackets" now enter the first round of the "Sweet Sixteen" state high school basketball competition on March 20th where they will play Pleasure Ridge Park High School; and

WHEREAS, every member of the Woodford County High School Boys' Basketball Team serves the Commonwealth and Woodford County as an ambassador of good will;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly honors the players of the 1985-86 Woodford County High School Basketball Team for their accomplishment in reaching the "Sweet Sixteen" for the first time in the school's history.

Section 2. That the House recognizes Head Coach Gene Kirk, Assistant Coaches Bill Bland and Steve Williams and team members Robert Greenlee, Mark Jackson, Mike Moraja, Jeff Moffett, Tony Jones, Trent Thompson, Dante Payne, Luke Routt, Tony Greene, Bobby Coyle, David Joest, Sherman Morton, David Raider, Tim Lanter, Matt Preston, Mike Sanderson, Bob Gibson, T. K. LeMaster, and Rodney Wilson as outstanding citizens and exemplary representatives of the Commonwealth.

Section 3. That when the House of the General Assembly of the Commonwealth does adjourn this day, Tuesday, March 18, 1986, it does so in honor of the Woodford County High School Boys' Basketball Team.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to Woodford County High School's Principal Ken Tippett, Assistant Principals Bill Hill and Robert Murray, Head Coach Gene Kirk and Assistant Coaches Bill Bland and Steve Williams, and to every member of the Woodford County High School Boys' Basketball Team.

HR 156 was adopted by voice vote.

Representative B. Richardson moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative B. Richardson moved that the following co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Blandford, **HB 869**; Representative Brinkley, **HB 869**; Representative Bronger, **HB 869**; Representative M. Brown, **HB 869**, **HB 935**; Representative Burnette, **HB 869**; Representative Clapp, **HB 869**; Representative L. Clark, **HB 869**; Representative Cline, **HB 935**; Representative Donnermeyer, **HB 578**, **HB 596**; Representative Farrow, **HB 677**; Representative Gray, **HJR 139**; Representative Guenthner, **HB 76**, **HJR 139**; Representative Holbrook, **HB 869**; Representative Hancock, **HR 134**; Representative J. Harper, **HB 869**; Representative Layman, **HB 869**; Representative Lear, **HB 143**; Representative Lefevers, **HB 869**; Representative Lile, **HR 148**, **HB 869**; Representative Lyne, **HB 665**, **HB 922**; Representative Mann, **HB 578**; Representative McBee, **HB 578**, **HB 869**; Representative Noe, **HB 869**; Representative Noland, **HB 869**; Representative Preston, **HJR 139**; Representative Richards, **HB 869**; Representative B. Richardson, **HB 902**; Representative Seum, **HB 76**; Representative Siler, **HJR 139**; Representative Stewart, **HB 902**; Representative Stone, **HB 869**; Representative Turner, **HB 139**; Representative Williams, **HB 869**.

The following members requested that their names be withdrawn as co-sponsors of Bills and Resolutions: Representative Burnette, **HB 126**; Representative Cline, **HB 126**; Representative K. Harper, **HB 126**; Representative Keith, **HB 126**; Representative Napier, **HB 126**; Representative Thomas, **HB 884**.

Adjournment

Representative Stumbo moved that the House adjourn until 2 p.m., Wednesday, March 19, 1986.

On the roll call the vote was yeas 71—Allen, Barrows, Bendl, Bennett, Blevins, M. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Clarke, Cowan, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Guenthner, Hancock, J. Harper, K. Harper, Head, Hines, Jensen, Johnson, R. Jones, Kerr, Lear, Lefevers, Lile, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Nett, Noe, Noland, O'Brien, Pearman, Priddy, Pritchett, Rapier, Reinhardt, B. Richardson, P. Richardson, Riner, Rose, Siler, Smith, Stewart, Stone, Stumbo, Todd, Turner, White, Williams, Worthington, Yates. Nays 9—Bronger, Deskins, Heleringer, Holbrook, T. Jones, Keith, LeMaster, Long, Overstreet.

The motion to adjourn was adopted.

WEDNESDAY, MARCH 19, 1986

FORTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend John F. Calloway, First Presbyterian Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representative McElroy.

Representative Brinkley moved that the absent member be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of March 18, 1986, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of SB 273, SB 281, SB 314, SB 331, SB 371, SB 372, SB 377, SB 379, SB 389, SCR 91, SCR 87, HB 1 with Senate Amendment, HB 360 with Senate Amendment, HB 390 with Senate Amendment, HB 436 with Senate Amendment, HB 524 with Senate Amendment, HB 219, HB 296, HB 515, HB 544, HB 555, HB 659, and HCR 5.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Cities: SB 241, SB 253.

Counties and Special Districts: SB 352.

Education: SCR 98.

Health and Welfare: HCR 157.

Judiciary-Civil: SB 224, SB 234.

Judiciary-Criminal: SB 185, SB 322.

Natural Resources and Environment: SB 374.

Report of Committees

The Committee on Rules reported HB 53, HB 70, HB 197, HB 404, HB 50, HB 170, HB 406, HB 467, HB 558, HB 649, HB 669, HB 678, HB 785, HB 798, HB 839, HB 840, HB 841, HB 843, HB 867, HB 878, HB 880, HB 886, HB 924, HB 964, HB 967, HB 968, HB 984, HCR 85, HCR 117, HCR 131, HCR 135, SB 152, HB 790, HB 859, SB 199, SB 242, HB 119, HB 250, HB 684, HB 806, and SB 243 have been posted for passage in Orders of the Day, March 20, 1986.

The Committee on Rules reported the following bills have been recommitted.

Judiciary-Criminal: HB 761.

Appropriations and Revenue: SB 325.

Report on Enrolled Bills

The Committee on Enrollment reported HB 75, HB 174, HB 266, HB 359, HB 401, HB 451, HB 540, HB 523, HB 618, HB 622, HB 626, HCR 20 had been examined and found correctly enrolled. Said bills and resolution read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:07 p.m.)

HB 75, HB 174, HB 266, HB 359, HB 401, HB 451, HB 540, HB 523, HB 618, HB 622, HB 626, and HCR 20 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Report of Committees (Continued)

The Committee on Agriculture and Small Business reported HB 916, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 916, AN ACT relating to pesticide use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 217B.545 is amended to read as follows:

(1) The department may suspend, revoke or modify the provision of any applicator's or manager's license issued under KRS 217B.515 to 217B.520*; alternatively, the department may proceed to apply the penalties outlined in KRS 217B.990,* if it finds that the licensee has committed any of the acts set forth in KRS 217B.550.

(2) The licensee has ten (10) days upon receipt of notification of proposed suspension, revocation or modification of license to request a hearing before the pest control advisory board. After receiving a request for a hearing, the department shall at least fifteen (15) days prior to the date set for the hearing, notify the applicant and the pest control advisory board in writing of the charges and the date and place of the hearing. Such written notice shall be served by delivery personally to the licensee or by certified mail, return receipt requested, to his last known address. The hearing shall be at the time and place prescribed by the pest control advisory board.

(3) Within ten (10) days of the hearing the board shall make a written recommendation to the department regarding the suspension, revocation, or modification of the license.

(4) *If the department does not proceed to apply the penalties outlined in KRS 217B.990 and* if a hearing is not requested as provided for in subsection (2) of this section, the department may suspend, revoke or modify the license once the ten (10) day hearing request filing period has passed.

The Committee Amendment No. 1 to HB 916 is as follows:

Amend printed copy of HB 916:

on page 1, line 6, after the word "*may*" by inserting, "*by administrative action*"; and

on page 2, line 5, after the word "*not*" by inserting, "*by administrative action*"

The Committee on Cities reported SB 47, SB 220, SB 302 with Committee Amendment attached thereto, SB 303 with Committee Amendment attached thereto, SB 304, SB 312, SB 358 with Committee Amendment attached thereto, SB 360 with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 47, AN ACT relating to the classification of cities.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Indian Hills, in Jefferson County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Indian Hills, in Jefferson County, is transferred from the sixth to the fifth class of cities.

SB 220, AN ACT relating to bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 103.200 is amended to read as follows:

(1) As used in KRS 103.200 to 103.285, ''building'' or ''industrial building'' means any land and building or buildings (including office space related and subordinate to any of the facilities enumerated below), any facility or other improvement thereon, and all real and personal properties, including operating equipment and machinery deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for the following or any combination thereof:

(a) Any activity, business or industry for the manufacturing, processing or assembling of any commercial product, including agricultural, mining or manufactured products, together with storage, warehousing and distribution facilities in respect thereof;

(b) Any undertaking involving the construction, reconstruction and use of airports, mass commuting facilities, ship canals, ports or port facilities, docks or wharf facilities or harbor facilities, off-street parking facilities or of railroads, monorails or tramways, railway or airline terminals, cable television, mass communication facilities, and related facilities;

(c) Any buildings, structures and facilities, including the site thereof and machinery, equipment and furnishings suitable for use as health care or related facilities, including without limitation, hospitals, clinics, nursing homes, research facilities, extended or long-term care facilities, including housing for the aged or the infirm and all buildings, structures and facilities deemed necessary or useful in connection therewith;

(d) Any nonprofit educational institution in any manner related to or in furtherance of the educational purposes of such institution, including but not limited to classroom, laboratory, housing, administrative, physical educational and medical research and treatment facilities;

(e) Any facilities for any recreation or amusement park, public park or theme park, including specifically facilities for the use of nonprofit entities in making recreational and cultural benefits available to the public;

(f) Any facilities involving manufacturing and service industries which process raw agricultural products, including timber, provide value added functions, or supply ingredients used for production of basic agricultural crops and products;

(g) Any facilities incident to the development of industrial sites, including land costs and the costs of site improvements thereon, such as grading, streets, drainage, storm and sanitary sewers, and other facilities and structures incidental to the use of such site or sites for industrial use;

(h) Any facilities for the furnishing of water if available on reasonable demand to members of the general public;

(i) Any facilities for the extraction, production, grading, separating, washing, drying, preparing, sorting, loading and distribution of mineral resources, together with related facilities;

(j) Any convention or trade show facilities, together with all related and subordinate facilities necessary to the development and proper utilization thereof;

(k) Any facilities designed and constructed to be used as hotels and/or motels, together with all related and subordinate facilities necessary to the operation thereof, including site preparation and similar facilities;

(l) Any activity designed for the preservation of residential neighborhoods, provided that such activity receives approval of the heritage division and insures the preservation of not fewer than four (4) family units;

(m) Any activity, designed for the preservation of commercial or residential buildings which are on the national register of historic places or within an area designated as a national historic district or approved by the heritage division; and

(n) Any activity, including new construction, designed for revitalization or redevelopment of downtown business districts as designated by the issuer.

(2) As used in KRS 103.200 to 103.285, "bonds" or "negotiable bonds" means bonds, notes, *variable rate bonds, commercial paper bonds,* bond anticipation notes or any other obligations for the payment of money issued by a city, county or other authority pursuant to KRS 103.200 to 103.285 [~~and for pollution control facilities shall also include commercial paper bonds and variable rate bonds~~].

Section 2. KRS 103.220 is amended to read as follows:

(1) The bonds may be issued to bear interest at *any* [~~a~~] rate *or rates, either fixed or variable in accordance with such method as shall be set* [~~fixed~~] by the governing body of the issuer, payable either annually or at shorter intervals, may be of such terms and maturities, may bear such conversion privileges, may be executed by the manual or facsimile signatures of such officers of the issuer and shall be executed in such manner *and at such time or times or from time to time* and be payable at such times not exceeding thirty (30) years from *the* date thereof, *or if commercial paper, from the date of issuance thereof,* and at such place or places as the governing body of the issuer determines.

(2) [~~Bonds issued to finance pollution control facilities may bear interest at any rate or rates, either fixed or variable in accordance with such method as shall be set by the governing body of the issuer, shall be payable either annually or at shorter intervals, may be of such terms and maturities, may bear such conversion privileges, may be executed by the manual or facsimile signatures of such officers of the issuer, and shall be executed in such manner and at such time or times, or from time to time, and be payable at such times not exceeding thirty (30) years from the date thereof, or, if commercial paper, from the date of initial issuance thereof, and at such place or places as the governing body of the issuer determines.~~

~~(3)~~] The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions set by the governing body of the issuer before issuing the bonds.

(3)[~~(4)~~] (a) Any bonds issued and outstanding hereunder may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the issuer or any other city, county or authority, with the consent of the lessee, industrial concern or utility company, in such amount as the governing body may deem necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, to create any necessary debt service reserve fund, and to pay the costs of any improvements or additions to the project, and of any premiums, expenses and commissions required to be paid in connection therewith. Any refunding bonds issued under the authority of this section shall be payable from the revenues out of which the bonds to be refunded were payable.

(b) At the time of the initial issuance of *the* [~~commercial paper~~] bonds [~~for a pollution control facility~~], the issuer may designate individual officials of its governing body as agent for purposes of approving the principal amount, the interest rate, the discount, if any, and the maturity date of bonds being issued later to refund the maturing bonds; provided, however, that, at the time of the initial issuance of such bonds, the governing body of the issuer shall set the maximum principal amount, the maximum interest rate, and the maximum discount, if any, of the refunding bonds plus the final maturity date of the last issue of such refunding bonds; and provided further that the issuer shall retain the right to revoke any such agent's authority at any time and for any reason whatsoever. Individual issues of commercial paper, issued as part of a continuing financing program, may be refunded by the approvals of such agent of the issuer and separate proceedings of the issuer pursuant to KRS 103.210(1) shall not be required.

(c) At the time of issuance of [~~variable rate~~] bonds *which bear interest at a variable rate or rates* [~~for a pollution control facility~~], the governing body of the issuer may designate individuals or institutions who in the sole judgment of such governing body have financial market expertise to serve as agent for the issuer for establishing and changing from time to time while such [~~variable rate~~] bonds remain outstanding the rate of interest to be borne by and the price to be paid for the bonds; provided, however, that the rate-setting procedures and authority of each such agent shall be set forth in writing, and may include a formula or an index or indices based upon market factors, and shall be established by the issuer at the time of issuance of such bonds; and provided further that at the time of the issuance of the bonds, the governing body of the issuer shall establish the maximum interest rate to be borne by the bonds; and provided further that the issuer shall retain the right to remove or replace any such agent at any time and for any reason whatsoever.

(4)[~~(5)~~] Any bonds issued and outstanding hereunder and the coupons appertaining to such bonds shall prior to the maturity or redemption date thereof be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if:

(a) In case any of such bonds are to be redeemed on any date prior to their maturity, the issuer of such bonds shall have given a trustee appointed for the holders of such bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the ordinance or resolution authorizing their issuance, irrevocable instructions to give notice of redemption of such bonds to the holders thereof by publication or by other method which is satisfactory to such trustee;

(b) There shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient, to pay when due the principal and the interest due and to become due on such bonds on and prior to redemption date or maturity date thereof, as the case may be; and

(c) In the event that such bonds are not to be redeemed within the next succeeding sixty (60) days, the issuer shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such bonds and coupons that the deposit required by paragraph (b) of this subsection has been made with the trustee, that such bonds and coupons are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such bonds. Any deposits made under paragraph (b) of this subsection, to the extent not secured by the federal deposit insurance corporation, shall be secured by the pledging of direct obligations of or obligations guaranteed by the United States of America.

(5)[~~(6)~~] It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the legislative body of the issuer authorizing such bonds so declares in the proceedings authorizing same, it being hereby declared and determined that the ability of any domestic or foreign corporation renting or leasing any facilities financed by the bonds to cause refunding bonds to be issued will be an inducement for such domestic or foreign corporation to establish in Kentucky the facilities provided for in KRS 103.200 and will tend to further the purposes of KRS 103.200 through 103.280.

(6)[~~(7)~~] No bonds shall be issued hereunder in violation of federal statutes or regulations prohibiting arbitrage profits.

SB 302, AN ACT relating to bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other acts or laws of other import which may presently prevail, wherever the same may be found in the Kentucky Revised Statutes as of such date, it shall be lawful for public bodies, when issuing bonds pursuant to any chapter of the Kentucky Revised Statutes, to issue and execute said bonds with either the manual or facsimile signatures of its officers as may be determined by the governing bodies of the respective public bodies which are the issuers thereof; but subject nevertheless to such approvals as may now or hereafter be applicable thereto according to law.

The Committee Amendment No. 1 to SB 302 is as follows:

Amend printed copy GA copy of SB 302:

On page 1, lines 3, 4 and 5, delete the words, "*Notwithstanding any other acts or laws of other import which may presently prevail, wherever the same may be found in the Kentucky Revised Statutes as of such date,*";

And on page 1, line 7, delete the words, "*any chapter*";

And on Page 1, line 7, insert after the word "*to*", the following: "*Chapter 58*";

And on page 1, line 14, add a new Section 2, as follows:

"SECTION 2. KRS 61.390 is amended to read as follows:

(1) Any bonds heretofore or hereafter authorized to be issued by the state, any county, municipality, taxing or school district, including any corporation acting as an agency or instrumentality of such unit, whether created by statute, or organized under the provisions of the nonprofit corporation laws, under the provisions of any law heretofore or hereafter enacted and any interest coupons attached thereto may, if so authorized by the governing body of such unit, bear or be executed with the facsimile signature of any official authorized by such law to sign or to execute such bonds or coupons[~~; provided, however, that each such bond shall be manually signed by at least one (1) official of such unit~~]. In case any such law shall provide for the sealing of such bonds with the official or corporate seal of such unit or of its governing body or any official thereof, a facsimile of such seal may be imprinted on the bonds if so authorized by the governing body of such unit, and it shall not be necessary in such case to impress such seal physically upon such bonds.

(2) In case any such law shall provide that bonds issued thereunder shall be negotiable, such bonds shall be offered for sale as negotiable bonds, payable to bearer, with or without attached coupons for the payment of interest and with or without privilege of registration as to principal only, or registration as to both principal and interest, as the governing body of the issuing unit may determine; but such governing body may nevertheless additionally provide, in its discretion, that any purchaser of all or any of such bonds shall have a right and privilege to designate, subject to such conditions and restrictions as the governing body may prescribe, that such bonds, or any of them, be issued in the first instance in fully registered nonnegotiable form, or in one or more denominations of such purchaser's own choosing, or both, whether in negotiable or nonnegotiable form, with or without attached coupons, with or without registration provision, and with or without rights of conversion or reconversion from one (1) form and denomination to another, at the option of the holder or holders from time to time.

(3) In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

(4) The words ”public securities“ as used herein shall mean bonds, notes or other obligations for the payment of money issued by this state, by its political subdivisions, or by any department, agency or other instrumentality of this state or of any of its political subdivisions.

(5) This section shall not repeal any other law authorizing the execution of public securities with facsimile signatures or seals."

SB 303, AN ACT relating to bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, any public body when issuing bonds for the purpose of facilitating the construction, renovation or purchase of new or existing housing, including single family mortgage revenue bonds and multi-family housing revenue bonds, pursuant to authorization prescribed in any provision of the Kentucky Revised Statutes, may issue and sell the bonds upon such terms, for such prices, and at such interest rates, as are deemed appropriate by the public body, including by public sale pursuant to KRS Chapter 424 or by private negotiated sale without advertisement.

The Committee Amendment No. 1 to SB 303 is as follows:

Amend printed copy GA copy of SB 303:

On page 1, lines 3 and 4, delete the words, "*Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary,*";

And on page 1, line 4, insert after the word "body," the words "*as defined in KRS 58.410*";

And on page 1, lines 8, 9 and 10, delete the words "*pursuant to authorization prescribed in any provision of the Kentucky Revised Statutes,*";

And on page 1, line 15, add a new section 2, as follows:

“SECTION 2. KRS 424.360 is amended to read as follows:

No sale of general obligation bonds or revenue bonds, *except bonds issued for the purpose of facilitating the construction, renovation or purchase of new or existing housing as set forth in Section 1 of this Act*, of any governmental unit or political subdivision, or agency thereof, shall be made except upon newspaper advertisements for bids, published for the publication area constituted by the political subdivision or government unit and published to afford state-wide notice. If the bonds are in principal amount of seven hundred fifty thousand dollars ($750,000) or more, an advertisement for bids shall also be published in a publication having general circulation among bond-buyers.

SB 304, AN ACT relating to ordinances authorizing bond issues.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 58 IS CREATED TO READ AS FOLLOWS:

Any action challenging the validity of any ordinance or resolution adopted by any governmental agency electing to issue bonds or notes under this chapter or any other chapter of the Kentucky Revised Statutes, shall be brought within thirty (30) days from the date on which notice of the adoption of said ordinance or resolution is published in accordance with KRS Chapter 424, and if such action challenging the validity of same is not brought within such time, such action shall be forever barred.

SB 312, AN ACT relating to the investment of local government funds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 66.480 is amended to read as follows:

(1) The governing body of a municipality, county, school district (provided that its action is approved by the state board of education), or other local governmental unit or political subdivision, may invest and reinvest money subject to its control and jurisdiction in:

(a) Obligations of the United States and of its agencies and instrumentalities. Such investments may be accomplished through repurchase agreements reached with national or state banks chartered in Kentucky;

(b) Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities;

(c) Any savings and loan association insured by an agency of the government of the United States up to the amount so insured;

(d) Interest-bearing deposits in national or state banks chartered in Kentucky and insured by an agency of the government of the United States up to the amount so insured, and in larger amounts providing such bank shall pledge as security obligations, as permitted by KRS 41.240(4), having a current quoted market value at least equal to any uninsured deposits. No municipality, county, school district, other unit of local government, political subdivision or county official shall make any investment which would jeopardize the tax exempt status of any outstanding obligation of such unit of local government.

(2) Sheriffs, county clerks and jailers, who for the purposes of this section shall be known as county officials, may, and at the direction of the fiscal court shall, invest and reinvest money subject to their control and jurisdiction, including tax dollars subject to the provisions of KRS 134.300, 134.320 and 160.510, in the investment instruments permitted by subsection (1) of this section[~~, except that sheriffs in urban-county governments shall not invest tax dollars~~].

(3) The provisions of this section are not intended to impair the power of a county official, municipality, county, school district, or other local governmental unit or political subdivision to hold funds in deposit accounts with banking institutions as otherwise authorized by law.

(4) The governing body or county official may delegate the investment authority provided by subsection (1) of this section to the treasurer or other financial officer charged with custody of the funds of the local

government, and such officer shall thereafter assume full responsibility for all investment transactions until the delegation of authority terminates or is revoked.

(5) All county officials shall report the earnings of any investments at the time of their annual reports and settlements with the fiscal courts for excess income of their offices.

(6) The state local finance officer is authorized and directed to assist county officials and local governments (except school districts) in investing funds that are temporarily in excess of operating needs by:

(a) Explaining investment opportunities to such county officials and local governments through publication and other appropriate means;

(b) Providing technical assistance in investment of idle funds to county officials and local governments that request such assistance.

(7) (a) The state local finance officer may create an investment pool for local governments (except school districts) and county officials; and counties and county officials *and cities* may associate to create an investment pool[~~; and cities may associate to create an investment pool~~]. If counties and county officials *and cities* create a pool, [~~or if cities create a pool,~~] each group may select a manager to administer their pool and invest the assets. Each county and each county official *and each city* may[~~, or each city may~~] invest in a pool created pursuant to this subsection[~~, but neither a county nor a county official nor a city shall invest more than a total of one hundred thousand dollars ($100,000) in such pool or pools~~]. Investments shall be limited to those investment instruments permitted by subsection (1) of this section. The funds of each local government and county official shall be properly accounted for, and earnings and charges shall be assigned to each participant in a uniform manner according to the amount invested. Charges to any local government or county official shall not exceed one percent (1%) annually on the principal amount invested, and charges on investments of less than a year's duration shall be prorated. Any investment pool created pursuant to this subsection shall be audited each year by an independent certified public accountant, or by the auditor of public accounts. A copy of the audit report shall be provided to each local government or county official participating in the pool. In the case of an audit by an independent certified public accountant, a copy of the audit report shall be provided to the auditor of public accounts, and to the state local finance officer. The auditor of public accounts may review the report of the independent certified public accountant. After preliminary review, should discrepancies be found, the auditor of public accounts may make his own investigative report or audit to verify the findings of the independent certified public accountant's report.

(b) If the state local finance officer creates an investment pool, he shall establish an account in the treasury for the pool. He shall also establish a separate trust and agency account for the purpose of covering management costs, and he shall deposit management charges in this account. The state local finance officer may issue regulations, pursuant to KRS Chapter 13, governing the operation of the investment pool, including but not limited to provisions on minimum allowable investments and investment periods, and method and timing of investments, withdrawals, payment of earnings and assignment of charges.

(c) Before investing in an investment pool created pursuant to this subsection, a local government or county official shall allow any savings and loan association or bank in the county, as described in subsection (1)(c) and (d) of this section, to bid for the deposits, but the local government or county official shall not be required to seek bids more often than once in each six (6) month period.

SB 358, AN ACT relating to pensions for fire fighters in cities of the first class and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95.290 is amended to read as follows:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police and fire divisions of the department of public safety and their dependents, may appropriate funds for the purpose of paying such pensions, may allot and pay to the policemen's pension fund or the fire fighter's pension fund or either or both of them, all fines and forfeitures imposed upon members of the respective divisions, and may provide for, assess and collect contributions from the members for the benefit of the fund.

(2) There shall be a governing body of the policemen's pension fund, and a governing body of the fire fighter's pension fund. The governing bodies of the respective funds shall hold title to all assets in their respective funds, and shall have exclusive authority relating to investment of the assets of the funds, including contracting with investment advisors or managers to perform investment services as deemed necessary and prudent by the board. A majority of the governing body of each fund shall be comprised of members of the respective pension systems, and no more than one (1) member of the city legislative body may be a member of the governing body of either the policemen's or the fire fighter's pension fund.

(3) Any pension fund established under the provisions of this section shall be held *or* [~~and~~] distributed for *any of the following purposes:*

(a) Paying pensions;

(b) Payments to the city for transfer to the county employes retirement system for alternate participation pursuant to KRS 78.530(3)(a) and 78.531(2);

(c) Transfer of pension assets through investment contract or other financial instrument for the purpose of amortizing unfunded service liability; and

(d) Payment from the city to the county employes retirement system for future pension contributions required pursuant to KRS 61.565.

Pursuant to the terms of this Act, if fire fighters of the city of the first class elect entry into the county employes retirement system and thereby create excess funds over those required to provide for the purposes set forth in paragraphs (a), (b), and (c) of this subsection, these excess funds shall be distributed to the city for use by the city for any other purpose it may elect, including, but not limited to, the establishment of a reserve for payment under paragraph (d) of this subsection. [~~the purpose of paying pensions and for no other purpose, except that~~] The governing board of the fund may annually expend for the necessary expenses connected with the fund, including but not limited to expenses for medical, actuarial, accounting and legal services, the amount such governing board deems proper.

(4) Any ordinance establishing a pension fund under this section shall make equitable provision for the rights of persons having an interest in assets transferred to the fund from any fund heretofore established by statute.

(5) The legislative body in a city of the first class may issue the appropriate order, pursuant to KRS 78.530(1), directing participation for fire fighters in the county employes retirement system. If the legislative body issues such an order, all new employes who would have been granted membership in the local fire fighters' pension system shall be members of the county employes retirement system. All active members of the local fire fighters' pension system at the time of transition to the county employes retirement system may choose membership in the county employes retirement system or may retain membership in the local system. The city shall elect the alternate participation plan, pursuant to KRS 78.530(3), for fire fighters who transfer to the county employes retirement system. Notwithstanding the provisions of KRS 78.530(3)(b), the city may, at its option, extend the payment period for the cost of alternate participation to a maximum of twenty (20) years with the interest at the rate actuarially assumed by the board. The city shall have the right to use assets in the local pension fund, other than assets necessary to pay benefits to the remaining active members of the local fire fighters' pension system and to retirees and their survivors as determined by actuarial evaluation, to assist in the payment of the annual installment cost of alternate participation. All fire fighters who become members of the county employes retirement system pursuant to this Act shall be granted hazardous duty coverage, and the city may, at its option, purchase accumulated sick leave for each fire fighter upon retirement pursuant to KRS 78.616.

(6) Notwithstanding the provisions of KRS 61.565, which relate to the contributions required of participating employers, any city of the first class participating in the county employes retirement system hazardous duty pension plan which has in effect a collective bargaining agreement with a group of employes who participate in said plan, shall have the right to enter into agreement with its employes or with their respective collective bargaining representatives. This agreement may include, but is not limited to, specifications of what portion of the required employer contribution shall be borne by the participating employer and what portion shall be borne by the participating employe. This provision in no way modifies the employer's obligation to remit the contributions required by the county employes retirement system pursuant to KRS 61.565, whether such contributions are borne by the city or by its participating employes.

(7) With regard to the employer participation or employer contributions pursuant to KRS 61.565 as it relates to future pension contribution requirements or as it relates to payback period or interest charge for service liability cost under alternate participation, if any statute or any resolution of the appropriate state board of trustees having authority over employer participation or employer contribution grants any terms or conditions to any city of the second through the sixth class, or to any county, or to any urban-county government, which are more favorable in terms of participation than terms or conditions granted to any city of the first class, then said provisions for employer participation or contribution shall be available to the city of the first class, at its option and effective upon adoption by the city of the first class and notification to the county employes retirement system.

Section 2. KRS 78.531 is amended to read as follows:

(1) Any member of a retirement system created pursuant to KRS 67A.320, 67A.340, 79.080, 90.300 through 90.420, *95.290,* 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.784, 95.851 through 95.884 and 96.180 notwithstanding any provisions of the statutes to the contrary, may elect to terminate coverage under the retirement system in which he is a member, if the city or urban-county government has adopted the provisions of the county employes retirement system pursuant to KRS 78.510 through 78.852.

(2) If the city or urban-county government elects the alternate participation plan, as set forth in KRS 78.530(3), employe contributions made to the fund under authority of KRS 67A.320, 67A.340, 79.080, 90.400(1), 90.410, *95.290,* 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.785, 95.851 through 95.884 or 96.180 shall be paid to the county employes retirement system and credited to the individual member's account in the system for any employe electing to terminate coverage under the provisions of this section. Proper credit for these employe contributions shall be given to the city or urban-county government in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3).

(3) If the city or urban-county government does not elect the alternate participation plan as set forth in KRS 78.530(3), the employe contributions paid into the fund under authority of KRS 67A.320, 67A.340, 79.080, 90.400(1), 90.410, *95.290,* 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.785, 95.851 through 95.884 or 96.180 by each employe electing to terminate coverage under the provisions of this section shall be refunded to the employe with interest as specified in the applicable statute, unless the employe has a vested account in which case he may elect to leave his contributions in the fund in order to later receive a pension when he becomes eligible.

Section 3. Whereas, the interest rates available to any city of the first class through investments are dramatically decreasing for the purpose of amortizing the unfunded service liability, an emergency is declared to exist, and this Act shall become effective upon passage and approval by the Governor.

The Committee Amendment No. 1 to SB 358 is as follows:

Amend printed GA copy of SB 358:

On page 3, line 14, after the word "*may*" by inserting the following:

"*with the consent of the firefighters' collective bargaining representative*".

SB 360, AN ACT relating to cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 81.094 is amended to read as follows:

(1) If any city fails for one (1) year to maintain a city government by *both* the election or appointment of officers and the levying and collection of necessary taxes, it *shall* may be dissolved by judgment of the circuit court on petition filed by a bona fide resident of the city.

(2) A city, *except for a city which has long-term debt, or any debt in excess of the assets of the city, shall* [~~may~~] be dissolved by *the following procedure:* [~~judgment of the circuit court on petition filed by a majority of the voters of the city. The petition shall contain the signature and address of each petitioner.~~]

(a) Any qualified voter of the city may file with the mayor of the city a petition seeking a referendum on the

question whether the city shall be dissolved. All papers of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. When it is filed, each sheet of a petition shall have an affidavit executed by the circulator stating that he personally circulated the sheet; the number of signatures thereon; that all signatures were affixed in his presence; that he believes them to be the genuine signatures of registered voters in the city; and that each signor had an opportunity before signing to read the full text of the petition. Petitions shall contain or have attached throughout their circulation the full text of the following proposal: "We the undersigned registered voters of the City of ______ hereby petition the mayor for an election on the question whether the city should be dissolved.";

(b) If such a petition signed by registered voters of the city equal in number to at least twenty percent (20%) of the total number of votes cast in the city in the last presidential election is presented to the mayor, the mayor of the city shall deliver a certified copy of the petition to the county clerk of the county in which the greater part of the city is located within ten (10) working days after it is received by the mayor. The county clerk shall have printed on the ballot provided for use in each precinct embraced in whole or in part within the city the question: "Are you in favor of dissolving the City of ________?" The election shall be held at the next primary or general election that occurs not less than sixty (60) days after the petition is presented by the mayor to the county clerk, within ten (10) working days after it is received by the mayor; and

(c) If a majority of those voting in the election favor the dissolution of the city, the city shall cease to be an incorporated city within thirty (30) days of the certification of the election results. The terms of all elected and appointed officers shall terminate at such time and all assets of the city shall become the property of the fiscal court of the county in which the city is located. The county clerk shall note the dissolution in his records and notify the secretary of state in writing of the dissolution.

(3) Each petition for dissolution *filed with the circuit court pursuant to subsection (1) of this section* shall be filed in the circuit court of the county in which the greater part of the city is located and shall set out the name and class of the city, a metes and bounds description of its boundaries, *the reasons why dissolution is sought* [~~the number of voters and residents therein,~~] and other facts relevant to the petition.

The Committee Amendment No. 1 to SB 360 is as follows:

Amend printed copy of SB 360:

On page 1, line 5, place brackets around and strikethroughs over the word "may".

The Committee on Counties and Special Districts reported HB 845 and HB 846 with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 845, AN ACT relating to parks and recreation taxing districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 97 IS CREATED TO READ AS FOLLOWS:

(1) The citizens of a county, or more than one (1) county, or part of a county may create a parks and recreation taxing district according to the procedures of KRS 65.180 to 65.190, and such a district, once created, shall be a taxing district within the meaning of Section 157 of the Constitution. The tax rate of the district shall not exceed ten (10) cents on each one hundred dollars ($100) of taxable property in the district. The tax rate of the district may be increased or decreased according to the procedures in KRS 173.610, except that any tax increase shall not raise the tax to more than ten (10) cents on each one hundred dollars ($100) of taxable property, and the question on the ballot shall specify that the district in question is a parks and recreation district.

(2) The district may acquire, construct, maintain, operate and sell real and personal property for public parks and recreation facilities such as but not limited to picnic areas, playgrounds, swimming pools, beaches, playing fields and courts, boat ramps, and hiking and riding trails.

(3) The district shall be governed by a board of three (3) members if the district contains the territory of a single county or less than a county, and five (5) members if the district contains the territory of more than one

(1) county. In districts of more than one (1) county, board membership shall be apportioned among the counties according to the proportion of district population within each county to the total district population. Board members shall be appointed to four (4) year terms by the county judge/executive or judges/executive, as the case may be, with the approval of the fiscal court, but initially terms of office shall be staggered. On a three (3) member board one (1) initial member shall be appointed for two (2) years, one (1) shall be appointed for three (3) years and one (1) shall be appointed for four (4) years. On a five (5) member board, one (1) initial member shall be appointed for two (2) years, two (2) shall be appointed for three (3) years and two (2) shall be appointed for four (4) years. Board members may be reappointed.

(4) Board members shall not be paid, but shall be reimbursed for their necessary and reasonable expenses.

(5) The board may elect officers from among its members and specify their duties as necessary, and may hire and release personnel as necessary to perform program and support functions.

Section 2. KRS 65.180 is amended to read as follows:

As used in KRS 65.182 to 65.190, unless the context otherwise requires, the word "taxing district" shall mean, and the provisions of KRS 65.182 to 65.190 shall apply to, any special district authorized by statute to levy ad valorem taxes within the meaning of Section 157 of the Constitution of Kentucky and governed by the following statutes: KRS 75.010 to 75.260, 107.310 to 107.500, 108.080 to 108.180, 109.115 to 109.190, 173.450 to 173.650, 173.710 to 173.800, 179.700 to 179.990, 212.720 to 212.760, 215.080 to 215.390, 216.310 to 216.360, 249.510 to 249.631, 266.010 to 266.990, [~~and~~] 268.010 to 268.990 *and Section 1 of this Act.*

Section 3. KRS 65.060 is amended to read as follows:

As used in KRS 65.008, 65.009, 65.065 and 65.070, the term "district" shall mean and the provisions of KRS 65.008, 65.009, 65.065 and 65.070 shall apply to any board, commission or special district created pursuant to the following statutes: KRS 65.160, 65.162, 65.210 to 65.300, 65.510 to 65.650; KRS 74.010 to 74.416; KRS 75.010 to 75.260; KRS 76.005 to 76.210, 76.241 to 76.273, 76.274 to 76.279, 76.295 to 76.420, 76.600 to 76.640; KRS 77.005 to 77.305; KRS 80.262 to 80.610; KRS 91A.350 to 91A.390; KRS 96A.010 to 96A.230; KRS 104.450 to 104.680; KRS 107.310 to 107.500; KRS 108.010 to 108.070, 108.080 to 108.180; KRS 109.056, 109.059, 109.115 to 109.190; KRS 147.610 to 147.705; KRS 147A.050 to 147A.120; KRS 152.810 to 152.930; KRS 164.605 to 164.675; KRS 173.450 to 173.650, 173.710 to 173.800; KRS 179.700 to 179.735; KRS 183.132 to 183.160; KRS 184.010 to 184.300; KRS 210.460 to 210.480; KRS 212.720 to 212.760; KRS 216.310 to 216.360; KRS 220.010 to 220.613; KRS 262.100 to 262.660, 262.700 to 262.990; KRS 266.010 to 266.990; KRS 267.010 to 267.990; KRS 268.010 to 268.990; [~~or~~] KRS 273.405 to 273.453*; or Section 1 of this Act.*

Section 4. KRS 65.164 is amended to read as follows:

As used in KRS 65.166 to 65.176, the word "district" shall mean any board, commission or special district created pursuant to the following statutes: KRS 75.010 to 75.260; KRS 104.450 to 104.680; KRS 108.010 to 108.070; KRS 184.010 to 184.300; KRS 220.010 to 220.613; KRS 266.010 to 266.990; KRS 267.010 to 267.990; KRS 268.010 to 268.990; [~~or~~] KRS 269.100 to 269.270*; or Section 1 of this Act.*

HB 846, AN ACT relating to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 134.300 is amended to read as follows:

(1) The sheriff shall, by the *twenty-fifth (25th)* [~~tenth~~] day of each month, or more often if required by the county judge/executive to prevent the sheriff from having funds in his possession in excess of the amount of his bond, report under oath to the county judge/executive the amount of state and county taxes he has collected during the month preceding, together with all fines, forfeitures, or money on any other account that has been received or collected by him for the preceding month. He shall show in this report the amount collected for and belonging to each particular fund for which the revenue or money may be intended, and the disposition of such revenue or money collected by him. The reports shall be filed and recorded in separate books furnished by the county judge/executive for that purpose, and they shall be open for inspection in the office of the county clerk.

(2) At the time of making the report to the county judge/executive, the sheriff shall pay to the county

treasurer, or other officer designated by the fiscal court, all funds belonging to the county that were collected by him during the period covered in the report. He shall take a receipt from the county treasurer for the amount so paid, in duplicate, one (1) duplicate to be retained by the sheriff and the other to be delivered by him to the county judge/executive who shall file it in his office.

(3) Any sheriff failing to pay over taxes collected by him and due the county, as provided by law, shall be required by the fiscal court to pay a penalty of one percent (1%) for each thirty (30) day period or fraction thereof plus interest at the legal rate per annum on such taxes. The fiscal court in its settlement with the sheriff shall charge him with such penalties and interest.

(4) The county judge/executive may grant an extension of time, not to exceed fifteen (15) days, for filing the report required by subsection (1) and the reports for all other levies made by the fiscal court whenever, in his judgment, good cause therefor exists. The extension shall be in writing and shall be recorded in the office of the county clerk. The extension when granted shall suspend the penalty and interest for the duration of the extension. The penalty and interest shall apply at the expiration of the extension.

The Committee Substitute to HB 846 is as follows:

HB 846, AN ACT relating to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 134.320 is amended to read as follows:

(1) The sheriff shall, by the *twenty-fifth (25th)* [~~tenth~~] day of each month, or more often as may be required by the revenue cabinet to prevent the sheriff from having funds in his possession in excess of the amount of his bond, report under oath to the cabinet the amount of all state taxes he has collected during the preceding month, or for such period as the cabinet may require.

(2) The sheriff shall, at the time of making this report, pay to the cabinet, for deposit with the state treasurer, all taxes he has collected for the state for the preceding month or period.

(3) The cabinet may report to the grand jury of Franklin County any sheriff failing to report as required. Any sheriff failing to pay over any taxes collected by him and due the state, as provided by law, shall be required by the cabinet to pay a penalty of one percent (1%) for each thirty (30) day period or fraction thereof plus interest at the legal rate per annum on such taxes. The cabinet in its settlement with the sheriff shall charge him with such penalties and interest.

(4) The revenue cabinet may grant an extension of time, not to exceed fifteen (15) days, for filing the report required by subsection (1) whenever, in its judgment, good cause therefor exists. The extension shall be in writing, and the cabinet shall keep a record of such extensions. The extension when granted shall suspend the penalty and interest provided by subsection (3) for the duration of the extension. The penalty and interest shall apply at the expiration of the extension.

Calendar

HB 811, HB 866, HB 952, HB 979, HB 981, HCR 132, SB 67, SB 350, HB 710, HB 876, HB 887, SB 108, SB 252, SB 266, HB 531, HB 731, HB 918, HB 970, HCR 145, HB 664, SB 239, SB 244, SB 263, SB 310, HB 723, HB 799, HB 962, SB 309, SB 330, HB 881, HB 913, SB 17, SB 162, SB 283, and SB 301 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

Representative Hancock moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Hancock moved the adoption of the following HR 153:

HR 153, A RESOLUTION saluting the City of Frankfort upon the occasion of its bicentennial celebration.

WHEREAS, the city known as Frank's Ford from its early days in 1780, until its official establishment as Frankfort, by action of the Virginia legislature in 1786, this year celebrates its two hundredth anniversary; and

WHEREAS, six years from that date, Kentucky became a separate Commonwealth, selecting Frankfort as its capital; and

WHEREAS, from that day to the present, Frankfort has been a gracious host to Kentucky's General Assembly; and

WHEREAS, Frankfort is thus one of Kentucky's most historic cities, drawing a steady stream of tourists from near and far to admire such attractions as its capitol, the Governor's Mansion, the Corner of Celebrities, the Old State House, the Kentucky History Museum, Liberty Hall, and the Boone monument; and

WHEREAS, the City of Frankfort is proud to be the home of Kentucky State University, which this year celebrates its one hundredth anniversity; and

WHEREAS, Colonel Christopher Gist, the first pioneer of record to journey through the area that later became Frankfort, did so on this day, the nineteenth of March, in the year 1751; and

WHEREAS, the House of Representatives shares Frankfort's pride in its historic past, as well as its cultural, educational, governmental, and manufacturing resources;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the City of Frankfort and wishes her a joyous anniversary year.

Section 2. That when the House adjourns this day, March 19, 1986, it does so in honor of and tribute to Frankfort, Kentucky.

Section 3. That a copy of this resolution be sent to the Mayor of the City of Frankfort, the Honorable James C. Burch.

HR 153 was adopted by voice vote.

Report on Enrolled Bills

The Committee on Enrollment reported SB 193, SB 211, and SB 249 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:26 p.m.)

Orders of the Day (Continued)

HB 774, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Scorsone moved the adoption of the Committee Substitute to HB 774. Agreed.

Representative Scorsone moved the adoption of the Committee Amendment No. 1 to HB 774. Agreed.

Representative Scorsone moved that HB 774, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 75, Nays 5. (See March 19, 1986, roll call on HB 774—Appendix A.)

HB 774, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Scorsone moved that the vote by which HB 774, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 274 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved that SB 274 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 19, 1986, roll call on SB 274—Appendix A.)

SB 274 was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 274 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 275, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Floor Amendment No. 1 to SB 275. Agreed.

Representative Clapp moved that SB 275, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 1. (See March 19, 1986, roll call on SB 275—Appendix A.)

SB 275, as amended, was passed and the title agreed to.

Representative Clapp moved that the vote by which SB 275, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 520 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved that HB 520 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 19, 1986, roll call on HB 520—Appendix A.)

HB 520 was passed and the title agreed to.

Representative White moved that the vote by which HB 520 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 764, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 2 to HB 764. Agreed.

Representative Donnermeyer moved that HB 764, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 1. (See March 19, 1986, roll call on HB 764—Appendix A.)

HB 764, as amended, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 764, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 807, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved the adoption of the Floor Amendment No. 1 to HB 807. Agreed.

Representative Clapp moved that HB 807, as amended, be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 19, 1986, roll call on HB 807—Appendix A.)

HB 807, as amended, was passed and the title agreed to.

Representative Clapp moved that the vote by which HB 807, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 888, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Floor Amendment No. 1 to HB 888. Agreed.

Representative B. Richardson moved that HB 888, as amended, be passed.

On the roll call the vote was: Yeas 82, Nays 12. (See March 19, 1986, roll call on HB 888—Appendix A.)

HB 888, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which HB 888, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 919 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HB 919 be passed.

On the roll call the vote was: Yeas 87, Nays 2. (See March 19, 1986, roll call on HB 919—Appendix A.)

HB 919 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 919 was passed be reconsidered and said motion be placed on the table. Agreed.

SCR 59 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SCR 59 be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 19, 1986, roll call on SCR 59—Appendix A.)

SCR 59 was passed and the title agreed to.

Representative Deskins moved that the vote by which SCR 59 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 40, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative T. Jones moved the adoption of the Committee Substitute to HB 40. Agreed.

Representative T. Jones moved that HB 40, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 19, 1986, roll call on HB 40—Appendix A.)

HB 40, by way of Committee Substitute, was passed.

Representative T. Jones moved the adoption of the Committee Title Amendment to HB 40. Agreed; and the title was agreed to.

Representative T. Jones moved that the vote by which HB 40, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed

HB 535, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Second Committee Substitute to HB 535. Agreed.

Representative Cowan moved that HB 535, by way of Second Committee Substitute, be passed.

On the roll call the vote was: Yeas 70, Nays 17. (See March 19, 1986, roll call on HB 535—Appendix A.)

HB 535, by way of Second Committee Substitute, was passed and the title agreed to.

Representative Cowan moved that the vote by which HB 535, by way of Second Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 699 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative T. Jones moved that HB 699 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 19, 1986, roll call on HB 699—Appendix A.)

HB 699 was passed and the title agreed to.

Representative T. Jones moved that the vote by which HB 699 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 783, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the Committee Amendment No. 1 to HB 783. Agreed.

Representative Hancock moved that HB 783, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 19, 1986, roll call on HB 783—Appendix A.)

HB 783, as amended was passed and the title agreed to.

Representative Hancock moved that the vote by which HB 783, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 818 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that HB 818 be passed.

On the roll call the vote was: Yeas 92, Nays 2. (See March 19, 1986, roll call on HB 818—Appendix A.)

HB 818 was passed and the title agreed to.

Representative Bendl moved that the vote by which HB 818 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 897 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burnette moved that HB 897 be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 19, 1986, roll call on HB 897—Appendix A.)

HB 897 was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 897 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 975 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bronger moved that HB 975 be passed.

On the roll call the vote was: Yeas 93, Nays 3. (See March 19, 1986, roll call on HB 975—Appendix A.)

HB 975 was passed and the title agreed to.

Representative Bronger moved that the vote by which HB 975 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 955, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bronger moved the adoption of the Committee Amendment No. 1 to HB 955. Agreed.

Representative Bronger moved that HB 955, as amended, be passed.

On the roll call the vote was: Yeas 78, Nays 10. (See March 19, 1986, roll call on HB 955—Appendix A.)

HB 955, as amended was passed and the title agreed to.

Representative Bronger moved that the vote by which HB 955, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 954 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bronger moved that HB 954 be passed.

On the roll call the vote was: Yeas 95, Nays 1. (See March 19, 1986, roll call on HB 954—Appendix A.)

HB 954 was passed and the title agreed to.

Representative Bronger moved that the vote by which HB 954 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 212, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that SB 212 be passed.

On the roll call the vote was: Yeas 84, Nays 1. (See March 19, 1986, roll call on SB 212—Appendix A.)

SB 212 was passed and the title agreed to.

Representative Hancock moved that the vote by which SB 212 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 213, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved that SB 213 be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 19, 1986, roll call on SB 213—Appendix A.)

SB 213 was passed and the title agreed to.

Representative Arnold moved that the vote by which SB 213 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 695 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved that HB 695 be passed.

On the roll call the vote was: Yeas 73, Nays 10. (See March 19, 1986, roll call on HB 695—Appendix A.)

HB 695 was passed and the title agreed to.

Representative Bennett moved that the vote by which HB 695 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 727 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mack moved that HB 727 be passed.

On the roll call the vote was: Yeas 71, Nays 19. (See March 19, 1986, roll call on HB 727—Appendix A.)

HB 727 was passed and the title agreed to.

Representative Mack moved that the vote by which HB 727 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 733, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved the adoption of the Committee Substitute to HB 733. Agreed.

Representative Blevins moved that HB 733, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 86, Nays 6. (See March 19, 1986, roll call on HB 733—Appendix A.)

HB 733, by way of Committee Substitute, was passed and the title agreed to.

Representative Blevins moved that the vote by which HB 733, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed

HCR 114, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to HCR 114. Agreed.

Representative T. Jones moved that HCR 114, as amended, be passed.

On the roll call the vote was: Yeas 66, Nays 27. (See March 19, 1986, roll call on HCR 114—Appendix A.)

HCR 114, as amended, was passed and the title agreed to.

Representative T. Jones moved that the vote by which HCR 114, as amended, was passed be reconsidered and said motion be placed on the table. Agreed

SB 278 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Long moved that SB 278 be passed.

On the roll call the vote was: Yeas 85, Nays 4. (See March 19, 1986, roll call on SB 278—Appendix A.)

SB 278 was passed and the title agreed to.

Representative Long moved that the vote by which SB 278 was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

Introduction of Resolution

HR 158, by Representative Burch: A RESOLUTION adjourning the House of Representatives in honor of retiring members.

Representative Burch moved that a call of the roll be taken to show co-sponsors of HR 158. Agreed.

On the roll call the vote was yeas 88-- Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Bronger, M. Brown, Bruce, Burch, Burnette, L. Clark, P. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, McBee, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Preston, Priddy, Pritchett, Rapier, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Strong, Stumbo, Thomas, Todd, Turner, White, Worthington, Yates. Nays 0.

Representative Burch moved the adoption of the following HR 158:

HR 158, A RESOLUTION adjourning the House of Representatives in honor of retiring members.

With kindest respect and with deepest admiration we pay tribute to our colleagues, our friends, who are retiring from public service:

WHEREAS, the 1986 legislative session of the Kentucky General Assembly will be the last opportunity we will have to share the companionship, rhetoric, and oftentimes spirited debate of our seatmates Representatives Brinkley, Brown, Caldwell, Clapp, Dawahare, Ellington, Holbrook, Holloway, McNutt, Mann, Pearman, Rattliff, Stone, Thomas and Williams; and

WHEREAS, the honorable representative of the 10th legislative district, William T. "Bill" Brinkley, has ably served his constituents since 1976 on Rules, Health and Welfare, State Government, Natural Resources and Environment, and Energy committees, and has presided as chairman of the Elections and Constitutional Amendments Task Force and the Administrative Regulation Review Subcommittee; and

WHEREAS, representing the constituents of the 99th legislative district in Boyd, Elliott and Lawrence counties, Frances Brown has served since 1985 on the Judiciary-Criminal and Labor and Industry committees, completing the term her beloved husband Ray began and had held since 1974; and

WHEREAS, the distinguished Barry Caldwell was sent to Frankfort as a voice for the 66th district which comprises Boone and Kenton counties, representing his constituents on Rules, Cities, Elections and Constitutional Amendments, Judiciary-Civil, Appropriations and Revenue, and Judiciary-Criminal committees since the 1980 legislative session; and

WHEREAS, Representative Lloyd Edward Clapp of Wingo has been a member of this honorable body since 1966 and has diligently worked for the voters of Graves County as Speaker Pro Tem of the House and has served on the following committees—Committee on Committees, Rules, Business Organizations and Professions, Counties and Special Districts, Elections and Constitutional Amendments, State Government, Veterans and Military Affairs, Banks and Banking, Drainage and Water Districts, Fish and Game, Insurance, Library and Historical Records, Mines and Minerals, Municipalities, and Energy; and

WHEREAS, citizens of Letcher, Perry and Pike counties have ably been represented since 1974 by Hoover Dawahare, who has served on Highways and Traffic Safety, Labor and Industry, Banking and Insurance, Counties and Special Districts, Natural Resources and Environment, Transportation, and Appropriations and Revenue committees; and

WHEREAS, representing the 4th legislative district of Crittenden, Livingston and McCracken counties, Joel Ellington has been a member of this body since 1980 and has unselfishly served his constituents on Rules, Education, Health and Welfare, and Labor and Industry committees; and

WHEREAS, the distinguished gentleman from the 100th legislative district, Charles R. Holbrook III, has been a member of this august body since 1972 and has represented the concerns of the citizens of Boyd and Greenup counties on the following committees: Rules, Enrollment, Cities, Banking and Insurance, Judiciary, Public Utilities and Transportation, Judiciary-Statutes and Judiciary-Civil; and

WHEREAS, Edward L. Holloway was sent to the General Assembly by the voters of the 47th district in Jefferson County in 1970 and has earned a reputation for his dedication and hard work on the Rules, Appropriations and Revenue, Banking and Insurance, Cities, Labor and Industry, Public Utilities and Transportation, and Judiciary-Criminal committees; and

WHEREAS, Alice H. "Dolly" McNutt, the revered lady from McCracken 3, has served her constituency through appointments to the legislative committees on Appropriations and Revenue, Cities, Health and Welfare, Judiciary-Courts, Business Organizations and Professions, Transportation, Judiciary-Criminal, Banking and Insurance and Labor and Industry; and

WHEREAS, Campbell and Kenton counties have been ably represented in the 67th legislative district by Terry L. Mann, who devoted his energies to his committee assignments on Rules, Business Organizations and Professions, Education, and Energy; and

WHEREAS, serving in the General Assembly in 1974 and returning in 1978, Virgil L. Pearman has labored for the citizens of the 26th legislative district in Hardin and Larue counties while serving on the following committees: Agriculture and Natural Resources, Banking and Insurance, Counties and Special Districts, Highways and Traffic Safety, Agriculture and Small Business and Transportation; and

WHEREAS, the honorable Herman W. Rattliff of Campbellsville has served with distinction the constituents of Green, Metcalfe and Taylor counties since 1968 and has devoted his energies to the Rules, Agriculture and Natural Resources, Counties and Special Districts, Highways and Traffic Safety, Agriculture and Small Business, Transportation, and State Government committees, as well as serving as caucus chairman since 1976; and

WHEREAS, the 15th legislative district comprised of McLean and Muhlenberg counties has been ably represented since 1978, including a previous term in 1974, by Judge William Phillip Stone, who has shared his invaluable knowledge on the following committees: Agriculture and Natural Resources, Counties and Special Districts, Judiciary, Natural Resources and Environment, and Judiciary-Civil; and

WHEREAS, the honorable Sam B. Thomas has devoted the last fourteen years to serving the 24th legislative district, entering the General Assembly in 1972 to represent Hart, Larue and Marion counties on the Enrollment committee and Business Organizations and Professions, Highways and Traffic Safety, Public Utilities and Transportation, Elections and Constitutional Amendments, Energy and Transportation committees; and

WHEREAS, David L. Williams has represented the 53rd district of Clinton, Cumberland, Russell and Wayne counties, ably serving his constituents on the Education and Judiciary-Civil committees;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House hails its distinguished colleagues for their many years of dedicated service to the citizens of the Commonwealth.

Section 2. That the members of this honorable body express their profound gratitude to fellow Representatives Brinkley, Brown, Caldwell, Clapp, Dawahare, Ellington, Holbrook, Holloway, McNutt, Mann, Pearman, Rattliff, Stone, Thomas and Williams for their immeasurable contributions to the state of Kentucky.

Section 3. That the House recognizes as outstanding citizens and statesmen William Brinkley, Frances Brown, Barry Caldwell, Lloyd Clapp, Hoover Dawahare, Joel Ellington, Charles Holbrook, Edward Holloway, Dolly McNutt, Terry Mann, Virgil Pearman, Herman Rattliff, Phillip Stone, Sam Thomas and David Williams.

Section 4. That the House extends its sincerest wishes for the successful future endeavors of its retiring members.

Section 5. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Wednesday, March 19, 1986, it does so in honor of its retiring members.

Section 6. That the Clerk of the House is hereby directed to transmit a copy of this resolution to each Representative honored herein.

On the roll call the vote was: Yeas 88, Nays 0. (See March 19, 1986, roll call on HR 158—Appendix A.)

HR 158 was adopted and the title agreed to.

Speaker Pro Tempore Worthington presiding.

HJR 80 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that HJR 80 be passed.

On the roll call the vote was: Yeas 79, Nays 7. (See March 19, 1986, roll call on HJR 80—Appendix A.)

HJR 80 was passed and the title agreed to.

Representative Burch moved that the vote by which HJR 80 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 271, with Committee Amendments and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved the adoption of the Committee Amendment No. 1 to SB 271. Agreed.

Representative Barrows moved the adoption of the Committee Amendment No. 2 to SB 271. Agreed.

Representative Holbrook moved that SB 271, as amended, be passed.

Representative Dawahare moved the adoption of the Floor Amendment No. 2 to SB 271.

Representative Stumbo inquired whether Floor Amendment No. 2 was germane to SB 271.

The Chair ruled Floor Amendment No. 2 to SB 271 was not germane.

Representatives Maggard and J. Harper appealed the ruling of the Chair.

On the roll call the vote was yeas 41—Arnold, Bendl, Bennett, Blandford, Bronger, M. Brown, Bruce, Burch, Clapp, L. Clark, P. Clark, Clarke, Crupper, Curd, Donnermeyer, Farrow, Freibert, Gregory, K. Harper, Heleringer, Johnson, R. Jones, T. Jones, Lear, Long, Lyne, Mack, Mann, McBee, McNutt, Meyer, Morris, Nett, Pearman, Pritchett, Rapier, Rattliff, Reinhardt, Stone, Stumbo, Worthington. Nays 24—Blevins, Brinkley, Burnette, Cline, Cyrus, Dawahare, Deskins, Ellington, Gedling, Gray, J. Harper, Holloway, Keith, Kerr, Lefevers, Little, Maggard, Noland, Siler, Stewart, Strong, Thomas, Todd, Williams.

The ruling of the Chair that Floor Amendment No. 2 to SB 271 was not germane was upheld.

On the roll call the vote was: Yeas 92, Nays 4. (See March 19, 1986, roll call on SB 271—Appendix A.)

SB 271, as amended, was passed and the title agreed to.

Representative Holbrook moved that the vote by which SB 271, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 250 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Meyer moved that SB 250 be passed.

Representative Guenthner moved that SB 250 be laid on the Clerk's desk.

On the roll call the vote was yeas 74—Allen, Arnold, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Burch, Caldwell, Clapp, L. Clark, Cline, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Guenthner, Handy, J. Harper, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, T. Jones, Keith, Layman, Lear, Lefevers, Lile, Little, Lyne, Maggard, McBee, McNutt, Meyer, Moberly, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Siler, Stewart, Stone, Strong, Thomas, Todd, Turner, Williams, Worthington, Yates. Nays 18—Barrows, Bronger, Bruce, P. Clark, Cowan, Hancock, K. Harper, Head, R. Jones, Kerr, LeMaster, Long, Mann, Morris, Scorsone, Seum, Stumbo, White.

The motion that SB 250 be laid on the Clerk's desk was adopted.

HB 741, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riner moved the adoption of the Committee Substitute to HB 741. Agreed.

Representative Riner moved that HB 741, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 93, Nays 1. (See March 19, 1986, roll call on HB 741—Appendix A.)

HB 741, by way of Committee Substitute, was passed.

Representative Riner moved the adoption of the Committee Title Amendment to HB 741. Agreed; and the title was agreed to.

Representative Riner moved that the vote by which HB 741, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 938 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 938 be passed.

On the roll call the vote was: Yeas 78, Nays 17. (See March 19, 1986, roll call on HB 938—Appendix A.)

HB 938 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 938 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 10, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 10 is as follows:

Amend printed copy of HB 10 as follows:

On page 1, line 2, beginning with the comma (,) after the word, sheriff and continuing through to the comma (,) after the word, governments by deleting all of this language in its entirety;

and on page 1, line 10, beginning with the comma (,) after the word, county and continuing through to the comma (,) after the word, governments;

and on line 11, by deleting all of this language in its entirety.

Representative Jensen moved that the House concur in the Senate Amendment No. 1 to HB 10. Agreed.

Representative Jensen moved that HB 10, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 91, Nays 3. (See March 19, 1986, roll call on HB 10—Appendix A.)

HB 10, as amended by the Senate, was passed and the title agreed to.

Representative Jensen moved that the vote by which HB 10, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 285, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 285 is as follows:

Amend printed copy of HB 285:

on page 1, line 11, by deleting after the word "*program;*" the following: "*and*"

on page 1, line 14, by inserting after the word "*Commonwealth*" the following: "*;(4) Regulations which would be necessary to take advantage of lessened regulatory requirements allowed by federal regulations; and*

(5) Regulations which would allow the remining of previously affected coal mining areas, including secondary coal recovery operations, such as coal extraction from coal refuse piles and coal recovery from slurry ponds

on page 2, line 5, by deleting after the word "*program;*" the following: "*and*"

on page 2, line 8, by inserting after the word "*Commonwealth*" the following: "*; (4) Regulations which would be necessary to take advantage of lessened regulatory requirements allowed by federal regulations; and*

(5) Regulations which would allow the remining of previously affected coal mining areas, including secondary coal recovery operations, such as coal extraction from coal refuse piles and coal recovery from slurry ponds

on page 2, line 20, by deleting after the word "*program;*" the following: "*and*"

on page 2, line 23, by inserting after the word "*Commonwealth*" the following: "*; (4) Regulations which would be necessary to take advantage of lessened regulatory requirements allowed by federal regulations; and*

(5) Regulations which would allow the remining of previously affected coal mining areas, including secondary coal recovery operations, such as coal extraction from coal refuse piles and coal recovery from slurry ponds"

Representative Rose moved that the House concur in the Senate Amendment No. 1 to HB 285. Agreed.

Representative Rose moved that HB 285, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 83, Nays 6. (See March 19, 1986, roll call on HB 285—Appendix A.)

HB 285, as amended by the Senate, was passed and the title agreed to.

Representative Rose moved that the vote by which HB 285, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 571, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 571 is as follows:

Amend printed copy of HB 571:

On page 2, line 20, by inserting after the word "*reinstated*" the following: "*within ten (10) days*"; and

on page 2, line 20, after the (.) by inserting the following:

"*As soon as the treasurer is reinstated, the acting county treasurer shall cease to act as county treasurer and shall turn over to the county judge/executive all records and accounts and shall make a final settlement with the fiscal court within thirty (30) days*"

Representative Arnold moved that the House concur in the Senate Amendment No. 1 to HB 571. Agreed.

Representative Arnold moved that HB 571, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 19, 1986, roll call on HB 571—Appendix A.)

HB 571, as amended by the Senate, was passed and the title agreed to.

Representative Arnold moved that the vote by which HB 571, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker resumed the Chair.

SB 86, with House Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Stumbo moved that the House refuse to recede in the House Floor Amendments to SB 86. Agreed.

Motions, Petitions and Communications

The following Floor Amendments were filed to Bills and Resolutions:

Floor Title Amendment to SB 159, by Representative Stumbo:

Amend printed copy of SB 159:

On page 1, line 2, of the title before "officials" by deleting "statewide" and inserting in lieu thereof "state".

Floor Amendment No. 1 to HB 919, by Representative Stumbo:

Amend printed copy of HB 919:

On page 114, by inserting the following after line 9,

"SECTION 63. A NEW SECTION OF KRS CHAPTER 416 IS CREATED TO READ AS FOLLOWS:

(1) Whenever any entity which has been granted the power of eminent domain confers a benefit upon a landowner, it shall not discriminate to the detriment of any other landowner in the area being served by such entity if the other landowner is in like or similar circumstances and requests that such benefit be conferred.

(2) Any entity discriminating to the detriment of any landowner shall be liable in damages for the difference in fair market value of the property with the benefit conferred and the fair market value of the property without the benefit conferred."

on page 114, line 10, by changing "Section 63" to "Section 64".

Floor Amendment No. 1 to HB 170, by Representative L. Clark:

Amend printed copy of HB 170:

On page 1, line 12, by inserting after "*inspectors*" and before the word "*engaged*", the words:

"*, one of whom shall be employed by a governmental entity and the other who shall be an independent contractor*";

On page 1, line 12 and 13 replace the words "*electrical inspection*" by the words: "*inspecting electrical installations*".

Floor Amendment No. 4 to the Committee Substitute to SB 120, by Representative LeMaster:

Amend printed copy of Committee Substitute for SB 120:

on page 1, line 14, after the word "*the*" by deleting the rest of said line and inserting "*transportation cabinet*" in lieu thereof.

on page 1, line 15, by deleting the line in its entirety.

on page 1, line 16, by deleting the words "*vehicle is towed or transported*".

on page 1, line 18, after "*281*" by deleting the words "*and the first*".

on page 1, line 19, by deleting said line in its entirety.

on page 1, line 20, by deleting the words "*vehicle or carrier*".

on page 2, line 2, after the word "*record*" by deleting the words "*and first*".

on page 2, line 3, by deleting the word "*lienholder*".

on page 2, line 6, after the "." by deleting the rest of said line.

on page 2, lines 7 through 12, by deleting said lines in their entirety.

on page 2, line 20, by deleting said line in its entirety.

on page 2, line 21, by deleting the words "*of said vehicle or carrier*"

on page 3, line 16, after the word "owner" by deleting the words "*and first lienholder*".

Floor Amendment No. 1 to HB 869, by Representative Rose:

Amend printed copy of HB 869:

on page 1, line 13, by deleting before the word ", within" the following: "*alleged violation occurred*" and by inserting the following: "*mine is located*".

Floor Amendment No. 1 to HB 967, by Representative Maggard:

Amend printed copy of HB 967:

On Page 3, after line 23:

Insert the following: " Section 3. KRS 18A.115 is amended to read as follows:

(1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The general assembly and employes of the general assembly including the employes of the legislative research commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staff of the governor, the lieutenant governor, the office of the secretary of the governor's cabinet, and the office of program administration;

(e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television;

(f) Employes of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employes for employment, dismissal and setting of compensation, up to the maximum established for the executive director and his principal assistants;

(g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;

(h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size or complexity of the unit involved are such that the commissioner approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the commissioner;

(i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;

(j) Physicians employed as such;

(k) One (1) private secretary for each person exempted under subsections (1)(e), (1)(g) and (1)(h) of this section;

(l) The judicial department, referees, receivers, jurors, and notaries public;

(m) Officers and members of the staffs of state universities and colleges and student employes of such institutions; officers and employes of the teachers' retirement system; and officers, teachers, and employes of local boards of education;

(n) Patients or inmates employed in state institutions;

(o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the general assembly, or a committee thereof, or by authority of the governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45.700 to 45.720;

(p) Seasonal, temporary, and emergency employes;

(q) Federally funded time-limited employes;

(r) Officers and members of the state militia;

(s) State police troopers and sworn officers in the department of state police, justice cabinet;

(t) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program approved by the commissioner;

(u) Superintendents of state mental institutions, including heads of mental retardation centers, and penal and correctional institutions as referred to in KRS 196.180(2);

(v) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;

(w) County and commonwealth's attorneys and their respective appointees [~~;~~

~~(x) Chief district engineers and the state highway engineer~~].

(2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.

(3) Nothing herein is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(4) Classified employes with status promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified pursuant to KRS 18A.130 and 18A.135.

(5) Nothing herein shall be construed as precluding appointing officers from filling nonclassified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.".

Floor Amendment No. 2 to HB 503, by Representative McBee:

Amend printed copy of HB 503:

On page 18, starting on line 13, after the word "manufacture." by placing brackets around and striking through the words:

"Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;"

Floor Amendment No. 3 to HB 833, by Representative Stone:

Amend printed copy of HB 833:

On page 4, line 1, by deleting it in its entirety.

Floor Amendment No. 4 to SB 152, by Representative Maggard:

Amend printed copy of GA copy of SB 152:

On page 1, after line 20, add the following:

"Section 2. KRS 158.175 is amended to read as follows:

(1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of

religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.

(2) By August 1, 1980, the board of education of each public local school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day.

(3) At the commencement of the first class of each day in all public schools, the teacher in charge of the room may announce that a moment of silence not to exceed one minute in duration shall be observed."

Floor Amendment No. 1 to HB 558, by Representative Burnette:

Amend printed copy of HB 558:

On page 1, after line 19 by adding:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) "Eligible small business" means any person who has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices and operating facilities in this state and transacts business in this state;

(c) Employs fewer than the equivalent of fifty (50) full-time employes, the majority of whom are residents of Kentucky;

(d) Has gross earnings that do not exceed one million dollars ($1,000,000) annually;

(e) Is organized for profit or is organized as a cooperative;

(f) Holds no position as officer or director of an eligible lending institution, except that directors of a farm cooperative may participate as borrowers.

(2) "Eligible agri business" means any person who has all of the following characteristics:

(a) Is actively engaged in agricultural endeavors;

(b) Shows gross earnings not in excess of one million dollars ($1,000,000) annually;

(c) Derives at least one-half (1/2) of annual gross income from farming and not more than sixty thousand dollars ($60,000) annual net income from all other sources; and

(d) Holds no position as officer or director of an eligible lending institution, except that directors of a farm cooperative may participate as borrowers.

(3) "Eligible lending institution" means:

(a) A qualified public depositor or financial institution which is eligible to make commercial loans, which chooses to participate in the linked investment program, and which agrees to lend the value of such deposits to small businesses/agri businesses at a reduced interest rate calculated by the state investment commission according to the provisions of Section 4, subsection (3) of this Act; or

(b) An institution of the farm credit system organized under the "federal farm credit act of 1971", 85 State. 583, 12 U.S.C.A. 2001, as amended which is eligible to make commercial loans, which chooses to participate in

the linked investment program, and which agrees to lend the value of such deposits to small businesses/agri businesses at a reduced interest rate calculated by the state investment commission according to the provisions of Section 4, subsection (3) of this Act.

(4) "Linked investment" means:

(a) A repurchase agreement placed by the state investment commission with an eligible lending institution at the rate designated according to the provisions of Section 4, subsection (3) of this Act; or

(b) An investment by the state investment commission in bonds, notes, debentures or other obligations or securities issued by the federal farm credit bank at a rate four hundred (400) basis points below current market rates. The state investment commission may invest in such obligations or securities prior to acceptance of an agricultural linked investment package.

SECTION 3. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) The state investment commission may invest in linked investments as provided for in KRS 42.510 as amended, provided that at the time of placement of the linked investment not more than ten percent (10%) of the state's funds determined by the state investment commission to be eligible for bank investments are so invested. The total amount so deposited at any one time shall not exceed, in the aggregate, one hundred million dollars ($100,000,000).

(2) One-half (1/2) of the total investment, or up to fifty million dollars ($50,000,000) shall be invested in low interest loans for agricultural endeavors. The investment vehicle for the agri business loans shall be either:

(a) The Commonwealth's master repurchase agreement negotiated as follows: an investment of one (1) year with a variable rate to be adjusted quarterly based upon the state investment commission's repurchase agreement rate. Any quarterly variations shall be passed on to the borrower. Loans may be renewed upon reapplication when continuing need is shown and as funds are available; or

(b) Bonds, notes, debentures or other obligations or securities issued by the federal farm credit bank, said investments to mature as determined by the state investment commission in accordance with the purposes of this Act.

(3) One-half (1/2) of the total investment, or up to fifty million dollars ($50,000,000) shall be invested in low interest loans for small business expansion or development. Insofar as possible, these funds shall be distributed evenly to each congressional district in the Commonwealth. The investment vehicle for the small business loans shall be the same as that provided for agri business loans in subsection (2) of this section.

(4) The state investment commission may accept or reject a linked investment package or any portion thereof, based on the ratio of state funds to be deposited to jobs sustained or created.

(5) Upon acceptance of the linked investment package or any portion thereof, the state investment commission may place a repurchase agreement with the eligible lending institution or invest in bonds, notes, debentures or other obligations or securities issued by the federal farm credit bank at the rate determined by the investment commission according to the provisions of Section 4, subsection (3) of this Act.

(6) The state investment commission reserves the right to alter the loan rate to the lender, not the borrower, if linked investment program auditors determine that the lending institution has violated standards of the low interest loan program.

(7) In considering which eligible small businesses/agri businesses should receive reduced rate loans, the state investment commission shall take the following conditions into consideration:

(a) The economic needs of the area in which the business is located;

(b) The number of in-state jobs to be created or preserved by the receipt of the loan;

(c) Current profitability of the enterprise;

(d) The historical ability of the borrower to prove his enterprise can be profitable;

(e) The evidence that the money saved on the reduced interest rate loan will provide a real and verifiable opportunity for current profitability; and

(f) Evidence that amount loaned will be used exclusively to finance in-state operations.

(8) The state investment commission, annually, by February 1, shall make a report on the linked investment program for the preceding year to the governor and to the leadership of the general assembly who shall, in turn, transmit it to the appropriate standing committees for consideration. The report must include information regarding the nature, terms, and amounts of the loans upon which the linked investments were based, and the eligible small businesses/agri businesses who received the loans.

SECTION 4. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) Qualified public depositories in Kentucky shall have the option of participating in either the state investment commission's master repurchase agreement program, or the linked investment program exclusively.

(2) An eligible lending institution shall enter into a linked investment agreement with the state investment commission which shall include requirements necessary to carry out the purposes of the linked investment program. Such requirements shall be established in administrative regulations promulgated by the finance and administration cabinet.

(3) The eligible lending institution that desires to receive a linked investment shall agree to loan such funds to borrowers under the following terms:

(a) Maturity dates of the loan will be set as agreed to between the financial institution and the borrower; and

(b) The rate of interest on the loan made by a qualified public depository shall be four hundred (400) basis points below the state investment commission's repurchase agreement rate setting formula on the day the application is accepted or in the case of a federal farm credit institution four hundred (400) basis points from the eligible lending institution's base lending rate.

(4) An eligible lending institution that desires to receive a linked deposit shall accept and review applications for loans from eligible small and agri businesses. The lending institution shall assume all responsibility for credit underwriting, and shall apply all usual lending standards to determine the creditworthiness of each applicant.

(5) The eligible lending institution shall forward to the state investment commission a linked investment loan package, in the form and manner as prescribed by the state investment commission. The package shall include such information as required by the state investment commission, including the amount of the loan requested and the number of jobs to be created or sustained by each eligible small business/agri business.

(6) The eligible lending institution shall charge no penalty for early payback of the linked deposit loan.

(7) Applications for renewal of repurchase agreements shall be accompanied by a status report on linked deposit loans.

(8) The eligible lending institution is responsible for payback on the retirement of any loan made under the linked deposit program.

(9) No loan may exceed one hundred thousand dollars ($100,000) in state money.

(10) The eligible lending institutions shall charge a closing fee, payable on the closing date, of one-quarter (1/4) percentage point of the loan amount. This fee shall be forwarded to the state treasurer to be used to pay the costs of operating and auditing this program. An interest surcharge of up to one and two (2) percentage points may be added to the interest rate by the eligible lending institution to cover its cost of operating the program, the provisions of subsection (3) of this Section not withstanding.

(11) The state and the state investment commission are not liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible small or agri business. Any delay in payments or default on the part of a borrower does not in any manner affect the deposit agreement between the eligible lending institution and the state.

SECTION 5. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) Monies obtained from the linked investment loan program by eligible small and agri businesses may be used for annual working capital for production costs, interest costs, capital expense, and debt refinancing. In no case shall monies obtained from the linked investment loan program be used to purchase stock in any eligible lending institution.

(2) Eligible small and agri businesses who have obtained business loans prior to November 1, 1985, shall be allowed to refinance prior loans under the terms of the linked investment program. The borrower shall not be charged any penalty for the refinancing at the same lending institution.

SECTION 6. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) Applications for linked investment loans shall:

(a) Be made on forms of lending institution which include financial statement of borrower;

(b) Include most recent federal income tax form 1040, pages one (1) and two (2), and Schedule F; and,

(c) Include statement from lending institution's chief executive officer or his designee that the loan conforms to the intent of the program.

(2) Whoever knowingly makes a false statement concerning an application for a linked investment loan shall be charged with the offense of issuing a false financial statement, and will be subject to the penalty provided for such offense in KRS 411.070.

SECTION 7. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) The linked investment loan program shall be monitored by the department of financial institutions, the departments of agriculture and commerce, and by the finance and administration cabinet.

(2) The treasury of the Commonwealth shall provide primary administrative support for the program at the direction of the state investment commission.

(3) The finance and administration cabinet is hereby authorized to promulgate rules and regulations necessary to the proper administration of the linked investment program.

Section 8. KRS 42.510 is amended to read as follows:

(1) The state investment commission shall, in a timely manner, consistent with the goal of maximizing the return on invested funds, fix the rate of interest to be paid by qualified public depositories upon investment deposits.

(2) Time deposits in Kentucky depositories made pursuant to this chapter shall bear interest at a rate which would be equal to one hundred percent (100%) of the average full fair market rate of interest for such deposits in Kentucky and contiguous states determined from quotes from not less than seven (7) banks, at least four (4) of which shall be Kentucky banks. Those rates shall be recorded by the state investment commission.

(3) The state investment commission may invest through eligible lending institutions as defined in Section 2, subsection (3) of this Act, in a linked investment program to provide low cost funds for reduced rate loans to eligible small businesses and agri businesses. The linked investment program loan rate shall be fixed by the state investment commission in the manner provided under Section 4, subsection (3) of this Act.

Section 9. KRS 42.520 is amended to read as follows:

(1) The state investment commission shall assign public funds to public depositories by priority based on evidence that the public depository serves the convenience and economic development needs of the communities in which they are chartered to do business. The convenience and needs of communities include the need for credit services as well as deposit services.

(2) The state investment commission shall only assign priorities to public depositories on the basis of compliance with regulations promulgated pursuant to KRS Chapter 13A.

(3) The state investment commission may invest through eligible lending institutions, as defined in Section 2, subsection (3) of this Act, in a linked investment program, and shall assign priority to borrowers based on the provisions of Section 3, subsection (7) of this Act.

Section 10. The provisions of Section 2 through 9 of this Act shall expire on June 30, 1988."

Floor Amendment No. 2 to HB 985, by Representative Deskins:

Amend printed copy of HB 985:

on page 1, lines 5 and 6, by deleting "*be designed to burn coal*" and substitute therefor "*utilize Kentucky energy resources to the maximum extent feasible*" and

on page 1, line 10, by deleting "*be designed to burn coal*" and substitute therefor "*utilize Kentucky energy resources to the maximum extent feasible*"

Floor Amendment No. 1 to Committee Amendment No. 2 to HB 678, by Representative Riner:

Amend printed copy of Committee Amendment to HB 678:

On page 1, line 5, after "*Africa*" and before the comma, by inserting "*or Angola*"; and on

Line 8, after "*Africa*" and before "*which*" by inserting "*or Angola*"; and on

Page 2, line 4, after "*Africa*" and before "*which*" by inserting "*or Angola*"; and on

Line 10, after "*Africa*" and before "*which*" by inserting "*or Angola*".

Floor Amendment No. 5 to SB 152, by Representative R. Jones.

Amend printed copy of GA copy of SB 152:

On page 1, after line 20, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or upon request of the statewide professional educational association having the largest paid membership, the superintendent of public instruction may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff.''

Floor Amendment No. 1 to the Committee Substitute to HB 467, by Representative Kerr:

Amend printed copy of Committee Substitute to HB 467:

On page 28, after line 14, by inserting the following:

''SECTION 39. KRS 394.095 IS REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) Every will shall be revoked by the divorce of the person who made the will, except a will made in exercise of a power of appointment when the estate thereby appointed would not, in default of such appointment, pass to the heir, personal representative, or next of kin of the person who made the will, and except a will which made no bequest or devise to the former spouse.

(2) This section shall apply to wills executed prior to July 15, 1982.''; and

on page 28, line 15, by changing ''Section 39'' to ''Section 40''.

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Postings of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Resolutions

HR 159, by Representative Hines: A RESOLUTION adopting the modern version of the state song ''My Old Kentucky Home.''

HR 160, by Representative Yates, Bronger, Heleringer, Guenthner, L. Clark, Nett, Burch, Holloway, Riner, Johnson, and O'Brien: A RESOLUTION urging the fiscal court of Jefferson County to continue funding for the transportation of school children in grades eight and below:

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: SB 8, SB 286.

Education: SB 81, SB 117.

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Education: HB 159, HB 299, HB 351, HB 370, HB 373, HB 593, HB 671, HB 746, HB 751, HJR 100.

Report of Committees

The Committee on Appropriations and Revenue reported HB 234 with Committee Amendments and Committee Substitute attached thereto, HB 546 with Committee Substitute attached thereto, and SB 325 with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to HB 234 is as follows:

HB 234, AN ACT relating to usage of atmospheric fluidized bed combustion technology.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) "Fluidized bed energy production facility" shall mean any facility or property, located in this state, which is fueled by Kentucky coal and which employs atmospheric fluidized bed combustion technology, installed on or after August 1, 1986, to burn said coal for the purpose of producing thermal, mechanical or electrical enegry. The energy produced through the employment of the atmospheric fluidized bed combustion technology must constitute the major energy source for the primary operations of the facility.

(2) "Atmospheric fluidized bed combustion technology tax exemption certificate" shall mean that certificate issued by the revenue cabinet pursuant to Section 2 of this Act.

SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

(1) Application for an atmospheric fluidized bed combustion technology tax exemption certificate shall be filed with the revenue cabinet in such manner and in such form as may be prescribed by regulations issued by the revenue cabinet and shall contain plans and specifications of the structure including all materials incorporated and to be incorporated therein and a descriptive list of all equipment acquired or to be acquired by the applicant for the purpose of installing an atmospheric fluidized bed combustion unit to reduce the sulfur emissions from coal combustion and any additional information deemed useful by the revenue cabinet for the proper administration of this Act. The energy cabinet shall provide technical assistance and factual information as requested in writing by the revenue cabinet. If the revenue cabinet finds that the facility qualifies as a fluidized bed energy production facility, it shall enter a finding and issue a certificate to that effect. The effective date of said certificate shall be the date of issuance of said certificate.

(2) Before issuing an atmospheric fluidized bed combustion technology tax exemption certificate, the revenue cabinet shall give notice in writing by mail to the secretary of the energy cabinet and shall afford to the applicant and to the secretary of the energy cabinet an opportunity for a hearing. The hearing shall take place within sixty (60) days following notification. The secretary of the energy cabinet along with the applicant shall be notified of the hearing at least two (2) weeks prior to the hearing. On like notice and opportunity for a hearing the revenue cabinet shall on its own initiative revoke such certificate whenever any of the following appears:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation or acquisition of the atmospheric fluidized bed combustion unit; or

(c) The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of generating energy.

(3) Where the circumstances so require, the revenue cabinet, in lieu of revoking such certificate, may modify the same.

(4) On mailing of notice of the action of the revenue cabinet revoking or modifying a certificate as provided in subsection (5) of this section, such certificate shall cease to be in force or shall remain in force only as modified as the case may require.

(5) An atmospheric fluidized bed combustion technology tax exemption certificate, when issued, shall be sent by certified mail to the applicant and the notice of such issuance in the form of certified copies thereof shall be sent to the secretary of the energy cabinet. Notice of an order of the revenue cabinet denying, revoking, or modifying a certificate in the form of certified copies shall be sent by certified mail to the applicant or the holder and shall be sent to the secretary of the energy cabinet. The applicant or holder and the secretary of the revenue cabinet are deemed parties for the purposes of the review afforded by subsection (6) of this section.

(6) Any party aggrieved by the issuance, refusal to issue, revocation, or modification of an atmospheric fluidized bed combustion technology tax exemption certificate may appeal from the final ruling of the revenue cabinet to the Kentucky board of tax appeals as provided in KRS 131.340.

(7) In the event of the sale, lease, or other transfer of an atmospheric fluidized bed combustion unit, not involving a different location or use, the holder of the atmospheric fluidized bed construction technology tax exemption certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate would be obligated to pay taxes on such facilities. The transferee shall become the holder of the certificate and shall have all rights pertaining thereto, effective as the date of transfer, together with a copy of the instrument of transfer to the revenue cabinet.

(8) In the event an atmospheric fluidized bed combustion unit for which an exemption certificate is held ceases to be used for the purpose of generating energy or is used for a purpose other than that for which the exemption certificate was granted, the holder of the certificate shall give written notice by certified mail of such change to the energy and revenue cabinets.

(9) The atmospheric fluidized bed combustion technology tax exemption certificate, upon approval, shall exempt said facilities from taxes outlined in the provision of this Act and KRS Chapters 132, 136, 138 and 139. Each exemption certificate shall remain in force for a period of five (5) years from the date of issuance and at the end of said period shall lapse. Any atmospheric fluidized bed combustion unit previously exempt under the terms of this Act shall not be eligible for re-certification upon completion of the five (5) year certificate period.

Section 3. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations;

(10) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(11) Tombstones and other memorial grave markers; and

(12) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of such facilities;

(13) Gasoline, special fuels, and liquefied petroleum gas used to operate or propel stationary engines or tractors for agricultural purposes. As used in this subsection:

(a) "Gasoline" is defined as in KRS 138.210(4);

(b) "Special fuels" is defined as in KRS 138.560(3);

(c) "Liquefied petroleum gas" is defined as in KRS 234.100(1); and

(d) "Agricultural purposes" is defined as in KRS 138.343(4);

(14) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but does not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;

(15) Any property which has been certified as an alcohol production facility as defined in KRS 247.910; and

(16) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property for hire. Nominal intrastate use will not subject the property to the taxes imposed by this chapter.

(17) Any property which has been certified as a fluidized bed energy production facility as defined in Section 1 of this Act.

Section 4. KRS 136.070 is amended to read as follows:

(1) Every corporation organized under the laws of this state, every corporation having its commercial domicile in this state, and every foreign corporation owning or leasing property located in this state or having one (1) or more individuals receiving compensation in this state, except state and national banks and trust companies, savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, open-end registered investment companies organized under the laws of this state and registered under the investment company act of 1940, production credit associations, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, public service companies subject to taxation under KRS 136.120, those corporations exempted by section 501 of the Internal Revenue Code, any property or facility which has been certified as an alcohol production facility as defined in KRS 247.910, *any property or facility which has been certified as a fluidized bed energy production facility as defined in Section 1 of this Act,* and any other religious, educational, charitable or like corporations not organized or conducted for pecuniary profit, shall pay to the state an annual license tax of two dollars and ten cents ($2.10) on each one thousand dollars ($1,000) of the capital employed in the business as computed under the provisions of subsections (2) and (3) of this section, subject to the credit provided in subsection (6) of this section.

(2) (a) The term "capital" as used in this section means capital stock, surplus, advances by affiliated companies, intercompany accounts, borrowed monies or any other accounts representing additional capital used and employed in the business. Accounts properly defined as "capital" in this section shall be reported at the value reflected on financial statements prepared for book purposes as of the last day of the calendar or fiscal year.

(b) "Capital employed," in the case of corporations having property or payroll only in this state, means "capital" as defined above.

(c) "Capital employed," in the case of corporations having property or payroll both within and without this state means "capital" as defined above and as apportioned under subsection (3) of this section.

(d) Property means either real property or tangible personal property which is either owned or leased. Payroll means compensation, paid to one (1) or more individuals, as described in subsection (3) of this section. Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction.

(3) The total capital, as determined under subsection (2) of this section, shall be apportioned as follows:

(a) The total capital shall be multiplied by a fraction, the numerator of which is the property factor plus the payroll factor, plus the sales factor, and the denominator of which is three (3); provided, however, that effective with taxable years beginning after July 31, 1985, in lieu of the equally weighted three (3) factor apportionment fraction based on property, payroll, and sales, an apportionment fraction composed of a sales factor representing fifty percent (50%) of the fraction, a property factor representing twenty-five percent (25%) of the fraction, and a payroll factor representing twenty-five percent (25%) of the fraction shall be used.

(b) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period; provided, however, that property which has been certified as a pollution control facility as defined in KRS 224.850 shall be excluded from the property factor.

1. Property owned by the taxpayer is valued at its original cost. If the original cost of any property is not determinable or is nominal or zero, such property shall be valued by the cabinet under regulations promulgated by the cabinet. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals, provided that such rental and such subrentals are reasonable. If the cabinet determines that the annual rental or subrental rate is unreasonable, or if nominal or zero rate is charged, the cabinet may determine and apply such rental rate as will reasonably reflect the value of the property rented by the taxpayer.

2. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the cabinet may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(c) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid or payable everywhere during the tax period. Compensation is paid or payable in this state if:

1. The individual's service is performed entirely within the state; or

2. The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

3. Some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(d) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. Sales of tangible personal property are in this state if:

1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale;

2. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government; or

3. Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(4) If the apportionment provisions of this section do not fairly measure the taxpayer's capital in this state, the taxpayer may petition for or the cabinet may require:

(a) The exclusion of any one (1) or more of the factors;

(b) The inclusion of one (1) or more additional factors which will fairly measure the taxpayer's capital in this state; or

(c) The employment of any other method to produce an equitable apportionment of the taxpayer's capital.

(5) No corporation required to pay an annual license tax under this section shall pay less than thirty dollars ($30).

(6) Every corporation with a gross income of not more than five hundred thousand dollars ($500,000) shall be entitled to a credit equivalent to one dollar and forty cents ($1.40) per one thousand dollars ($1,000) of the initial three hundred and fifty thousand dollars ($350,000) of capital employed in the business, as computed under the provisions of KRS 136.070(2) and (3).

Section 5. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half (31-1/2) cents upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of all privately-owned leasehold interests in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five (25) cents upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowl, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81, fifteen (15) cents upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen (15) cents upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen (15) cents upon property which has been certified as a pollution control facility as defined in KRS 224.850, one-tenth of one cent ($.001) upon property which has been certified as an alcohol production facility as defined in KRS 247.910, *or as a fluidized bed energy production facility as defined in Section 1 of this Act,* twenty-five (25) cents upon each one hundred dollars ($100) of value of motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043, and forty-five (45) cents upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) An annual ad valorem tax for state purposes of one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten percent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) Thirty (30) cents of the thirty-one and one-half (31-1/2) cents state tax rate on real property and thirty (30) cents of the forty-five (45) cents state tax on tangible personalty subject to local taxation shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said districts as replacement for ad valorem taxes lost on property acquired by a governmental agency. Should the equivalency ever be less than thirty (30) cents, as certified by the department of education, the direct payments shall be reduced proportionately.

(7) The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that such increase exceeds the preceding year's assessment by more than four percent (4%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(8) By July 1 each year, the revenue cabinet shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020(6) and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessments for all counties have not been certified by July 1, the cabinet shall, when real property assessments of at least seventy-five percent (75%) of the total number of counties of the Commonwealth have been certified, make an estimate of the real property assessments of the uncertified counties and compute the state tax rate.

(9) In the event that the tax rate set by the cabinet as provided in subsection (8) of this section produces more than a four percent (4%) increase in real property tax revenues, the rate shall be adjusted in the succeeding year so that the cumulative total of each year's property tax revenue increase shall not exceed four percent (4%) per year.

(10) An ad valorem tax for state purposes on distilled spirits shall be levied according to the following rate schedule:

Calendar Year	Rate per $100 of Assessed Value
1982	$.225
1983	$.1125
1984 and after	$.001

Section 6. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowl;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half (1-1/2) cents on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half (4-1/2) cents on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies;

(8) All privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103;

(9) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(10) Property which has been certified as an alcohol production facility as defined in KRS 247.910;

(11) On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests;

(12) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(2) in determining the amount of county appropriation to the office of the property valuation administrator;

(13) Tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81;

(14) Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.450 based on the vehicle's fair market value at the time of sale.

(15) Property which has been certified as a fluidized bed energy production facility as defined in Section 1 of this Act.

The Committee on Appropriations and Revenue reported HB 696, HB 782 with Committee Substitute attached thereto, HB 892, SB 70 with Committee Amendment attached thereto, SB 95 with Committee Amendments attached thereto, SB 288 and SB 361 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 696, AN ACT relating to motor fuels taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 138.344 is amended to read as follows:

(1) Any person who shall purchase gasoline, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, *or in vehicles owned by non-profit arboretums or nature centers when the vehicles are used exclusively for non-profit purposes* shall be reimbursed for the full amount of the tax so paid on such gasoline; provided, however, that no refund shall be authorized unless applications therefor and all necessary information shall be filed with the revenue cabinet within ninety (90) days after the close of a calendar year during or in which such purchases were made; or at any time during the calendar year during or in which such purchase was made; and further provided that no refund shall be authorized for purchases of less than fifty (50) gallons.

(2) The only information to be required from the permit holder, by the revenue cabinet, in order that such refund may be allowed, is as follows:

(a) Name and address of permit holder _________ permit number ______

(b) Total number of gallons purchased ______ and total purchase price ______ (Invoices to be attached to refund application.)

(c) Total number of gallons used in tractors on highways ______.

(d) Total number of gallons on which refund is claimed ______ (Line b minus line c.)

HB 782, AN ACT relating to sales tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.485 is amended to read as follows:

(1) Except as otherwise provided, the terms "sale at retail," "retail sale," "use," "storage," and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of food for human consumption.

(2) The term "food" as used in subsection (1) of this section shall include:

(a) Cereals and cereal products;

(b) Milk and milk products;

(c) Meat and meat products;

(d) Fish and fish products;

(e) Eggs and egg products;

(f) Vegetables and vegetable products;

(g) Fruit and fruit products, including fruit juices;

(h) Sugar, sugar products and sugar substitutes; other than candy, confectionery and chewing gum;

(i) Coffee and coffee substitutes;

(j) Tea, cocoa and cocoa products; other than candy and confectionery;

(k) Spices, condiments, and salt;

(l) Oleomargarine.

(3) The term "food" as used in subsection (1) of this section shall not include:

(a) Candy, confectionery and chewing gum;

(b) Spirituous, malt, or vinous liquors;

(c) Cocktail mixes;

(d) Soft drinks, sodas, and similar beverages;

(e) Medicines, tonics, vitamins, and other dietary supplements;

(f) Water, mineral water, carbonated water and ice;

(g) Pet foods;

(h) Meals served on or off the premises of the retailer;

(i) Food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer;

(j) Food sold by retailers who ordinarily sell for consumption on or near the premises of the retailer even though such food is sold on a "take out" or "to go" order and is actually bagged, packaged or wrapped and taken from the premises of the retailer;

(k) Food sold through vending machines;

(l) Food sold by street vendors*; and*

(m) Bee pollen used as a natural food or food supplement.

The Committee Substitute to HB 782 is as follows:

HB 782, AN ACT relating to sales tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.485 is amended to read as follows:

(1) Except as otherwise provided, the terms "sale at retail," "retail sale," "use," "storage," and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of food for human consumption.

(2) The term "food" as used in subsection (1) of this section shall include:

(a) Cereals and cereal products;

(b) Milk and milk products;

(c) Meat and meat products;

(d) Fish and fish products;

(e) Eggs and egg products;

(f) Vegetables and vegetable products;

(g) Fruit and fruit products, including fruit juices;

(h) Sugar, sugar products and sugar substitutes; other than candy, confectionery and chewing gum;

(i) Coffee and coffee substitutes;

(j) Tea, cocoa and cocoa products; other than candy and confectionery;

(k) Spices, condiments, and salt;

(l) Oleomargarine*; and*

(m) Bee pollen used as a natural food or food supplement.

(3) The term "food" as used in subsection (1) of this section shall not include:

(a) Candy, confectionery and chewing gum;

(b) Spirituous, malt, or vinous liquors;

(c) Cocktail mixes;

(d) Soft drinks, sodas, and similar beverages;

(e) Medicines, tonics, vitamins, and other dietary supplements;

(f) Water, mineral water, carbonated water and ice;

(g) Pet foods;

(h) Meals served on or off the premises of the retailer;

(i) Food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer;

(j) Food sold by retailers who ordinarily sell for consumption on or near the premises of the retailer even though such food is sold on a "take out" or "to go" order and is actually bagged, packaged or wrapped and taken from the premises of the retailer;

(k) Food sold through vending machines;

(l) Food sold by street vendors.

HB 892, AN ACT relating to inheritance tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 140.080 is amended to read as follows:

(1) The following exemptions chargeable against the lowest bracket or brackets of inheritable interests shall be free from any tax under the preceding provisions of this chapter:

(a) Surviving spouse, total inheritable interest. *Effective as to decedents dying after August 1, 1985, notwithstanding anything in this chapter to the contrary, if the decedent's personal representative (or trustee or transferee, absent a personal representative) shall so elect, the spouse's inheritable interest shall include the entire value of any trust or life estate which is in a form that qualifies for the federal estate tax marital deductions under section 2056(b)(5) or 2056(b)(7) of the internal revenue code of 1954, as amended through December 31, 1984, regardless of whether or not the federal estate tax marital deduction is elected by the decedent's personal representative. To be valid, the election referred to in the sentence immediately preceding must be made in the form prescribed by the revenue cabinet and must be filed on or before the due date of the tax return (plus extensions) or with the first tax return filed, whichever last occurs*;

(b) 1. Infant child by blood or adoption, $20,000;

2. Child by blood who has been declared mentally disabled by a court of competent jurisdiction, $20,000; or a

3. Child adopted during infancy who has been declared mentally disabled by a court of competent jurisdiction, $20,000;

(c) 1. Parent, $5,000;

2. Child by blood, $5,000;

3. Stepchild, $5,000;

4. Child adopted during infancy, $5,000; or a

5. Grandchild who is the issue of a child by blood, or of a stepchild or of a child adopted during infancy, $5,000;

(d) All persons of Class B, under KRS 140.070, $1,000; and

(e) All persons of Class C, under KRS 140.070, $500.

(2) If the decedent was not a resident of this state, the exemption shall be the same proportion of the allowable exemption in the case of residents that the property taxable by this state bears to the whole property transferred by the decedent.

Section 2. KRS 140.100 is amended to read as follows:

(1) The department of insurance, on the application of the revenue cabinet, shall determine, and certify in duplicate to the cabinet, the value of any future or contingent estate, income or interest therein, limited, contingent, dependent or determinable upon the lives of persons in being, upon the facts contained in the application or other facts submitted by the cabinet. No fee shall be charged by the division for this service. The certificate shall be competent evidence that the method of computation therein is correct.

(2) The value of every future, contingent or limited estate, income or interest for the purpose of this chapter shall be determined by the rules, methods and standards of mortality and of value prescribed by the appropriate United States life mortality tables for ascertaining the value of life estates, annuities and remainder interests except that the rate of interest assessed in computing the present value of all future interests and contingencies shall be four percent (4%) per annum.

(3) When an annuity or a life estate is terminated by the death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of the interest for the purpose of taxation shall be that amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which the annuitant or life tenant was entitled to the annuity or was in possession of the life estate. The tax on such annuities and life interests shall be payable out of the corpus of the estate, unless otherwise provided under the terms of the will.

(4) Notwithstanding anything in this chapter to the contrary, the value of a surviving spouse's interest in a trust or life estate which was exempt from Kentucky inheritance tax in the first spouse's estate pursuant to an election made under KRS 140.080(1)(a) shall be deemed to be equal to the entire value of the property held in the trust or life estate, at the surviving spouse's death, for Kentucky inheritance tax purposes in the surviving spouse's estate.

Section 3. KRS 140.220 is amended to read as follows:

(1) A personal representative or trustee holding property subject to any of the taxes levied by this chapter shall not deliver the property until he has collected the tax thereon.

(2) When a specific bequest of personal property other than money is subject to the tax and the legatee neglects or refuses to pay the tax upon demand, the personal representative or trustee may, upon such notice as

the court having jurisdiction of the settlement of the estate may direct, be authorized to sell the property or, if it can be divided, such portion thereof as may be necessary. He shall deduct the tax from the proceeds of the sale, and account to the legatee for the balance, if any, of the proceeds, in lieu of the property.

(3) The personal representative or trustee shall collect the taxes due upon land or the proceeds of insurance policies that are subject to tax from the heirs or devisees entitled thereto, and he may be authorized to sell the land if they refuse or neglect to pay the tax.

(4) If any trust or life estate is subject to the taxes levied by this chapter by virtue of its inclusion in the decedent's estate under KRS 140.100(4), unless the decedent directs otherwise in his will, the personal representative of the decedent's estate shall be entitled to recover from the trust or life estate property that portion of the total taxes assessed against the decedent's estate under this chapter equal to the gross value of such trust or life estate property at the decedent's death divided by the value of the decedent's entire gross estate, such values to be as finally determined for purposes of this chapter.

SB 70, AN ACT relating to higher education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.2871 is amended to read as follows:

(1) The governing boards of each state institution of higher education are authorized to purchase liability insurance for the protection of the individual members of the governing boards, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.

(2) All retirement annuity allowances accrued or accruing to any employe of a state institution of higher education through a retirement program sponsored by the state institution of higher education are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

The Committee Amendment No. 1 to SB 70 is as follows:

Amend printed copy of SB 70:

On page 1, line 13, after the word "*a*" and before the word "*state*", by inserting *state agency or,*

line 15, before the word "*state*", by inserting *state agency or.*

SB 95, AN ACT making appropriations for the operations, maintenance, support and functioning of the legislative branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987, and for the fiscal year beginning July 1, 1987 and ending June 30, 1988 to be used for the purposes of the legislative branch of government of the Commonwealth of Kentucky including, but not limited to, the legislative sessions, interim committees, monthly expense allowance, Legislative Research Commission, legislative interns, electronic data processing, and facilities improvement:

	1986-87	1987-88
1. General Assembly	$ 5,318,200	$8,993,650

Included in the above appropriation are $39,400 in FY 1986-87 and $1,247,000 in FY 1987-88 for the employment of temporary personnel necessary for the operation of the 1987 organizational session and the 1988 session of the General Assembly. The number of temporary personnel hired for the 1988 General Assembly shall not exceed 290.

2. Legislative Research Commission	10,294,600	10,153,000

The total number of permanent full-time employes hired by the Legislative Research Commission with the above appropriation shall not exceed 221. Within this total, the permanent full-time employes assigned specifically to the House members of the Legislative Research Commission shall not exceed 19 and the employes assigned specifically to the Senate members of the Legislative Research Commission shall not exceed 10.

3. Board of Ethics	18,000	18,000
Total-legislative branch	$15,630,800	$19,164,650

Any unexpended balance remaining at the close of the 1986-87 fiscal year shall not lapse, but shall continue into the 1987-88 fiscal year. The specific allocation of these funds shall be made by the director of the Legislative Research Commission at the direction of the Legislative Research Commission.

PART II

TRUST AND AGENCY FUNDS

There is hereby appropriated to the Legislative Research Commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, and for fiscal year July 1, 1987 and ending June 30, 1988, all receipts of the Legislative Research Commission not otherwise disposed by law, and any unexpended balance remaining in the Legislative Research Commission's existing trust and agency accounts at the close of the fiscal years ending June 30, 1986 and June 30, 1987.

In the event the Legislative Research Commission receives receipts in excess of the amounts appropriated herein, the director of the Legislative Research Commission at the direction of the Legislative Research Commission may authorize the credit and expenditure of such trust and revolving or agency funds receipts for statutory purposes. The director of the Legislative Research Commission shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains such variations from the anticipated amount.

	1986-87	1987-88
Legislative Research Commission	$100,000	$100,000

PART III

FEDERAL FUNDS

There is appropriated to the Legislative Research Commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, and for the fiscal year beginning July 1, 1987 and ending June 30, 1988, federal subvention, grants, contracts and other federal funds received, income from investment and other miscellaneous federal receipts received by the Legislative Research Commission except as otherwise specifically provided, for the use and benefit of the Legislative Research Commission for the purposes for which its fund is authorized, and any unexpended balance remaining in the Legislative Research Commission's existing federal accounts at the close of fiscal years ending June 30, 1986 and June 30, 1987. All funds received shall be deposited in the state treasury and credited to the proper federal fund account as provided by law.

In the event the Legislative Research Commission receives monies in excess of the amounts appropriated herein, the director of the Legislative Research Commission at the direction of the Legislative Research Commission may authorize the credit and expenditure of such federal funds for statutory purposes. The director of the Legislative Research Commission shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year with an accompanying statement which explains such variations from the anticipated amount.

	1986-87	1987-88
Legislative Research Commission	$100	$100

PART IV

BUDGET REDUCTION PLAN

In accord with KRS 48.130, if the projected or actual general fund revenues are certified to be at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates, and if there are insufficient monies in the general fund surplus account the general fund allotment shall be reduced as follows:

	1986-87	1987-88
1. General Assembly		
a. Legislative Research Commission, legislative operations and administration	$389,800	$447,900
Total—legislative branch	$389,800	$447,900

PART V

BUDGET SURPLUS PLAN

In accord with KRS 48.140, if the projected or actual general fund revenues are certified to be up to two and one-half percent (2 1/2%) in excess of the tax receipt estimates, the general fund allotment shall be increased as follows:

	1986-87	1987-88
1. General Assembly		
a. Legislative Research Commission, legislative operations and administration	$389,800	$447,900
Total—legislative branch	$389,800	$447,900

PART VI

GENERAL PROVISIONS

1. The director of the Legislative Research Commission with the approval of the Legislative Research Commission may expend any of the funds appropriated for legislative operation and administration in any lawful manner and for any legal purpose which the commission shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the legislative branch of government.

2. The Director of the Legislative Research Commission shall submit monthly to the Legislative Research Commission a report listing all travel expenses reimbursed, travel related per diem, and any other travel related reimbursement for each General Assembly member and each employe of the Legislative Research Commission who was reimbursed during the previous month.

3. No member except the members of the Legislative Research Commission shall receive in any one fiscal year per diem compensation in excess of 7 days in connection with out-of-state travel unless prior written approval has been received from the Legislative Research Commission.

4. The Legislative Research Commission shall not incur any obligation for any program against the general fund appropriation contained herein unless such program may be reasonably determined to have been

contemplated by the proposed legislative budget, as modified and enacted, and supported by appropriate work papers and other records pertaining thereto.

5. The Legislative Research Commission shall cause the director of the Legislative Research Commission to prepare a final budget document reflecting the 1986-88 biennial budget of the legislative branch. A copy shall be provided to the Legislative Research Commission and an informational copy shall be furnished to the finance and administration cabinet within thirty (30) days of the adjournment of the 1986 session of the General Assembly.

The Committee Amendment No. 1 to SB 95 is as follows:

Amend printed copy of SB 95:

On page 2, line 5, by deleting the figure "10,294,600" and inserting in lieu thereof the figure "10,329,600", and by deleting the figure "10,153,000" and inserting in lieu thereof the figure "10,188,000".

line 13, after the words "shall not exceed 10." by inserting the following: "Also included in the above appropriation are research funds in the amount of $35,000 in FY 1986-87 and $35,000 in FY 1987-88 to be used at the discretion of the Legislative Research Commission for the Council of State Governments.",

line 15, by deleting the figure "$15,630,800" and inserting in lieu thereof the figure "$15,665,800", and by deleting the figure "$19,164,650" and inserting in lieu thereof the figure "$19,199,650".

The Committee Amendment No. 2 to SB 95 is as follows:

Amend printed copy of SB 95:

Page 4, line 26, by deleting line 26 in its entirety,

Page 5, lines 1 through 26, by deleting lines 1 through 26 in their entirety,

Page 6, lines 1 and 2, by deleting lines 1 and 2 in their entirety.

The Committee Amendment No 3 to SB 95 is as follows:

Amend printed copy of SB 95:

Page 2, line 6, by deleting "permanent full-time employes",

lines 7 and 8, by deleting lines 7 and 8 in their entirety, and

line 9, by deleting "total, the".

SB 288, AN ACT relating to state police disability retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 16.165 is amended to read as follows:

Any state police officer (as defined in KRS 16.010) who becomes disabled after July 1, 1977, as a direct result of an injury or disease arising out of the performance of a hazardous duty in the course of employment with the department may elect to be retained on the regular payroll of the department of state police subject to the following:

(1) Compensation paid to the officer by the department shall be adjusted and maintained at the officer's regular rate of pay based upon the officer's rank and tenure with the department, and shall include annual increments, salary adjustments, and other benefits of employment, provided, however, such compensation paid to the officer by the department shall be reduced by the amount of payments received by the officer from workers' compensation insurance, social security benefits and other federal or state financed disability programs designed to supplement the officer's income for which the officer is qualified and elects

participation. Final compensation shall not be reduced by payments for medical care. The disabled officer's regular rate of pay, without the reductions required by this subsection, shall be his creditable compensation for purposes of KRS 16.510 to 16.652.

(2) Such officer shall be assigned by the commissioner of the department of state police to a position in the department for which he is qualified, if the commissioner determines, based upon medical reports and recommendations submitted for that purpose, that the officer is able to perform limited duties. If it is determined that the officer is able to perform limited duties and refuses to accept an assignment from the commissioner, the officer shall not be eligible for the payment of compensation authorized by this section. If the commissioner determines that the officer is unable to perform limited duties, the officer shall be eligible for the payment of compensation authorized by this section without the performance of limited duties. Any officer adversely affected or aggrieved by a final determination of the commissioner pursuant to this section may appeal within thirty (30) days to the local circuit court.

(3) Payments made pursuant to this section shall continue until the officer is eligible for normal retirement allowances pursuant to KRS 16.576 or until the officer elects early retirement allowances pursuant to KRS 16.577 or disability retirement allowances pursuant to KRS 16.581 or KRS 16.591. If the officer receives pre-retirement payments under this section or KRS 16.167 and subsequently elects disability retirement, the effective date of his disability retirement shall be the first month following the month in which the officer last receives pre-retirement payments under this section or KRS 16.167, KRS 16.505(16) to the contrary notwithstanding.

(4) Any state police officer, disabled prior to July 1, 1977 as a result of severe physical injuries arising out of the performance of duty, who is unable to maintain gainful employment as a result of such injuries, but who was ineligible for retention on the regular payroll because of the date of his injury, shall, if his time in active service plus his time on disability retirement allowance equal the time necessary for normal retirement pursuant to KRS 16.505(15), have his retirement allowance increased to the amount he would receive, had he been retained on the regular payroll of the department pursuant to this section and had he subsequently elected normal retirement pursuant to KRS 16.576 when first eligible, but any survivor option which he chose at the time of disability retirement shall not be changed.

SB 361, AN ACT relating to industrial development and authorizing the establishment and financing by the Commonwealth of Kentucky of projects designed to promote such development and declaring an emergency.

WHEREAS, it is the public policy of the Commonwealth of Kentucky to encourage, engender, promote and support economic development, new job formation, the retention of existing industry and the development and growth of industry and commerce in the Commonwealth, for the public purposes of alleviating and preventing unemployment, stabilizing and promoting the economy of Kentucky as the economy is transformed from agrarian to industrial, and creating new tax bases to increase the revenues of the Commonwealth and its agencies and subdivisions for the economic, educational and social benefit of the citizens and residents of the Commonwealth; and

WHEREAS, the general welfare and well-being of the citizens of the Commonwealth is inextricably connected with and related to the economic opportunities which may be created and made available to them, and it is the legitimate business of Kentucky state government in an increasingly complex society, to provide, to the maximum extent practicable, the impetus for economic development in the Commonwealth by the creation and financing of programs which will directly and proximately cause the location and retention of industry in the Commonwealth; and

WHEREAS, it is essential to provide additional authority, procedures and techniques to enable the appropriate state agencies of Kentucky to induce and cause the location of major industry in the Commonwealth and to authorize the creation and financing of incentive programs for industry which will result in the creation of new employment opportunities for the citizens of the Commonwealth, the increase of the economic base of the Commonwealth, increased tax revenues to the Commonwealth and the general stabilization of the economy of Kentucky as it is transformed from agrarian to industrial, all of which are recognized as being vitally essential public purposes;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 56 IS CREATED TO READ AS FOLLOWS:

(1) It is hereby found, determined and declared as a legislative finding of fact that the general welfare and well-being of the citizens of the Commonwealth is inextricably connected with and related to the economic opportunities which may be created and made available to them and that it is the legitimate business of Kentucky state government in an increasingly complex society to provide to the maximum extent practicable the impetus for economic development in the Commonwealth by the creation and financing of programs which will directly and proximately cause the location of major industries in the Commonwealth.

(2) It is hereby further found, determined and declared as a legislative finding of fact that the establishment of major manufacturing, processing and assembling facilities on sites which may be acquired and developed by the Commonwealth for such uses will proximately result in increased tax revenues to the Commonwealth, as taxing entity, including state corporate income taxes, state income taxes paid by employes who work in such facilities, state property taxes, state corporation license taxes and state sales and use taxes, which would not be received by the Commonwealth but for the establishment of such manufacturing, processing and assembling facilities and which tax receipts are hereby found, determined and declared to constitute receipt of value by the Commonwealth for the lease or conveyance of any such sites, as developed and improved, to persons, firms and corporations establishing major manufacturing, processing and assembling facilities on such sites.

(3) It is the purpose of this Act to promote the gainful employment, business and economic development opportunities and general welfare of the citizens and residents of the Commowealth by the creation of authority to enable the Commonwealth to acquire real estate for use as manufacturing, processing and assembling sites, and to develop such sites for occupancy, use, lease or conveyance to industrial corporations, partnerships and other entities which will provide citizens and residents of the Commonwealth with employment opportunities and will provide to the Commonwealth additional tax revenues. The authority granted by this Act and the purposes to be accomplished by this Act are hereby declared to be public purposes for which public money may be expended. The general assembly hereby declares that financing the acquisition and development of sites for industries pursuant to this Act is governmental and public in nature.

Section 2. KRS 56.440 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the state property and buildings commission.

(2) "Real estate" includes lands together with improvements thereon and appurtenances thereto.

(3) "Building" includes any structure or improvement upon real estate of a permanent nature and additionally includes any sites, structures, equipment, machinery or devices for the purpose of establishing, developing or furthering television or related services in aid of education or in aid of any other proper public functions, whether or not the same would otherwise be legally defined as buildings; but only *(except for industrial development projects)* if used or to be used by the Commonwealth of Kentucky or one of its departments or agencies (not including independent municipal corporations or political subdivisions).

(4) "Building project" includes the construction, reconstruction and structural maintenance of buildings, the installation of utility services, including roads and sewers, and the purchase and installation of equipment, facilities and furnishings of a permanent nature for buildings, and the purchase and installation initially of movable equipment, furnishings and appurtenances necessary to make a building operable, and for television or related purposes as referred to in subsection (3) of this section, for use by the state government or one of its departments or agencies, not including any independent municipal corporation or political subdivision.

(5) "Industrial development project" means and includes the acquisition of any real estate and the construction, acquisition and installation thereon and with respect thereto of improvements and facilities necessary and useful for the improvement of such real estate for conveyance to or lease to industrial entities to be used for manufacturing, processing or assembling purposes, including surveys, site tests and inspections, sub-surface site work, excavation, removal of structures, roadways, cemetaries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communication and other similar facilities, off-site construction of utility extensions to the boundaries of such real estate, construction and installation of buildings including buildings to be used for worker training and education, rail facilities, roads, sidewalks, curbs and other improvements to such real estate necessary to its manufacturing, processing or assembling use by industrial entities; provided

that an industrial entity must have agreed with the commission, prior to the financing of an industrial development project, to develop, in conjunction with such industrial development project, manufacturing, processing or assembling facilities satisfactory to the commission.

(6) "Industrial entity" means any corporation, partnership, person or other legal entity, whether domestic or foreign, which will itself or through its subsidiaries and affiliates construct and develop a manufacturing, processing or assembling facility on the site of an industrial development project financed pursuant to this chapter.

(7) "Incremental taxes" means, for any fiscal year of the Commonwealth, that amount of money which is equal to all tax revenues received by the Commonwealth, as taxing entity, during such fiscal year in respect of an industrial development project and improvements and equipment thereon and the products thereof, and activities carried out by the occupants and users of such industrial development project, minus an amount equal to all tax revenues received by the Commonwealth, as taxing entity, in respect of the site of the industrial development project and the same type of taxable properties and activities during the fiscal year immediately preceding the fiscal year during which construction of the improvements undertaken by an industrial entity as a result of the financing of such industrial development project commenced. Incremental taxes shall include such tax revenues as state corporate income taxes, state income taxes paid by employes of manufacturing, processing and assembling facilities developed on the site of an industrial development project, state property taxes, state corporation license taxes and state sales and use taxes but shall not include any taxes levied specifically for educational purposes.

(8) "State agency" means any state administrative body, agency, department or division as defined in KRS 42.005, or any board, commission, institution, or division exercising any function of the state but which is not an independent municipal corporation or political subdivision.

(9)[~~(6)~~] "Cabinet" means the finance and administration cabinet.

Section 3. KRS 56.510 is amended to read as follows:

(1) In carrying out the purposes of KRS Chapter 56, and in providing for the expenditure of funds for the acquisition of real estate or for a building project for the state or for any state agency, the cabinet may find that the cost may be paid in whole or in part (a) out of the funds appropriated specifically for capital outlay purposes, or (b) out of funds directly appropriated to the involved state agency which may legally be available for the purpose, or (c) out of funds derived or which may be derived by the issuance and sale of revenue bonds by the commission (but only for the purpose of acquiring property for use by the state government or one of its departments or agencies, but not including any independent municipal corporation or political subdivision), or (d) by any one (1) or a combination of said methods of financing. Any such findings providing for the issuance and sale of bonds shall be submitted to the commission for final determination. When any funds appropriated to or standing to the credit of a particular state agency are to be used for a purpose of the character above contemplated, the head of the agency may direct that the funds be transferred to the credit of the finance and administration cabinet and made available for expenditure by the finance and administration cabinet for the agreed purpose. *Industrial development projects may be financed by the issuance of revenue bonds of the commission only at the request of the commerce cabinet, subject to the provisions of subsection (3) of this section.*

(2) In any case where the expenditures for the acquisition of real estate or for a building project for the state or any state agency are to be financed in whole or in part by the issuance or sale of revenue bonds, the commission may provide that the title to any real estate which may be so acquired shall not vest in the Commonwealth until the revenue bonds, together with interest thereon, have been paid in full. In such cases the commission may, by agreement or in a trust indenture securing the payment of such revenue bonds, provide that the title of such real estate may be vested in some other state agency, or in a trustee named in such indenture, until the revenue bonds, together with the interest thereon, have been paid in full. It shall be provided in any such financing (i) that upon the retirement and discharge of the bonds, notes, or other obligations issued by the commission at the direction of and on behalf of a state agency, title to the public project or public projects so acquired shall vest in the Commonwealth; (ii) that in the event of default with respect to such bonds, notes, or other obligations, the Commonwealth shall have the exclusive option to acquire the public project or public projects for the amount required to discharge such bonds, notes, or other obligations, and is provided a reasonable time to exercise such option; (iii) that the issuance of such bonds, notes, or other obligations shall be directed by and approved by such state agency not more than sixty (60) days prior to the date of issue of such obligations; and (iv) that no bonds, notes, or other obligations shall be issued by the commission for and on behalf of such state agency except upon express direction of such state agency.

(3) *(a) In any case where the expenditures for the acquisition, installation and construction of an industrial development project will be financed in whole or in part by the issuance or sale of revenue bonds, the commission may provide that the title to the industrial development project which may be so acquired shall be conveyed to the industrial entity which will occupy and utilize the industrial development project; provided, however, that such conveyance shall only be made if:*

1. The subject industrial entity agrees in writing prior to the issuance of any revenue bonds to construct and acquire in connection with the industrial development project manufacturing, processing and assembling facilities satisfactory to the commission;

2. The commission makes a finding in writing, that, based upon diligent investigation, the aggregate incremental taxes to be received by the Commonwealth as a result of such industrial development project are reasonably expected, over the life of the revenue bond issue, to be at least equal to the principal amount of any revenue bonds issued to finance such industrial development project;

3. The industrial development project is separately approved in writing by the governor;

4. The industrial development project is separately approved and authorized by the general assembly; and

5. Any revenue bond proceedings for the financing of an industrial development project provide that in the event of any disposition by an industrial entity of any such industrial development project previously conveyed to such industrial entity prior to the collection by the Commonwealth of incremental taxes in the amount specified in subparagraph 2. of this paragraph, the subject industrial entity shall pay to the Commonwealth an amount equal to the difference between the aggregate incremental taxes collected by the Commonwealth to such date of disposition and the principal amount of such revenue bonds.

(b) As an alternate to the initial conveyance of an industrial development project to an industrial entity, such industrial development project may be leased to such industrial entity upon such terms as the commission and the commerce cabinet shall determine to be proper, and in such case, subject to the provisions of subparagraphs 1., 2. and 3. of subsection (3)(a) of this section, provision may also be made for title to such industrial development project to be conveyed to the subject industrial entity at such time as the Commonwealth has collected incremental taxes in respect of the industrial development project in an amount equal to the principal amount of any revenue bonds issued to finance such industrial development project.

(c) It is hereby determined and declared as a legislative finding of fact that the provisions and requirements of subsection (3)(a) and (b) of this section provide for the receipt by the Commonwealth of fair market value for any industrial development project conveyed to an industrial entity pursuant to this Act.

(d) The commerce cabinet is authorized and empowered to initiate industrial development projects and to finance such projects pursuant to the provisions of this chapter. When revenue bonds are issued for the financing of any such industrial development project, the commerce cabinet is authorized and empowered to enter into financing agreements or lease agreements with the commission providing for the making of financing payments by the commerce cabinet from appropriations made to the commerce cabinet as, if and when received, for the amortization of revenue bonds so issued, provided, that no such obligation shall be binding upon the commerce cabinet for a period extending beyond the legislative biennium during which such obligation is incurred, but such obligation may be renewed during successive biennial periods by the commerce cabinet. The issuance of any revenue bonds, notes or other obligations for the financing of industrial development projects shall be directed by and approved by the commerce cabinet not more than sixty (60) days prior to the date of the issue of such obligations, and no bonds, notes or other obligations shall be issued by the commission for and on behalf of the commerce cabinet, except upon such express direction and upon compliance with subsection (3) of this section. Any portion of an industrial development project may be financed by a city or county of the Commonwealth in the same manner as a financing by the commission under this Act or pursuant to the statutory authority of such city or county. In such event, the commerce cabinet may enter into similar financing agreements or lease agreements with such city or county in order to make proper provision for such financing.

(4) The cabinet, in providing for the expenditure of funds for any of the purposes mentioned in this section, or the commission in providing for the issuance and sale of *revenue* bonds, shall have power to provide by agreement with the state agency affected, or by provision in the trust indenture securing the bonds, such terms and conditions as may be considered appropriate and reasonable so as to permit *either* the leasing to, and use by, any state agency *of any building project or the conveyance or lease of any industrial development project to*

any industrial entity, any such building project to be paid for by such state agency [~~which provides funds~~] either*:*

(a) From its own appropriation*;* [~~, or~~]

(b) By the issuance of revenue bonds*;* [~~,~~] or

(c) By means of a proposal to pay a rental for the use of all or any part of any building proposed to be constructed *and any such industrial development project to be paid for by the commerce cabinet by the issuance of revenue bonds of the commission, subject to the provisions of subsection (3) of this section, and amortization of such revenue bonds by the commerce cabinet.*

The cabinet or the commission, in making any such lease agreement *or financing agreement*, or in making provision in any trust indenture securing revenue bonds, is authorized and empowered to lease all or any part of the *facility financed* [~~building~~] for such term and upon such conditions and for such considerations *or enter into financing agreements with the commerce cabinet in respect of any industrial development project* as may appear to be in the public interest.

Section 4. KRS 56.513 is amended to read as follows:

(1) When the state property and buildings commission makes a determination, in accordance with the provisions of KRS Chapter 56, that one or more building projects *or industrial development projects* will be financed by the issuance of revenue bonds, then in anticipation of such financing the commission may borrow money to provide interim financing therefor and issue in evidence thereof its revenue bond anticipation notes, bearing interest at a rate or rates not exceeding the maximum rate permitted for the issuance of such bonds. Such interim financing may be entered into for the commission's own projects, for those of the University of Kentucky and the state colleges or universities or for any other agency of the Commonwealth where approval by the commission is required regarding the issuance of revenue bonds of such an agency. In instances where the revenue bonds involved are to be issued by other agencies, such agencies, with the prior approval of the commission, may borrow money in the same manner and for the same purpose and issue in evidence thereof their own revenue bond anticipation notes, according to rules and regulations promulgated by the commission.

(2) The commission shall solicit proposals for such interim financing from at least three (3) responsible lenders, and shall select in its discretion the best of such proposals consistent with sound financial practices. A selection may be made even though less than three (3) proposals are received. The term of any such revenue bond anticipation note shall not exceed five (5) years; and the same may be renewed, if necessary.

(3) Each revenue bond anticipation note may include prepayment provisions which will allow the commission or other borrowing agency to prepay the loan after giving reasonable notice to the lender; shall identify the revenue bond issue from the proceeds of which the note or notes and any interest thereon are to be paid; and shall include a statement that the note is being issued in anticipation of the identified revenue bond issue, and that neither the note, nor the interest thereon, shall constitute or evidence an indebtedness of the Commonwealth of Kentucky. Each such note and the interest thereon (to any extent not previously paid from other sources) shall be paid from the proceeds of the identified revenue bond issue, when such proceeds have been received and are available.

(4) Instead of borrowing money and issuing revenue bond anticipation notes in the full amount necessary for construction contract purposes, the commission (or such agencies with the prior approval of the commission and according to its rules and regulations), may enter into loan agreements with one or more lenders (determined by the commission to be responsible) according to the terms of which it may be agreed:

(a) That the lender will continuously make available to the borrowing agency a stated maximum amount of money for a stated period of time,

(b) That the borrowing agency may demand and obtain cash advances against such commitment from time to time upon reasonable and agreed notice, and upon issuing in evidence of each advance a bond anticipation note which will bear an agreed rate of interest, not exceeding the maximum rate permitted for the issuance of the proposed bonds, and

(c) That in consideration of the making of such loan agreement the borrowing agency will pay to the lender or lenders a commitment fee determined by the commission to be reasonable according to financial conditions existing at the time the loan agreement is made.

Such loan agreements may be recorded as receivables upon the books of account of the commission, the secretary of the finance and administration cabinet, or other borrowing agency, and construction contracts may be awarded against the same to the amount of money which the lender contractually agrees to make available to the borrowing agency, the same as in the case of loan agreements made with departments or agencies of the United States government.

(5) Each revenue bond anticipation note issued according to this section, and the receipt of interest thereon, shall be exempt from all taxation by the Commonwealth and all of its subdivisions, municipalities and taxing authorities; and this may be stated as a representation in the text of each such revenue bond anticipation note.

(6) The state property and building commission and other state agencies authorized to issue revenue bond anticipation notes under the terms of this section may as an alternative and if authorized to do so by the governing body of such commission or agency, adopt the procedures for interim financing established for counties, cities, and other municipal corporations, or their agencies, by KRS 58.150.

SECTION 5. A NEW SECTION OF KRS CHAPTER 56 IS CREATED TO READ AS FOLLOWS:

The following provisions shall be applicable to Sections 1 to 4 of this Act:

(1) As used in this section, the following terms shall have the following meanings:

(a) "Commercial paper revenue bonds" means revenue bond anticipation notes which by their terms mature not more than two hundred seventy (270) days from the date of issuance thereof and are to be refunded by the issuance of commercial paper revenue bonds or by refunding revenue bonds; provided, however, that all commercial paper revenue bonds must possess the characteristics set forth and described in subsection (3)(d) of this section.

(b) "Refunding revenue bonds" means revenue bonds issued by the commission to refund outstanding issues of revenue bonds, commercial paper revenue bonds and variable rate revenue bonds.

(c) "Variable rate revenue bonds" means revenue bonds the rate of interest on which fluctuates either automatically by reference to predetermined formulas and indices or pursuant to the standards set forth in subsection (3)(e) of this section.

(2) The commission may issue and sell revenue or other authorized bonds, including variable rate and commercial paper bonds, to pay all or any part of the expense or cost of or incidental to an industrial development project, in denominations and amounts, as it deems to be for the best interest of the Commonwealth.

(3) (a) Revenue bonds issued to pay the costs of industrial development projects may bear interest at any rate or rates, either fixed or variable in accordance with such method as shall be determined by the commission, shall be payable either annually or at shorter intervals, may be of such terms and maturities, may bear such conversion privileges, may be executed by the manual or facsimile signatures of such officers of the commission, and shall be executed in such manner and at such time or times, or from time to time, and be payable at such times not exceeding forty (40) years from the date thereof, or, if commercial paper, from the date of initial issuance thereof, and at such place or places as the commission determines.

(b) Such revenue bonds may provide that they or any of them may be called for redemption prior to maturity under conditions determined by the commission before issuing the bonds.

(c) Such revenue bonds may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the commission, in such amount as the commission may deem necessary to refund the principal of the revenue bonds to be refunded, together with any unpaid interest thereon, to create any necessary debt service reserve fund, and to pay any premiums, expenses and commissions required to be paid in connection therewith.

(d) At the time of the initial issuance of commercial paper revenue bonds to pay the costs of industrial development projects, the commission may designate individual officials of any state agency as agents for

purposes of approving the principal amount, the interest rate, the discount, if any, and the maturity date of revenue bonds being issued later to refund the maturing commercial paper revenue bonds; provided, however, that at the time of the initial issuance of any such commercial paper revenue bonds, the commission shall set the maximum principal amount, the maximum interest rate, and the maximum discount, if any, of the refunding revenue bonds plus the final maturity date of the last issue of such refunding revenue bonds; and provided further that the commission shall retain the right to revoke any such agent's authority at any time and for any reason whatsoever. Individual issues of commercial paper revenue bonds, issued as part of a continuing financing program, may be refunded by the approvals of such agents of the commission.

(e) At the time of issuance of variable rate revenue bonds to pay the costs of industrial development projects, the commission may designate individuals or institutions which in the sole judgment of the commission have financial market expertise to serve as agent for the commission for establishing and changing from time to time while such variable rate revenue bonds remain outstanding the rate of interest to be borne by and the price to be paid for such revenue bonds; provided, however, that the rate-setting procedures and authority of each such agent shall be set forth in writing, and may include a formula or an index or indices based upon market factors, and shall be established by the commission at the time of issuance of such revenue bonds; and provided further that at the time of the issuance of such revenue bonds, the commission shall establish the maximum interest rate to be borne by the revenue bonds; and provided further that the commission shall retain the right to remove or replace any such agent at any time and for any reason whatsoever.

(f) Any revenue bonds issued and outstanding hereunder to pay the costs of industrial development projects and the interest due on such revenue bonds shall, prior to the maturity or redemption date thereof, be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if:

1. In the event any of such revenue bonds are to be redeemed on any date prior to their maturity, the commission shall have given a trustee appointed for the holders of such revenue bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the resolution authorizing their issuance irrevocable instructions to give notice of redemption of such revenue bonds to the holders thereof by written notice which is satisfactory to such trustee;

2. There shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, or other obligations specified by the commission, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient, to pay when due the principal and the interest due and to become due on such revenue bonds on and prior to redemption date or maturity date thereof, as the case may be; and

3. In the event that such revenue bonds are not to be redeemed within the next succeeding sixty (60) days, the commission shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such revenue bonds that the deposit required by subparagraph 2. of this paragraph has been made with the trustee, that such revenue bonds are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such revenue bonds.

(g) It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the commission so declares in the proceedings authorizing same.

(h) If any officer whose signature or countersignature appears on revenue bonds issued to pay the costs of industrial development projects ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. Any such revenue bonds issued to pay the costs of industrial development projects shall be sold upon such terms as the commission deems best, either at public or private sale, and for such price, as the commission may determine. In the event the revenue bonds are sold at private, negotiated sale, the commission shall publish in accordance with the requirements of KRS Chapter 424 a notice of the intent of the commission to negotiate the sale of such revenue bonds within thirty (30) days of such proposed sale, which notice shall include the identification and description of such revenue bonds, an estimate of the week during which the negotiated sale is expected to occur and the identity of the state officer or agency and the fiscal advisor or managing underwriter from whom further information regarding the revenue bonds may be obtained. Revenue bonds, notes or other obligations issued by the commission under this chapter, the income thereon, and the transfer thereof, including any profit made on the sale thereof, shall at all times be exempt from taxation or

assessment of any type by the Commonwealth, its agencies and departments, and by all political subdivisions within the state. Nothing contained in this section shall preclude or prevent the authorization and issuance by the commission from time to time of revenue bonds, notes or other obligations, the receipt of interest on which may be subject to federal income taxation.

(4) The payment of revenue bonds issued to pay the cost of an industrial development project, together with the interest thereon, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental, financing or operation of the industrial development projects involved including rentals and financing payments made by the commerce cabinet from appropriated funds on a biennial basis, pursuant to lease agreements or financing agreements between the commerce cabinet and the commission. Neither the payment of any revenue bond, nor the interest thereon, issued under the authority of this section shall constitute an indebtedness of the Commonwealth of Kentucky, nor shall any revenue bond or interest thereon be payable out of any fund except funds derived from rentals, financing payments or other revenues derived from the operation of the industrial development projects or from revenues as are available for the purpose by law.

(5) In the event revenue bonds are sold at public, competitive sale, such revenue bonds issued by the commission under the provisions of this section shall be sold after newspaper advertising conforming to the requirements of KRS Chapter 424.

(6) In the event revenue bonds are sold at public, competitive sale, competitive bids for the sale of such revenue bonds shall be opened and read publicly by the secretary of the finance and administration cabinet or his representative at a designated place, day and hour, all of which shall be announced in the advertising made relative thereto.

(7) All money from the sale of revenue bonds issued pursuant to this section shall be deposited in the state treasury and shall be credited to a special account to be designated as directed by the cabinet, and no part thereof shall be withdrawn from the state treasury except for the purposes authorized by KRS Chapter 56, together with the cost incidental to the issuing and selling of the revenue bonds and other expenses directly related thereto. The commission may provide in any trust indenture securing revenue bonds for additional terms and conditions thereof, or for other restrictions not in conflict with KRS Chapter 56.

Section 6. Whereas, a potential loss of thousands of jobs and millions of dollars of tax revenue to the Commonwealth and its citizens does now exist unless certain laws respecting industrial development and the financing thereof are revised and provided for, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Judiciary-Criminal reported HB 852, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 852, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 511.020 is amended to read as follows:

(1) A person is guilty of burglary in the first degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he or another participant in the crime:

(a) Is armed with explosives or a deadly weapon; or

(b) Causes physical injury to any person who is not a participant in the crime; or

(c) Uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.

(2) *A person is guilty of burglary in the first degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a building in which controlled substances are manufactured, stored or held for sale.*

(3) Burglary in the first degree is a Class B felony.

The Committee Amendment No. 1 to HB 852 is as follows:

Amend printed copy of HB 852:

On page 1, line 15, following "*to*" to delete "*commit a crime*" and insert in lieu thereof the following "*commit or attempt to commit a theft of a controlled substance or prescription drug,*"; and

on page 1, line 17, following "*substances*" to add "*or prescription drugs*".

Motions, Petitions and Communications (Continued)

Representative Meyer moved that SB 250 be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

Representative J. Harper moved the adoption of the following Legislative Citations 53, 54, 55, and 56. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the exemplary Journalistic Achievements of Ferrell Wellman, Frankfort Correspondent, The Associated Press, as a Senior Member of the Capitol Press Corps of the Commonwealth of Kentucky.

WHEREAS, it is both fitting and proper for the Commonwealth of Kentucky to honor and commend its Distinguished Citizens and Institutions, both secular and sacred, and

WHEREAS, the Recipient of this honor has distinguished himself among his peers and his profession by always endeavoring to keep the people of the Commonwealth of Kentucky informed of the workings of their state government, for it is only with an informed public that democracy can prevail, and

WHEREAS, the Recipient of this honor has, without fear or favor, and in the finest journalistic tradition, striven to uphold the Freedoms of the Press without excoriation or self interest, now,

THEREFORE, BE IT HEREIN RESOLVED, that said Recipient has earned the respect and gratitude of the People of the Commonwealth of Kentucky he so ably serves and is accorded this modest tribute in recognition of this self-evident fact. (Sponsored by Representative J. Harper)

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the exemplary Journalistic Achievements of Jack Brammer, Frankfort Correspondent, The Associated Press, as a Senior Member of the Capitol Press Corps of the Commonwealth of Kentucky.

WHEREAS, it is both fitting and proper for the Commonwealth of Kentucky to honor and commend its Distinguished Citizens and Institutions, both secular and sacred, and

WHEREAS, the Recipient of this honor has distinguished himself among his peers and his profession by always endeavoring to keep the people of the Commonwealth of Kentucky informed of the workings of their state government, for it is only with an informed public that democracy can prevail, and

WHEREAS, the Recipient of this honor has, without fear or favor, and in the finest journalistic tradition, striven to uphold the Freedoms of the Press without excoriation or self interest, now,

THEREFORE, BE IT HEREIN RESOLVED, that said Recipient has earned the respect and gratitude of the People of the Commonwealth of Kentucky he so ably serves and is accorded this modest tribute in recognition of this self-evident fact. (Sponsored by Representative J. Harper)

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the exemplary Journalistic Achievements of Robert T. Garrett, Frankfort Correspondent, The Associated Press, as a Senior Member of the Capitol Press Corps of the Commonwealth of Kentucky.

WHEREAS, it is both fitting and proper for the Commonwealth of Kentucky to honor and commend its Distinguished Citizens and Institutions, both secular and sacred, and

WHEREAS, the Recipient of this honor has distinguished himself among his peers and his profession by always endeavoring to keep the people of the Commonwealth of Kentucky informed of the workings of their state government, for it is only with an informed public that democracy can prevail, and

WHEREAS, the Recipient of this honor has, without fear or favor, and in the finest journalistic tradition, striven to uphold the Freedoms of the Press without excoriation or self interest, now,

THEREFORE, BE IT HEREIN RESOLVED, that said Recipient has earned the respect and gratitude of the People of the Commonwealth of Kentucky he so ably serves and is accorded this modest tribute in recognition of this self-evident fact. (Sponsored by Representative J. Harper)

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the exemplary Journalistic Achievements of Mark Chellgren, Frankfort Correspondent, The Associated Press, as a Senior Member of the Capitol Press Corps of the Commonwealth of Kentucky.

WHEREAS, it is both fitting and proper for the Commonwealth of Kentucky to honor and commend its Distinguished Citizens and Institutions, both secular and sacred, and

WHEREAS, the Recipient of this honor has distinguished himself among his peers and his profession by always endeavoring to keep the people of the Commonwealth of Kentucky informed of the workings of their state government, for it is only with an informed public that democracy can prevail, and

WHEREAS, the Recipient of this honor has, without fear or favor, and in the finest journalistic tradition, striven to uphold the Freedoms of the Press without excoriation or self interest, now,

THEREFORE, BE IT HEREIN RESOLVED, that said Recipient has earned the respect and gratitude of the People of the Commonwealth of Kentucky he so ably serves and is accorded this modest tribute in recognition of this self-evident fact. (Sponsored by Representative J. Harper)

Representative Yates moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Yates moved the adoption of the following HR 160:

HR 160, A RESOLUTION urging the fiscal court of Jefferson County to continue funding for the transportation of school children in grades eight and below.

WHEREAS, the Jefferson County fiscal court has traditionally provided financial aid subsidizing the costs of transporting certain public, private and parochial school students in grades eight and under; and

WHEREAS, this significant program currently enables over 13,000 students to have safe and dependable transportation to and from their schools; such transportation being essential to the safety and welfare of younger students; and

WHEREAS, without the county subsidy, already hard-pressed private and parochial schools may not have the wherewithal to provide such transportation services to their students; and

WHEREAS, the loss of such subsidy will increase the financial burdens on the parents of students in parochial and private schools or result in the termination of transportation programs to the detriment of the health and welfare of such students; and

WHEREAS, it is only reasonable, fair and just that the county assist in the costs of transporting private and parochial school students since the parents of those children pay county school taxes, but otherwise get no benefits for such taxes;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body respectfully requests that the fiscal court of Jefferson County seriously contemplate the detrimental effects which will flow from the termination of its longstanding program assisting the transportation of younger school children and that it provide adequate funding in its 1986-87 budget for the transportation of parochial and private school children.

Section 2. That the Clerk of the House is directed to send a copy of this resolution to Dr. Harvey I. Sloane, County Judge/Executive of Jefferson County and to the County Commissioners, Irv Maze, Chris Gorman and Daryl Owens.

HR 160 was adopted by voice vote.

Representative McBee moved that the rules be suspended to act upon a Resolution. Agreed.

Representative McBee moved the adoption of the following HR 152:

HR 152, A RESOLUTION urging the City of Cincinnati to amend city Ordinance 869 to promote competition between Cincinnati and Northern Kentucky towing operators.

WHEREAS, in order to operate within the city limits of Cincinnati, Ohio, all wrecker operators are required to purchase a forty dollar license, show proof of insurance, post a bond and submit all equipment for inspection; and

WHEREAS, despite meeting these requirements, Northern Kentucky based towing operators are not included in the police call notation and can only be summoned to an interstate highway upon the request of an individual; and

WHEREAS, customers involved in an automobile accident in Cincinnati wishing to patronize a Northern Kentucky towing business must find a pay telephone in order to have their vehicle removed rather than the convenience of being radio dispatched as provided to Cincinnati based operators; and

WHEREAS, towing operators in Northern Kentucky are required by the Commonwealth of Kentucky to show proof of insurance before a license is issued and Cincinnati's bond requirement duplicates this safeguard, thereby increasing costs to Kentucky operators; and

WHEREAS, these additional requirements for Northern Kentucky towing operations and their customers discourages competition within the towing business and further discriminates against Kentucky businesses which meet all requirements of the ordinance, but fail to receive equitable treatment;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives urge the City of Cincinnati to consider amending ordinance 869 to allow for equitable treatment of its citizens or patrons who may need towing services within Cincinnati.

Section 2. That the House of Representatives urge the legislative body of Cincinnati to review the regulatory treatment of towing operators wishing to do nothing more than pick up a vehicle in need of mechanical repairs, its insurance and bonding requirements and notification of towing services by city employees.

Section 3. That the Clerk of the House of Representatives be directed to transmit a copy of this resolution to the mayor of Cincinnati, its city council and the Tri-State Towing Association.

HR 152 was adopted by voice vote.

Representative Hines moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Hines moved the adoption of the following HR 159:

HR 159, A RESOLUTION adopting the modern version of the state song "My Old Kentucky Home".

WHEREAS, born in Lawrenceville, Pennsylvania on July 4, 1826, Stephen Collins Foster penned over 200 songs, words as well as music, before his death on January 13, 1864; and

WHEREAS, the popular minstrel songs and sentimental ballads composed by Stephen Foster ensured him an honored place in the history of music in the United States; and

WHEREAS, Stephen Foster gained international recognition for his compositions of "Oh, Susanna", "Beautiful Dreamer", "Jeanie with the Light Brown Hair", "Nelly Bly" and "Camptown Races"; and

WHEREAS, Foster is most noted for his minstrel composition known as "My Old Kentucky Home" which is now the state song for the great Commonwealth; and

WHEREAS, "My Old Kentucky Home" is sung around the world and by millions of visitors to our state prior to the running of racing's most prestigious event, the Kentucky Derby; and

WHEREAS, the style and verbiage used by Foster while penning "My Old Kentucky Home" was contemporary of the era which included the tragic division of Americans in the Civil War; and

WHEREAS, some of the phrases included in the original rendition of "My Old Kentucky Home" convey connotations of racial discrimination that are not acceptable in our present society;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House adopts the modern version of our state song "My Old Kentucky Home" whose lyrics are as follows:

1. The sun shines bright on the old Kentucky home;
'Tis summer, the people are gay.
The corn top's ripe and the meadow's in the bloom
While the birds make music all the day.
The young folks roll on the little cabin floor;
All merry, all happy, and bright.
By 'n' by hard times comes a knocking at the door;
Then, my old Kentucky home, good night!

Chorus: Weep no more my lady.
Oh, weep no more today.
We will sing one song for the old Kentucky home;
For the old Kentucky home far away.

2. They hunt no more for the possum and the coon;
On the meadow, the hill, and the shore.
They sing no more by the glimmer of the moon;
On the bench by the old cabin door.
The day goes by like a shadow o'er the heart;
With sorrow where all was delight.
The time has come when the people have to part;
Then, my old Kentucky home, good night!

(Chorus)

3. The head must bow and the back will have to bend;
Wherever the people may go.
A few more days and the trouble all will end;
In the fields where the sugar canes grow.
A few more days for to tote the weary load;
No matter, 'twill never be light.
A few more days till we totter on the road;
Then, my old Kentucky home, good night!

HR 159 was adopted by voice vote.

Representative Noe moved that the three-day posting requirement be waived on SB 81 and SB 198. Agreed.

The following members requested that their votes be recorded as follows. All requests were agreed to.

Representative L. Clark, "yea" on HCR 114; Representative Freibert, "yea" on HB 919; Representative Gray, "yea" on SB 274; Representative Smith, "yea" on HB 727.

Representative Overstreet moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Overstreet moved that the following co-sponsors requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Donnermeyer, HR 56, HB 676; Representative Freibert, HB 783; Representative Lile, HB 733; Representative P. Richardson, HB 699; Representative Seum, HB 888; Representative Yates, HB 76.

Announcements

The following meetings were announced:

Committee on Appropriations and Revenue: March 20, 1986, 11:00 a.m., Room 110.

Committee on Education: March 20, 1986, on adjournment, Room 109.

Committee on Rules: On adjournment.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Thursday, March 20, 1986.

On the roll call the vote was yeas 77—Allen, Arnold, Barrows, Bendl, Blandford, Blevins, Brinkley, M. Brown, Bruce, Burch, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cowan, Crupper, Curd, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Hines, Jensen, Johnson, T. Jones, Keith, Kerr, Lear, Lefevers, Lile, Mack, Mann, McBee, McNutt, Meyer, Moberly, Napier, Nett, Noe, Noland, O'Brien, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Worthington, Yates. Nays 3—Bronger, Heleringer, LeMaster.

The motion to adjourn was adopted.

THURSDAY, MARCH 20, 1986

FORTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend Donald Nunnelly, First Christian Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 19, 1986, be dispensed with and the same approved. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 219, HB 296, HB 515, HB 544, HB 555, HB 659, and HCR 5 had been examined and found correctly enrolled. Said bills and resolution read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:03 p.m.)

HB 219, HB 296, HB 515, HB 544, HB 555, HB 659, and HCR 5 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Introduction of Resolution

HR 161, by Representatives L. Clark, Long, Bronger, Yates, Burch, and R. Jones: A RESOLUTION requesting the Auditor of Public Accounts of the Commonwealth of Kentucky to perform an audit of the workers' compensation special fund.

Senate Message

Announcing passage of SB 268, SB 356, SB 370, SB 373, SB 396, HB 37 with Senate Second Committee Substitute, HB 124 with Senate Amendment, HB 329 with Senate Amendments, HB 270, HB 339, HB 382, and HB 633.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: SB 389, SB 371, SB 372.

Banking and Insurance: SB 273, SB 331, SB 379, SB 281.

Cities: SB 377.

Education: SB 314.

State Government: SCR 91, SCR 87.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: HB 834.

Report of Committees

The Committee on Rules reported HB 731, HB 970, HCR 145, SB 67, SB 239, SB 301, SB 330, HB 76, HB 512, HB 637, HB 779, HB 787, HB 805, HB 832, HB 894, SB 84, SB 214, HB 476, HB 681, HB 810, HB 869, HB 885, HB 908, HR 56, HCR 74, HCR 121, SB 139, SB 210, SB 236, SB 237, SB 255, HB 837, HB 636, HJR 58, and SB 82 have been posted for passage in Orders of the Day, March 21, 1986.

The Committee on Rules reported the following bills have been recommitted:

Business Organizations and Professions: HB 915.

Appropriations and Revenue: HB 868.

Judiciary-Civil: HB 989.

Banking and Insurance: HB 966.

The Committee on Health and Welfare reported HB 982, HCR 147 with Committee Amendment attached thereto, SB 134, SB 343 with Committee Amendment attached thereto, SB 346 with Committee Amendment attached thereto, and SCR 57 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 982, AN ACT relating to medical assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 205.560 is amended to read as follows:

(1) The scope of medical care for which the cabinet for human resources undertakes to pay shall be designated and limited by regulations promulgated by said cabinet, pursuant to the provisions hereof. Within the limitations of any appropriation therefor, the provision of complete upper and lower dentures to recipients of medical assistance program benefits who have their teeth removed by a dentist resulting in the total absence of teeth shall be a mandatory class in the scope of medical care. Payment to a dentist of any such medical assistance program benefits for complete upper and lower dentures shall only be provided on the condition of a preauthorized agreement between an authorized representative of the medical assistance program and the dentist prior to the removal of such teeth. The selection of another class or other classes of medical care shall be recommended by the council to the secretary for human resources after taking into consideration, among other things, the amount of federal and state funds available, the most essential needs of recipients, and the meeting of such need on a basis insuring the greatest amount of medical care as defined in KRS 205.510 consonant with the funds available including but not limited to the following categories, except where such aid is for the purpose of obtaining an abortion:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization;

(b) Nursing home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician, dentist, or podiatrist;

(c) Drugs, nursing care, medical supplies and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician, dentist, or podiatrist;

(d) Physician, podiatric and dental services;

(e) Optometric services for all age groups shall be limited to prescription services, services to frames and lenses, and diagnostic services provided by an optometrist, to the extent the optometrist is licensed to perform the services and to the extent the services are covered in the ophthalmologist portion of the physician's program. Eyeglasses are provided only to children under age twenty-one (21).

(f) Nonprofit neighborhood health organizations or clinics where some or all of the medical services are provided by licensed registered nurses or by advanced medical students presently enrolled in a medical school accredited by the Association of American Medical Colleges and where such students or licensed registered nurses are under the direct supervision of a licensed physician who rotates his services in this supervisory capacity between two (2) or more of the nonprofit neighborhood health organizations or clinics specified herein.

(2) Payments for hospital care, nursing home care, and drugs or other medical, ophthalmic, podiatric and dental supplies shall be on bases which relate the amount of the payment to the cost of providing such services or supplies. It shall be one (1) of the functions of the council to make recommendations to the cabinet for human resources with respect to such bases for payment.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The rules and regulations of the cabinet for human resources shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for induced premature births. This statement shall indicate the procedures used in providing such medical services.

(5) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments within each category of public assistance and other recipients shall be uniform for the entire state, and shall be designated by regulation promulgated within the limitations established by the Social Security Act and federal regulations. The amount of payments for units of services need not be uniform for the entire state but may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in such locale and other local economic and geographic conditions, except that insofar as allowed by applicable federal law and regulation, the maximum amounts reimbursable for similar services rendered by physicians within the same specialty of medical practice shall not vary according to the physician's place of residence or place of practice, so long as the place of practice is within the boundaries of the state.

(6) Nothing in this section shall be deemed to deprive a woman of all appropriate medical care necessary to prevent her physical death.

(7) To the extent permitted by federal law, no medical assistance recipient shall be recertified as qualifying for a level of long-term care below the recipient's current level, unless such recertification includes a physical examination conducted by a physician licensed pursuant to KRS Chapter 311 or by an advance registered nurse practitioner licensed pursuant to KRS Chapter 314 and acting under such a physician's supervision.

HCR 147, A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study of the homeless in Kentucky and develop recommendations related thereto.

WHEREAS, a 1984 report by the U.S. Department of Housing and Urban Development estimated between 250,000 and 300,000 people are homeless in the nation; and

WHEREAS, fifteen to twenty percent of the homeless are single women and women with children and the number continues to rise; and

WHEREAS, task forces studying the plight of the homeless in Lexington, Louisville, and the Northern Kentucky area have identified approximately 4,000 homeless persons; and

WHEREAS, a large proportion of the homeless population in urban centers are migrant residents of rural Kentucky seeking employment opportunities; and

WHEREAS, the congregation of the homeless downtown in cities has resulted in decreased business in the areas;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission through the Interim Joint Committee on Health and Welfare is directed to conduct a study of the homeless population in Kentucky and develop recommendations for the provision of effective short and long-term programs for the homeless.

Section 2. That the objectives of the study shall include the following:

(1) Define the composition of the homeless population in Kentucky;

(2) Assess the extent and location of the homeless population;

(3) Determine differences in characteristics between the homeless people located in or originating from rural and urban areas;

(4) Identify current programs and resources being used in conjunction with the homeless population;

(5) Identify possible gaps in service;

(6) Assess the trend of de-institutionalization of facilities serving the mentally ill as it has affected the homeless population;

(7) Increase public awareness of the homeless issue;

(8) Develop a set of recommendations for effective implementation of short and long-term programs for the homeless; and

(9) Identify the measures and resources which would be required to implement the recommendations.

Section 3. That the report shall be submitted to the Legislative Research Commission no later than June 1, 1987.

Section 4. That staff services to be utilized in completing this study are estimated to cost $15,000. These staff services shall be provided from the regular Legislative Research Commission budget and are subject to the limitations and other research responsibilities of the commission.

The Committee Amendment No. 1 to HCR 147 is as follows:

Amend printed copy of HCR 147:

In the first WHEREAS clause,

by deleting the words "between 250,000 and 300,000" and inserting in lieu thereof the words "three million";

And in the fourth WHEREAS clause,

by deleting the "and" following the semicolon at the end of the clause;

And by deleting the fifth WHEREAS clause in its entirety

SB 134, AN ACT relating to the transportation of children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 208.260 is amended to read as follows:

(1) No [~~female~~] child shall be transported to any institution, pursuant to order of any court or direction of the cabinet, unless accompanied by *an* [~~a female~~] attendant *of the same gender*, or, when authorized in writing by the court or cabinet, by a parent, grandparent, or adult brother or sister. Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a *child* [~~female~~] transported to the institution shall report any violation of subsection (1) of this section to the Commonwealth's attorney of the judicial circuit in which the institution is located.

SB 343. AN ACT relating to radioactive materials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 211.844 is amended to read as follows:

(1) The cabinet for human resources shall provide by regulation for the registration and licensing of the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. *The cabinet may prescribe specific conditions or means for the disposal and volume and*

source reduction of radioactive materials including radioactive waste. Such regulations shall include but need not be limited to specification of the form of applications for registration and licenses, the qualifications therefor, grounds for revocation and such other matters as may be necessary to carry out the intent of KRS 211.842 to 211.852 and to protect the public from unnecessary radiation exposure.

(2) All rules and regulations adopted prior to June 17, 1978, by the cabinet for human resources and on file with the legislative research commission shall continue in full force and effect unless subsequently amended or repealed pursuant to the provisions of KRS 211.842 to 211.852.

The Committee Amendment No. 1 to SB 343 is as follows:

Amend printed copy of SB 343:

On page 1, line 22,

By adding a new section to read as follows:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

The secretary for human resources may by regulation, subject to the provisions of KRS Chapter 13A, require licensees of radioactive materials to provide an adequate surety or other financial arrangement in such amount as the secretary deems reasonably appropriate to cover potential clean-up costs in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the secretary regarding a radioactive material accident or other public health hazard created by the presence of radioactive material at the site occupied by the licensee or formerly under its possession, ownership, or control. Acceptable sureties may include bonds issued by fidelity or surety companies authorized or eligible to do business in Kentucky, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, trust funds, escrow accounts or such other types of arrangements, but shall not include any arrangement which essentially constitutes self insurance. The secretary shall be the obligee of the surety and the proceeds of the surety shall be used by the secretary for defraying the cost of cleaning up and decontaminating the area of property involved. Failure by any licensee to comply with any regulation promulgated to carry out this section shall result in automatic revocation of such license by operation of law."

SB 346, AN ACT relating to mental health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 210.005 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Mentally retarded" and "mentally defective" have the same meaning *and are used interchangeably as one (1) description of a developmentally disabled person.* [~~They apply to one or more "mentally retarded persons," as the singular of that term is defined in KRS Chapter 202B.~~]

(2) "Mental illness" means a diagnostic term that covers many clinical categories, typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition) and any subsequent revision thereto, of the American Psychiatric Association.

(3) "Chronic" means that clinically significant symptoms of mental illness have persisted in the individual for a continuous period of at least two (2) years, or that the individual has been hospitalized for mental illness more than once in the last two (2) years, and that the individual is presently significantly impaired in his ability to function socially or occupationally, or both.

Section 2. KRS 210.090 is amended to read as follows:

Neither the commissioner of the department for *mental health and mental retardation* [~~health services~~] of the cabinet for human resources nor his deputy nor any superintendent or director of an institution of the department for *mental health and mental retardation* [~~health services~~] shall be permitted to engage in any *partisan* political activity.

Section 3. KRS 210.140 is amended to read as follows:

(1) Pursuant to agreement entered into by the heads of the cabinets concerned, a patient or inmate of a state institution operated by one state cabinet may be transferred to a state institution operated by another state cabinet, except that:

(a) An inmate may be transferred from a penal or correctional institution [~~only~~] as provided in KRS Chapter 202A *or in any regulation promulgated under such chapter provided that no transfer shall be made to a correctional facility located on the grounds of a state mental hospital*;

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court;

(c) No patient or inmate may be transferred to an institution for the mentally ill or mentally retarded except for a period of observation not to exceed sixty (60) days, unless he has been hospitalized in accordance with KRS 202A.051.

(2) When a patient or inmate hospitalized by court order to one (1) institution is transferred to another institution pursuant to this section, the order of hospitalization shall be deemed to apply to the institution to which transferred.

Section 4. KRS 210.270 is amended to read as follows:

(1) The secretary of the cabinet for human resources is authorized to designate such private homes, private nursing homes and private institutions as he shall deem, after a thorough investigation of the personal and financial qualifications of the owners and tenants, the facilities and management, and the desirability of the location of such homes, to be suitable for the placement of patients, including the mentally ill and mentally handicapped and retarded of all ages, outside of the state mental hospitals. The secretary of the cabinet for human resources is authorized to prescribe, from time to time by regulation, standards for the selection and operation of private homes, private nursing homes and private institutions designated for the placement of patients. No home of an officer or employe of the cabinet for human resources or of a member of his immediate family shall be designated for the placement of patients.

(2) Whenever the staff of a state mental hospital has determined that a patient who is not being held on an order arising out of a criminal offense has sufficiently improved and is not dangerous to himself or other persons, and that it would be in the patient's best interest to be placed outside of the hospital in a private home or private nursing home, the hospital shall so certify *and* [~~to the secretary of the cabinet for human resources, who may then~~] authorize the patient to be transferred to a designated private home or private nursing home for care and custody for such length of time as the *hospital* [~~secretary~~] deems advisable.

(3) No mentally retarded patient lodged in a state institution may have his level of care reclassified nor may he be transferred to a private nursing home or other private institution without first providing ten (10) days notice by certified mail return receipt requested to the patient's parents or guardian that a reclassification of the patient's level of care or a transfer in the place of residence is being considered.

(4) Any parent or guardian of any mentally retarded patient lodged in a state institution may participate in any evaluation procedure which may result in a reclassification of such patient's level of care or in a transfer in the place of residence of such patient. Such participation may include the submission by the parents or guardian of medical evidence or any other evidence deemed relevant by the parents or guardian to the possible reclassification or transfer of such patient.

(5) If the decision to reclassify or transfer any mentally retarded patient is adverse to the best interests of such patient as expressed by the parents or guardian, they shall be given notice by certified mail return receipt requested that they are entitled to a thirty (30) day period from the receipt of such notice to file with the secretary of the cabinet for human resources a notice of appeal and application for a hearing.

(6) The appeal shall be heard by a three (3) member panel composed of a designated representative of the cabinet for human resources, a designated representative of the state institution where the mentally retarded patient is presently lodged, and a designated neutral representative appointed by the county judge/executive wherein the institution in question is located.

(7) Decisions made by the panel may be appealed, within thirty (30) days from the date of decision, to the circuit court of the county wherein the state institution in question is located, to the circuit court of the county wherein either of the parents or guardians or committee of the patient in question is domiciled at the time of the decision, or to Franklin Circuit Court.

(8) All parents or guardians or committee of a mentally retarded patient lodged in a state institution shall be fully apprised by the cabinet for human resources of their rights and duties under the provisions of subsections (3), (4), (5), (6), and (7) of this section.

(9) The provisions of KRS 210.700 to 210.760 shall apply to patients transferred to designated private homes and private nursing homes as though such patients were residing in a state mental hospital.

Section 5. KRS 210.360 is amended to read as follows:

(1) When a person who has been twice previously convicted of a felony, is indicted by a grand jury as a persistent felony offender, the circuit clerk of the court in which he is indicted shall give notice of the indictment to the secretary of the cabinet for human resources within seven (7) days after the indictment is returned by the grand jury. The secretary shall cause such person to be examined by a psychiatrist *or licensed clinical psychologist* already in the employ of the cabinet, to determine his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility. This examination shall be made without expense other than the amount to cover necessary travel, as provided by law for any other employe of the state traveling on official business.

(2) The psychiatrist *or licensed clinical psychologist* making the examination shall submit a written report of his findings to the judge of the court having jurisdiction, who shall make the report available to the prosecuting attorney and the attorney for the defendant.

(3) The secretary may decline to cause such examination to be made if the number of psychiatrists *or licensed clinical psychologist* on duty in the cabinet is insufficient to spare one from his regular official duties, in which event the secretary shall notify the clerk of the circuit court to that effect within three (3) days.

Section 6. KRS 202A.201 is amended to read as follows:

(1) Whenever an inmate of any penal and correctional institution is reported by the staff of that institution to the bureau of corrections as being so mentally ill that he cannot be properly treated with the facilities at the disposal of the staff, the bureau of corrections shall have an examination conducted on such inmate by a physician.

(2) If this examination reveals that the inmate is mentally ill and appropriate treatment cannot be properly carried out in the institution in which he is incarcerated or within the facilities at the disposal of the bureau of corrections, the secretary may then order his transfer to a hospital or forensic psychiatric facility, where he shall remain until the staff of the facility which received him advises the secretary that his condition has so improved that he may be returned to the institution from which he came, *provided that no transfer shall be made to a correctional facility located on the grounds of a state mental hospital.* The secretary shall then authorize his return. If the prisoner's sentence expires during his stay in the facility, and he is still in need of involuntary hospitalization, then the staff of the facility shall petition the applicable district court for further involuntary hospitalization of the patient under provisions of this chapter.

(3) During the time of the prisoner's stay in a facility his legal status as a prisoner shall remain unchanged until the termination of his sentence. The facility staff shall have no authority to parole, grant permission to visit relatives or friends outside the facility, or discharge the individual unless otherwise agreed to by the bureau of corrections. The time the prisoner spends in the facility shall be counted as a part of the prisoner's sentence.

Section 7. The following KRS sections are repealed:

210.035 Medical school-mental health coordinating committee—Functions.

210.160 Acquisition of farm lands—Duties of state university.

210.175 Work training centers.

210.200 Inspection visits to institutions.

210.210 Boards of visitors for institutions.

210.260 Printing for hospital and cabinet.

The Committee Amendment No. 1 to SB 346 is as follows:

Amend printed copy of SB 346:

On page 1, line 6,

By deleting the words "*developmentally disabled*";

And also on page l, line 6,

By inserting after the word "*person*" the following words:

"*with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period*"

SCR 57, A CONCURRENT RESOLUTION requesting the Legislative Research Commission to study the need for programs to serve mentally retarded adults residing in Kentucky.

WHEREAS, approximately 120,000 Kentuckians are mentally retarded; and

WHEREAS, many mentally retarded persons can be taught skills to lead a productive and independent life; and

WHEREAS, Public Law 94-142 provides education programs only for mentally retarded persons under age twenty-one;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is directed to conduct a study of the necessity for programs to serve the needs of mentally retarded adults residing in Kentucky.

Section 2. The study shall assess the services currently available to adult Kentuckians who are mentally retarded and the need for additional services for those persons.

Section 3. The department for mental health and mental retardation services of the cabinet for human resources shall provide information and assistance to the legislative research commission in the performance of the study and the drafting of the report required in Section 4 of this resolution.

Section 4. The report shall be submitted to the Legislative Research Commission no later than October 31, 1987.

Section 5. Staff services to be utilized in completing this study are estimated to cost $10,000. These staff services shall be provided from the regular Legislative Research Commission budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Energy reported HB 441 with Committee Substitute attached thereto, HB 899 with Committee Substitute and Committee Amendment attached thereto, HB 976, SB 299, and SCR 2 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 441, AN ACT relating to the Public Service Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 278.020 is amended to read as follows:

(1) No person, partnership, public or private corporation or combination thereof shall begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in KRS 278.010, except retail electric suppliers for service connections to electric-consuming facilities located within its certified territory and ordinary extensions of existing systems in the usual course of business, until such person has obtained from the public service commission a certificate that public convenience and necessity require such construction. Upon the filing of an application for such a certificate, and after any public hearing which the commission may in its discretion conduct for all interested parties, the commission may issue or refuse to issue the certificate, or issue it in part and refuse it in part. Unless exercised within one year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred by the issuance of the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

(2) No utility shall exercise any right or privilege under any franchise or permit, after the exercise of that right or privilege has been voluntarily suspended or discontinued for more than one (1) year, without first obtaining from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity authorizing the exercise of that right or privilege.

(3) No utility shall apply for or obtain any franchise, license or permit from any city or other governmental agency until it has obtained from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

(4) All carriers or conveyors of electricity or electric power are declared to be common carriers and subject to the obligations incident thereto.

(5) No person, partnership, public or private corporation thereof shall begin operation of a utility until such person has obtained from the public service commission a certificate to operate a utility. In determining whether issuance of a certificate to operate a utility is in the public interest, the commission may consider whether the applicant has demonstrated adequate financial, technical, and managerial abilities.

(6) No person under the jurisdiction of the commission shall acquire or transfer ownership of or control, or the right to control, any utility, by sale of assets, transfer of stock or otherwise, or abandon the same, without prior approval by the commission.

The Committee Substitute to HB 441 is as follows:

HB 441, AN ACT relating to the Public Service Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 278.020 is amended to read as follows:

(1) No person, partnership, public or private corporation or combination thereof shall begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in KRS 278.010, except retail electric suppliers for service connections to electric-consuming facilities located within its certified territory and ordinary extensions of existing systems in the usual course of business, until such person has obtained from the public service commission a certificate that public convenience and necessity require such construction. Upon the filing of an application for such a certificate, and after any public hearing which the commission may in its discretion conduct for all interested parties, the commission may issue or refuse to issue the certificate, or issue it in part and refuse it in part. Unless exercised within one year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred by the issuance of the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

(2) No utility shall exercise any right or privilege under any franchise or permit, after the exercise of that right

or privilege has been voluntarily suspended or discontinued for more than one (1) year, without first obtaining from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity authorizing the exercise of that right or privilege.

(3) No utility shall apply for or obtain any franchise, license or permit from any city or other governmental agency until it has obtained from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

(4) *No person under the jurisdiction of the commission shall acquire or transfer ownership of or control, or the right to control, any utility, by sale of assets, transfer of stock or otherwise, or abandon the same, without prior approval by the commission. The commission shall grant its approval if the person acquiring the utility has the financial, technical, and managerial abilities to provide reasonable service.* [~~All carriers or conveyors of electricity or electric power are declared to be common carriers and subject to the obligations incident thereto.~~]

HB 899, AN ACT relating to the regulation of water districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 278.015 is amended to read as follows:

(1) Notwithstanding any of the provisions of KRS chapter 74 any water district, combined water, gas or sewer district, or water commission shall be a public utility and shall be subject to the jurisdiction of the public service commission in the same manner and to the same extent as any other utility as defined in KRS 278.010, *except as provided in subsection (2) of this section.*

(2) In the event that any water district shall make application to the public service commission under the terms of this chapter for any approval related to a project to be financed in whole or in part under the terms of an agreement between the water district and the U.S. department of agriculture, farmers home administration, or any other federal agency authorized to make loans or contributions to the water district, it is declared to be the public policy of this state to accept the decision of the water district to enter into an agreement for a loan or contribution from a federal agency as final; and the public service commission shall have no authority to disappove, deny or forbid any action taken by the water district to comply with the minimum requirements of the agreement with the federal agency. The application of the water district to the public service commission for a certificate of public convenience and necessity to undertake and to finance the project, and to establish the minimum rates required by the terms of the agreement with the federal agency, shall be approved upon the filing with the public service commission of a certified copy of the agreement with the federal agency. The publication of the proposed rates shall be made as required for other public utilities.

Section 2. KRS 278.012 is amended to read as follows:

(1) Notwithstanding any other provisions of the Kentucky Revised Statutes, any water association formed for the purpose of furnishing water services to the general public pursuant to KRS Chapter 273 is deemed to be and shall be a public utility and shall be subject to the jurisdiction of the public service commission in the same manner and to the same extent as any other utility as defined in KRS 278.010, *except as provided in subsection (2) of this section.*

(2) In the event that any water association shall make application to the public service commission under the terms of this chapter for any approval related to a project to be financed in whole or in part under the terms of an agreement between the water association and the U.S. department of agriculture, farmers home administration, or any other federal agency authorized to make loans or contributions to the water association, it is declared to be the public policy of this state to accept the decision of the water association to enter into an agreement for a loan or contribution from a federal agency as final; and the public service commission shall have no authority to disapprove, deny or forbid any action taken by the water association to comply with the minimum requirements of the agreement with the federal agency. The application of the water association to the public service commission for a certificate of public convenience and necessity to undertake and to finance the

project, and to establish the minimum rates required by the terms of the agreement with the federal agency, shall be approved upon the filing with the public service commission of a certified copy of the agreement with the federal agency. The publication of the proposed rates shall be made as required for other public utilities.

The Committee Substitute to HB 899 is as follows:

HB 899, AN ACT relating to the regulation of water districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 278.015 is amended to read as follows:

Notwithstanding any of the provisions of KRS chapter 74 any water district, combined water, gas or sewer district, or water commission shall be a public utility and shall be subject to the jurisdiction of the public service commission in the same manner and to the same extent as any other utility as defined in KRS 278.010, *except as provided in Section 4 of this Act.*

Section 2. KRS 278.012 is amended to read as follows:

Notwithstanding any other provisions of the Kentucky Revised Statutes, any water association formed for the purpose of furnishing water services to the general public pursuant to KRS Chapter 273 is deemed to be and shall be a public utility and shall be subject to the jurisdiction of the public service commission in the same manner and to the same extent as any other utility as defined in KRS 278.010, *except as provided in Section 4 of this Act.*

Section 3. KRS 278.020 is amended to read as follows:

(1) No person, partnership, public or private corporation or combination thereof shall begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in KRS 278.010, except retail electric suppliers for service connections to electric-consuming facilities located within its certified territory and ordinary extensions of existing systems in the usual course of business, until such person has obtained from the public service commission a certificate that public convenience and necessity require such construction. Upon the filing of an application for such a certificate, and after any public hearing which the commission may in its discretion conduct for all interested parties, the commission may issue or refuse to issue the certificate, or issue it in part and refuse it in part, *except that the commission shall not refuse or modify an application submitted under Section 4 of this Act without consent by the parties to the agreement.* Unless exercised within one year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred by the issuance of the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

(2) No utility shall exercise any right or privilege under any franchise or permit, after the exercise of that right or privilege has been voluntarily suspended or discontinued for more than one (1) year, without first obtaining from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity authorizing the exercise of that right or privilege.

(3) No utility shall apply for or obtain any franchise, license or permit from any city or other governmental agency until it has obtained from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

(4) All carriers or conveyors of electricity or electric power are declared to be common carriers and subject to the obligations incident thereto.

SECTION 4. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of this section shall apply to any construction project undertaken by a water association, commission, district, or combined water, gas or sewer district formed under KRS Chapters 74 or 273, which project is financed in whole or in part under the terms of an agreement between the water utility and the U.S.

farmers home administration or the U.S. department of housing and urban development. Because federal financing of such projects entails prior review and oversight by the federal agency and obligates the utility to certain actions, and because conflicting requirements by the federal agency and the public service commission may place the water utility in an untenable position and delay or jeopardize such projects, it is declared to be the policy of the Commonwealth that such agreements shall be accepted by the public service commission, and that the commission shall not prohibit a water utility from fulfilling its obligations under such an agreement.

(2) No agreement between a water utility and federal agency under this section shall take effect until thirty (30) days after such agreement, together with necessary applications and documentation, is filed with the commission, unless the commission acts within a lesser time. The commission in its administrative regulations shall list the specific documents required to be filed under this subsection.

(3) The commission shall review the project and the agreement, may recommend changes to the utility and the federal agency, but shall not modify or reject any portion of the agreement on its own authority. The commission shall issue a certificate of necessity and convenience and such other orders as may be required to implement the terms of the agreement no later than thirty (30) days after filing.

(4) The commission shall not prohibit the inclusion of any cost or the use of any accounting procedure in reviewing or setting the rates of the utility if such cost or procedure is required as a condition for federal financing of a construction project under an approved agreement between the water utility and federal agency.

The Committee Title Amendment to HB 899 is as follows:

Amend printed copy of Committee Substitute to HB 899:

By amending the title to read as follows:

"AN ACT relating to the regulation of water districts and water associations."

HB 976, AN ACT relating to blasting near natural gas pipelines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 351.330 is amended to read as follows:

(1) Blasting of explosives for use in the neighborhood of any public highway, stream of water, dwelling house, public building, school, church, commercial or institutional building, pipeline, or utility shall be done in accordance with the provisions of this section, and rules and regulations promulgated by the department.

(2) Where necessary in a blasting operation, the department may require that the operator submit a blasting plan to the department for approval.

(3) In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of the ground motion in any direction shall not exceed two inches per second at the immediate location of any dwelling house, public building, school, church, *natural gas pipeline,* commercial or institutional building and the particle velocity at such location immediately after a period of one second following the peak particle velocity produced by any charge shall not continuously exceed one-half inch per second.

(4) Blasting operations without instrumentation will be considered as being within the limits set forth in this subsection if such blasting operations are conducted in accordance with rules and regulations of the department establishing the maximum amount of explosives to be used in a single charge and in a single subcharge within specified distances from any location provided by subsection (1) *of this section*. No more than 40,000 pounds of explosives may be used in any charge except with the approval of the commissioner. Regulations promulgated by the department pursuant to this subsection shall be in such terms that compliance therewith will assure compliance with the provisions of subsection (3) *of this section.*

(5) No two consecutive subcharges containing the maximum permitted by the department pursuant to this subsection shall have a detonation time separated by less than eight milliseconds, except that if the amount of explosive used in any subcharge is less than maximum permitted by the department pursuant to subsection (4) *of this section*, the time delay between detonation times may be decreased in the same ratio.

(6) Any blasting operation may be conducted without reference to any maximum amount or period provided by or pursuant to subsection (4) *of this section* if the operator of such blasting operation demonstrates by instrumentation that maximum particle velocity of the ground motion in any direction does not exceed the limits provided in subsection (3) *of this section.*

(7) Instruments for determining particle velocity as set forth in this subsection shall be limited to such specific types of devices as shall have been expressly approved by the department and the commissioner or his duly authorized agent may enter upon any premises for the purpose of conducting or supervising any necessary instrumentations provided by KRS 351.315 to 351.375.

(8) When blasting operations are contemplated which would result in ground vibrations that would have a particle velocity in any direction in excess of two (2) inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building, blasting operations may proceed after receiving written consent from the property owner or owners affected.

(9) When blasting operations, other than those conducted at a fixed site as a part of any industry or business operated at such site, are to be conducted within the vicinity of a pipeline or public utility, the blaster or person in charge of the blasting operations shall take due precautionary measures for the protection of the pipeline or utility, and shall give adequate notice to the owner or his agent that such blasting operations are intended. The blaster shall be subject to regulations promulgated by the department concerning such a blasting operation.

(10) Blasting operations near streams shall be prohibited in all cases where the effect of the blasting is liable to change the course or channel of any stream without first obtaining a permit from the department which has been approved by the division of water in the department for natural resources and environmental protection.

(11) Blasting operations shall not be conducted within eight hundred feet of any public highway, unless due precautionary measures are taken to safeguard the public.

(12) Mudcapping in blasting operations shall be permitted only where it would endanger the safety of the workers to drill the rock or material to be blasted. If mudcapping is necessary, no more than ten (10) pounds of explosives shall be used for each charge.

(13) When the use of detonating cord would cause severe air blast the department may cause all trunk lines to be covered by five (5) to six (6) inches of loose earth.

(14) In blasting operations, flying rocks shall not be allowed to fall greater than one-half the distance between the blast and a dwelling house, public building, school, church, commercial or institutional building. Protective material shall be used to insure this limit.

(15) When a blast is about to be fired, ample warning shall be given to allow all persons to retreat to a safe place, and care shall be taken to ascertain that all persons are in the clear. Each operator shall follow a definite plan of warning signals that can be clearly seen or heard by anyone in the blasting area. The operator shall inform all employes at the operation as to the established procedure.

(16) No persons shall use explosives in such manner that safety to persons or property is threatened.

(17) The two (2) inch per second maximum peak particle velocity as specified in subsections (3) and (8) of this section shall be construed as the threshold below which blasting damage is unlikely to occur. However, the department shall have the authority to promulgate regulations requiring more restrictive levels of maximum peak particle velocity when necessary to maintain consistency with federal statutes or regulations.

(18) When blasting operations are contemplated which could result in particle velocities at the immediate location of any natural gas pipeline greater than those set out in subsection (3) of this section, the blaster or person in charge of the blasting operation shall submit a blasting plan to the department, to the owner of the pipeline or his agent, and to the public service commission, and shall not commence any such blasting without first obtaining from the department a permit to conduct blasting according to an approved blasting plan. The department shall consult with the owner of the pipeline or his agent and with the public service commission prior to issuing any permit under this subsection.

Section 2. KRS 351.990 is amended to read as follows:

(1) Any commissioner of the department of mines and minerals who violates any of the provisions of subsection (2) of KRS 351.020, or any of the provisions of KRS 351.070 to 351.110 or KRS 351.160 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(2) Any person who violates standards promulgated under KRS 351.070 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(3) Any person who violates any of the provisions of KRS 351.100 to 351.120 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(4) Any mine inspector who violates any of the provisions contained in KRS 351.140 or 351.150 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(5) Any operator who violates any of the provisions of KRS 351.170 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(6) Any person who violates any of the provisions of subsection (1) of KRS 351.180 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(7) Any person who violates any of the provisions of KRS 351.315 to 351.375 or any regulation, determination, or order issued thereunder shall be subject to a civil fine not less than twenty dollars ($20) nor more than one thousand dollars ($1,000) for each violation.

(8) Any person who shall willfully violate any of the provisions of KRS 351.315 to 351.375, or any regulation, determination or order promulgated pursuant to the sections of KRS 351.315 to 351.375 which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars ($500) and not more than five thousand dollars ($5,000).

(9) Any person who violates any of the provisions of KRS 351.330(16) shall be guilty of a Class B misdemeanor.

(10) Any person who violates any of the provisions of KRS 351.345(3) shall be guilty of a Class D felony.

(11) *Any person who violates any of the provisions of KRS 351.330(18) shall be guilty of a Class D felony.*

(12) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to KRS Chapter 351 or 352, or any order or decision issued under KRS Chapter 351 or 352 shall, upon conviction, be punished by a fine of not less than five hundred dollars ($500) nor more than ten thousand dollars ($10,000) or by imprisonment for not more than six (6) months, or both.

(13)[~~(12)~~] Any person who knowingly works in or at a mine without a certificate issued under the provisions of this chapter, any person who knowingly employs an uncertified miner to work in an underground coal mine in this state, or any operator who fails to insure the supervision of trainee miners shall be guilty of a misdemeanor and shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500). Each day of employment shall constitute a separate offense.

(14)[~~(13)~~] Any operator who fails to obtain his license as required by KRS 351.175 shall be guilty of a Class A misdemeanor as defined in KRS 532.090, and shall be subject to a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense. Venue for such offenses shall lie in the county in which the offense occurred.

(15)[~~(14)~~] Any operator operating a mine with knowledge that the mine has been placed under a valid closure order pursuant to KRS 351.175 shall be guilty of a Class D felony, as defined in KRS 532.060, and shall be subject to a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000). Jurisdiction shall lie in the circuit court of the county in which the offense occurred.

SB 299, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 353.510 is amended to read as follows:

As used in KRS 353.500 to 353.720, unless the context otherwise requires:

(1) "Department" means the department of mines and minerals as defined in KRS 351.010;

(2) "Commissioner" means the commissioner of the department of mines and minerals as defined in KRS 351.010;

(3) "Director" means the director of oil and gas conservation as provided in KRS 353.530;

(4) "Commission" means the Kentucky Oil and Gas Conservation Commission as provided in KRS 353.565;

(5) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common-law or statutory trust, guardian, executor, administrator or fiduciary of any kind, *federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body*;

(6) "Correlative rights" means the reasonable opportunity of each person entitled thereto to recover and receive without waste the oil and gas in and under his tract or tracts, or the equivalent thereof;

(7) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(8) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined above as oil;

(9) "Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool" as used herein;

(10) "Field" means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "field" includes the underground reservoir containing oil or gas or both. The words "field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "field," unlike "pool," may relate to two or more pools*;* [~~.~~]

(11) "Just and equitable share of production" means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil and gas in that part of a pool underlying his tract or tracts;

(12) "Abandoned," when used in connection with a well or hole, means a well or hole which has never been used, or which, in the opinion of the department, will no longer be used for the production of oil or gas or for the injection or disposal of fluid therein;

(13) "Workable bed" means:

(a) A coal bed actually being operated commercially;

(b) A coal bed that the department decides can be operated commercially and the operation of which can reasonably be expected to commence within not more than ten (10) years; or

(c) A coal bed which, from outcrop indications or other definite evidence, proves to the satisfaction of the commissioner to be workable, and which, when operated, will require protection if wells are drilled through it;

(14) "Well" means a borehole drilled, or proposed to be drilled, for the purpose of producing natural gas or petroleum, or one through which natural gas or petroleum is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas or other fluid therein or one into which any water, gas or other fluid is being injected;

(15) "Shallow well" means any well drilled and completed at a depth less than four thousand (4000) feet

except, in the case of any well drilled and completed east of longitude line 84 30', shallow well means any well drilled and completed at a depth less than four thousand (4000) feet or above the base of the lowest member of the Devonian Brown Shale, whichever is the deeper in depth*;* [~~.~~]

(16) "Deep well" means any well drilled and completed below the depth herein provided for a shallow well*;* [~~.~~]

(17) "Operator" means any owner of the right to develop, operate and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for himself or for himself and others; in the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as "operator" to the extent of seven-eighths (7/8) of the oil and gas in that portion of the pool underlying the tract owned by such owner, and as "royalty owner" as to one-eighth (1/8) interest in such oil and gas; and in the event the oil is owned separately from the gas, the owner of the right to develop, operate and produce the substance being produced or sought to be produced from the pool shall be considered as "operator" as to such pool;

(18) "Royalty owner" means any owner of oil and gas in place, or oil and gas rights, to the extent that such owner is not an operator as defined in subdivision seventeen of this section*;* [~~.~~]

(19) "Drilling unit" generally means the maximum area in a pool which may be drained efficiently by one well so as to produce the reasonable maximum recoverable oil or gas in such area. Where the regulatory authority has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, such area shall be a drilling unit*;*

(20) "Underground source of drinking water" means those subsurface waters identified as such in regulations promulgated by the department which shall be consistent with the definition of underground source of drinking water in regulations promulgated by the environmental protection agency pursuant to the safe drinking water act, 42 USC 300(f) et seq.;

(21) "Underground injection" means the subsurface emplacement of fluids by well injection but does not include the underground injection of natural gas for purposes of storage;

(22) "Endangerment of underground sources of drinking water" means underground injection which may result in the presence in underground water, which supplies or can reasonably be expected to supply any public water system, of any contaminant and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons;

(23) "Class II well" means wells which inject fluids:

(a) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

(b) For enhanced recovery of oil or natural gas; and

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(24) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

SECTION 2. A NEW SECTION OF KRS CHAPTER 353 IS CREATED TO READ AS FOLLOWS:

The purpose of this Act shall be, upon delegation of authority for administration of the underground injection control program under section 1425 of the safe drinking water act (public law 93-523 as amended), to protect underground sources of drinking water and to prevent their endangerment from class II wells. This Act shall apply to all persons as defined in KRS 353.510; to all lands including federally-owned lands; and to all class II wells without regard to the time the well was drilled; provided that the department may make reasonable distinctions between existing and new class II wells in the implementation of this Act. No provision of this Act shall apply to crude oil or natural gas production wells that are not class II wells.

SECTION 3. A NEW SECTION OF KRS CHAPTER 353 IS CREATED TO READ AS FOLLOWS:

In addition to the powers conferred upon the department by KRS 353.500 to 353.720 and notwithstanding any provision of KRS 353.500 to KRS 353.720, the department is authorized but not obligated to develop and promulgate a regulatory program for the purpose of accepting primary responsibility for administration of the underground injection control program under section 1425 of the safe drinking water act (public law 93-523 as amended). To that end, the department shall include in any regulatory program developed and promulgated under this provision:

(1) Regulations regarding the drilling, casing, operation, plugging, construction, conversion maintenance and abandonment of class II wells to protect underground sources of drinking water and to prevent their endangerment;

(2) Regulations prohibiting underground injection through class II wells except as authorized by such regulations or by a permit issued pursuant thereto;

(3) Regulations requiring owners or operators of class II wells to demonstrate financial responsibility for the costs of closure of all class II wells. Such demonstration of financial responsibility may include but need not be limited to the well plugging bond required by KRS 353.590(5);

(4) Regulations providing for reasonable public notice of applications for permits for class II wells and providing for public participation in the issuance of such permits;

(5) Regulations establishing a schedule of fees for the mechanical integrity testing and periodic registration of class II wells to be paid by the owners or operators thereof. The schedule of fees shall be based upon the reasonable cost to the department of administering the underground injection control program. The regulations may provide for the collection of a fee prior to delegation of authority by the federal environmental protection agency which shall be refunded by the department if the department does not receive said delegation.

No regulation promulgated pursuant to this section shall authorize the endangerment of an underground source of drinking water or be more stringent than regulations promulgated by the environmental protection agency pursuant to the underground injection control program of the safe drinking water act, 42 USC 300(f) et seq.

SECTION 4. A NEW SECTION OF KRS CHAPTER 353 IS CREATED TO READ AS FOLLOWS:

Any person who violates this Act or who fails to perform any duties imposed by this Act or who violates any permit, rule or regulation promulgated pursuant thereto shall be subject to a civil penalty of not more than five thousand dollars ($5,000) for each day of such violation or, if such violation is willful, such person may, in lieu of the civil penalty, be fined not more than ten thousand dollars ($10,000) for each day of such violation and may concurrently with such civil penalty or fine be enjoined from any such violation. The civil penalties or fines shall be assessed by the circuit court of the county in which the violation occurred.

SECTION 5. A NEW SECTION OF KRS CHAPTER 353 IS CREATED TO READ AS FOLLOWS:

Appeals may be taken from all final actions of the department to issue, deny, modify or revoke any permit under the underground injection control program. Such appeals shall be taken within thirty (30) days from the department's action to the circuit court of the county in which the well is located or proposed to be located. The party or parties affected by the action shall file in the circuit court a petition which states fully the grounds upon which a review is sought and assign all errors relied on. The department shall be named respondent, and service shall be had on the commissioner. Summons shall issue upon the petition directing the department to send its entire record, properly bound, to the clerk of the circuit court after certifying that such record is its entire original record or a true copy thereof, which shall be filed by the clerk of the circuit court and such record shall then become official and be considered by the circuit court on the review. After the case has been properly docketed in the circuit court, any party directly affected by the issues on appeal, may, upon notice to the parties and upon proper showing and in the discretion of the court, be permitted to intervene. Upon hearing of the appeal the findings of the department shall be prima facie evidence of the facts found therein. The court shall review the entire record and the findings and orders of the department. Appeals to the Court of Appeals from orders of the circuit court, shall be taken in the manner provided in the Kentucky Rules of Civil Procedure.

SCR 2, A CONCURRENT RESOLUTION establishing a Low-Income Energy Task Force.

WHEREAS, there are many low-income households in this state which cannot afford to pay for adequate heat; and

WHEREAS, the only statewide energy assistance program, the Low-Income Home Energy Assistance block grant, has historically only been able to meet between thirty percent to fifty percent of the need; and

WHEREAS, the only statewide weatherization program has identified over 250,000 households which qualify and need weatherization services; and

WHEREAS, there are at least seven states which have either adopted or are considering adoption of a guaranteed service plan whereby utility customers who cannot pay their full bill are assured continued service if they pay a portion of that bill, based on income; and

WHEREAS, the reports on the experience of those states adopting guaranteed service plans which should be available soon could provide useful information to this state; and

WHEREAS, for six months a subcommittee of the Interim Joint Committee on Energy considered alternatives to the way this state addresses energy assistance, but concluded that significant changes should not be made without further study and the expertise of the various entities in the state which deal with energy assistance daily;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Legislative Research Commission is directed to establish a Low-Income Energy Task Force. The task force shall consist of membership from both houses of the legislature, which shall choose from among its membership a chairperson and vice-chairperson, by mutual agreement. In addition, the Legislative Research Commission shall appoint to the task force representatives from utilities and low-income advocacy groups; the agency head or designee from the Kentucky Public Service Commission, the Kentucky Energy Cabinet, the Kentucky Department for Social Insurance, the Kentucky Department for Employment Services, and the Kentucky Association for Community Action; and such other members as the Commission desires. However, the total membership of the task force shall not exceed fifteen members.

Section 2. The task force shall examine all aspects of energy assistance for low-income households and make recommendations to the Legislative Research Commission on how energy assistance in the state could be made more efficient and more effective. The task force shall consider current Public Service Commission regulations, state weatherization and energy assistance programs, guaranteed service plans, and conservation incentives for those receiving energy assistance. The task force shall meet at least quarterly and shall report its findings and recommendations to the Legislative Research Commission no later than January 1, 1988.

Section 3. The task force may engage, if necessary, the services of professional consultants, the cost of such services not to exceed $20,000, subject to approval by the Legislative Research Commission. The members of the task force shall be reimbursed for their expenses in attending meetings. It is estimated that the operation of the task force and the provision of staff services, excluding any consultant fees, will cost approximately $20,000. Staff services are to be provided by the Legislative Research Commission from its regular budget and are subject to the limitations and other research responsibilities of the Commission.

The Committee on Natural Resources and Environment reported HB 201, HB 757, HB 768, HB 804, HB 809 with Committee Substitute attached, HB 871, HB 898, SB 20, SB 22, SB 48, SB 225, SB 305 with Committee Amendment attached thereto, and SJR 54 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 201, AN ACT relating to solid waste management.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 109.041 is amended to read as follows:

(1) In addition to all other powers enumerated in Chapter 67 and other sections of the Kentucky Revised Statutes, counties, acting by and through their fiscal courts, may plan, initiate, acquire, construct and maintain solid waste management facilities and promulgate rules and regulations with respect thereto in accordance with this chapter. It is hereby determined and declared that in the implementation, acquisition, financing and maintenance of solid waste management facilities, and in the enforcement of their use, counties will be performing state functions duly delegated to them for the public welfare. In such regard, the right of counties to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise the police power in respect thereto is confirmed. Any county may contract with third parties for the management by public or private means of solid waste within the county.

(2) No sanitary landfill shall be acquired and constructed until the construction thereof has been approved in writing by the department. Planning for sanitary landfills shall be conducted only in accordance with the policy set forth in KRS 109.011(7).

(3) Except as provided in KRS 109.062, no county or waste management district shall prohibit or otherwise restrict the resource recovery of materials by:

(a) Any resource recovery operation in existence in the county or district on the effective date of the mandatory program; or

(b) Any person supplying material to resource recovery operations on the effective date of the mandatory program; or

(c) Any new resource recovery operation that reclaims the same type of materials as resource recovery operations included in paragraph (a) of this subsection; or

(d) Any new suppliers to resource recovery operations included in paragraphs (a) and (c) of this subsection; or

(e) Any resource recovery operation for glass, plastic or metal beverage containers, unless a commitment has been made by a local government or other political subdivision of the state, by ordinance or contract, to a solid waste project consistent with the provisions of this chapter, that is dependent upon the resource recovery of glass, plastic or metal beverage containers to meet its financial obligations for said project, and such commitment has been made prior to the operation of any other such resource recovery facility in the county or district; or

(f) Any other resource recovery operation within the county or district not included in paragraphs (a) through (e) of this subsection or the supply of materials to such operation unless it is established that such operation would jeopardize the ability of a local government or other political subdivision of the state to meet financial obligations incurred in the maintenance, operation, or amortization of capital acquisition costs for a solid waste management facility.

(4) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, no county or waste management district shall regulate special wastes as defined in KRS 224.868 or solid waste from agricultural or mining operations.

(5) Any county undertaking the planning, implementation, construction, installation, acquisition and financing of a solid waste management facility pursuant to this chapter shall have the authority set forth in Chapter 58 of the Kentucky Revised Statutes concerning the financing of such solid waste management facility including the authority to promulgate, enforce and collect reasonable rates, rentals and charges for the use of such solid waste management facility.

(6) Bonds authorized to be issued by any county pursuant to the authority of this chapter for the financing of solid waste management facilities may be sold at either private or public sale as may in the sound discretion of the county be in the best interests of the county.

(7) Any county undertaking solid waste management pursuant to the provisions of this chapter may contract with any person for the provision of solid waste management services. A county may contract with any city to provide solid waste management services or may delegate the responsibility for solid waste management within incorporated areas to a city when the city agrees to assume such responsibility. In connection with solid waste management, any county may enter into contracts with any person for any term of years.

(8) Counties are authorized to charge a reasonable fee to haulers for the handling of their waste at a solid waste management facility approved by the department.

(9) Counties are authorized to sell or market materials and energy recovered from solid waste and to enter into long-term contracts guaranteeing supply to insure markets for the sale of recovered products.

(10) In carrying out the provisions of this chapter, counties shall be subject to standards set by regulations promulgated by the department on waste management pursuant to KRS Chapter 224.

(11) No county or waste management district shall prohibit long-term contracts by ordinance or other means.

(12) Counties are expressly authorized in addition to the powers enumerated in KRS Chapter 65 and this chapter to contract with one another in order to regionalize solid waste management to the maximum extent practicable.

(13) Solid waste generated in a county which has planning and zoning shall not be disposed of at any other location in Kentucky outside of that county by any person unless permitted by and in accordance with a multi-county solid waste management area contract entered into pursuant to KRS 109.082 or a multi-county waste management district formed pursuant to this chapter.

HB 757, AN ACT relating to surface coal mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.060 is amended to read as follows:

(1) No person shall engage in surface coal mining and reclamation operations without having first obtained from the cabinet a permit designating the area of land affected by the operation. Permits shall authorize the operator to engage in surface coal mining and reclamation operations upon the area of land described in his application for a period of not to exceed five (5) years; provided that if an applicant demonstrates that a specified longer term is reasonably needed to obtain necessary financing for equipment and the opening of the operation and if the application is full and complete for such specified longer term, the cabinet may grant a permit for such longer term. No mining shall be permitted beyond the time period obligations of the initial or extended bond coverage.

(2) All operators who wish to engage in surface coal mining and reclamation operations and who have a valid permit from the cabinet and who are in expectation of operating such mines after the expiration of eight (8) months from the approval by the secretary of the interior of the permanent regulatory program shall within two (2) months of the effective date of such approval apply for a new permit for such mines in compliance with the requirements of this section. The natural resources and environmental protection cabinet shall establish procedures and programs consistent with this chapter to issue or deny such permits within eight (8) months of such approval. The general assembly finds the fact that, due to the large number of permitted operations within the Commonwealth, the eight-month period may be administratively impracticable, and hereby authorizes the secretary to devise procedures to comply with this section in the most expeditious and reasonable manner possible, and a filing shall be deemed timely for the purposes of this subsection and surface coal mining operations may continue under an existing permit if that filing is in substantially complete form and submitted within the time limits set forth herein.

(3) Any permit validly issued by the cabinet under the interim regulatory program in effect on March 21, 1980 and which would expire at any time after May 1, 1980 and before eight (8) months after approval of the permanent regulatory program by the United States secretary of the interior, shall be extended and remain in effect until eight (8) months after approval of the permanent regulatory program. Any interim permit so extended shall continue as a valid existing permit for purposes of this subsection if the permittee so requests and files an application for a permit with the cabinet within two (2) months of the date of approval of the permanent regulatory program. The permittee may conduct operations under that existing permit beyond the eight (8) month period if an application has been filed in accordance with this subsection, but the initial administrative decision has not been rendered.

(4) No permit or revision application shall be approved unless the application affirmatively demonstrates and the cabinet finds in writing on the basis of the information set forth in the application or from information otherwise available, that the permit application is accurate and complete and that all the requirements of this chapter have been complied with.

(5) An operator desiring a permit to engage in surface coal mining operations shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area adjacent to any part of the affected area;

(c) The owner or owners of the coal to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post-office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) ten percent (10%) or more of any class of voting stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(h) A listing of any and all violations of this chapter, P.L. 95-87, and any law, rule or regulation in effect for the protection of air or water resources incurred by the applicant in connection with any surface coal mining and reclamation operation during the three-year period prior to the date of an application. Such a list shall indicate the final resolution of the violations; and

(i) Whether the area of land to be affected by the operation has been previously mined and is not in compliance with current reclamation standards, if so then identify the needed reclamation work.

(6) The application for a permit shall be accompanied by an official document (and an affidavit attesting to the document's authenticity) which will evidence what particular business entity the applicant is, whether a foreign or domestic corporation, a partnership, an entity doing business as another, or, if sole proprietorship, then an affidavit so stating.

(7) The application for a permit shall be accompanied by copies, in numbers satisfactory to the cabinet, of a United States geological survey topographic map or such other map acceptable to the cabinet on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map.

(8) The application for a permit shall be accompanied by copies, in numbers satisfactory to the cabinet, of an enlarged United States geological survey topographic map or such other map acceptable to the cabinet meeting the requirements of paragraphs (a) through (i) of this subsection. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS Chapter 322. The certification shall be in the form as provided in subsection (10) of this section, except that the engineer shall not be required to certify the true ownership of property under paragraph (d) of this subsection;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining;

(d) Show the boundaries of surface properties and names of owners on the affected area and adjacent to any part of the affected area;

(e) Be of a scale of 1:24,000 or larger;

(f) Show the names, and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred (500) feet of such area;

(g) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(h) Show the date on which the map was prepared, the north point and the quadrangle name; and

(i) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge.

(9) Each application shall include a determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and groundwater systems, including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the cabinet of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability; provided, however, that this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate federal or state agency. Provided further, that the permit shall not be approved until such information is available and is incorporated into the application.

(10) All certifications required by this chapter to be made by professional engineers shall be done in the form prescribed by the cabinet and shall be reasonably specific as to the work being certified. The cabinet may reject any document or map as incomplete if it is not properly certified.

(11) The application shall be accompanied by a transportation plan which shall set forth the portions of the state primary road system, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of KRS 189.271 to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the transportation cabinet attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the state primary road system and the accuracy of the specifications of weight limits on such highways and bridges. All trucks hauling coal on a fully controlled limited access highway shall be covered by a tarp or equivalent cover to prevent spillage.

(12) In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto.

(13) The application for a permit shall be accompanied by proof that the applicant has public liability insurance coverage satisfactory to the cabinet for the surface mining and reclamation operations for which the permit is sought, or proof that the applicant has satisfied self-insurance requirements as provided by regulations of the cabinet. Such coverage shall be maintained in full force and effect during the terms of the permit and any renewal thereof, and until reclamation operations are completed.

(14) A basic fee set by regulation, and bearing a reasonable relationship to the cost of processing the permit application but not to exceed three hundred seventy-five dollars ($375) plus a fee set by regulation but not to exceed seventy-five dollars ($75) for each acre or fraction thereof of the area of land to be affected by the operation, shall be paid before the permit required herein shall be issued; provided that if the cabinet approves an incremental bonding plan submitted by the applicant, the acreage fees may be paid in increments and at times corresponding to the approved plan. The operator shall file with the cabinet a bond payable to the Commonwealth of Kentucky with surety satisfactory to the cabinet in the penal sum to be determined by the cabinet for each acre or fraction thereof of the area of land affected, with a minimum bond of ten thousand dollars ($10,000), conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the cabinet. In determining the amount of the bond the cabinet shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required and the probable difficulty of reclamation giving consideration to such factors as topography, geology, hydrology, and revegetation potential. The bond amount shall initially be computed to be sufficient to assure completion of reclamation if the work had to be performed by the cabinet in the event of forfeiture. The cabinet shall promulgate regulations setting forth bonding requirements including, but not limited to, requirements for the amount, duration, release, and

forfeiture of such bonds. Where the circumstances are such as to warrant an exception, the cabinet, in its discretion, may reduce the amount of the bond for a two (2) acre operation to less than the required minimum.

(15) Surface coal mining and reclamation operations which affect two (2) acres or less shall be exempt from the requirements of this chapter, except that the cabinet shall promulgate reasonable minimal regulations for permitting, bonding, controlling offsite water quality, revegetation, refuse piles, and use of explosives; and shall prohibit disposal of soil over the outslope in an uncontrolled manner. Such regulations shall recognize the distinct difference between two (2) acre operations and other surface coal mining operations and shall be less stringent than those imposed on other surface coal mining operations affecting more than two (2) acres, and in no event shall the cabinet require that the highwalls left by such operations be eliminated. In no event shall the bond be more than one thousand dollars ($1,000) per acre. The cabinet shall promulgate a short form application which will require the basic business information and a brief description of the method of operation. These applications shall be processed within thirty (30) calendar days. All procedural provisions and the penalty provisions of KRS 350.990 shall, however, apply to operations conducted and permits granted pursuant to this subsection. The cabinet shall enforce this subsection consistent with this chapter except that the cabinet shall not issue orders requiring cessation of operations for mere failure to abate a violation.

(16) The cabinet shall promulgate rules and regulations for the permitting of operations with surface effects of underground mining and other surface coal mining and reclamation operations consistent with this section. The cabinet shall recognize the distinct differences between the surface effects of underground mining and strip mining, as also provided in KRS 350.151, in promulgating permitting requirements for these operations; provided, that the cabinet shall require, for underground mines that are greater than two (2) acres under subsection (15) of this section, that all of the areas overlying underground workings be permitted but that the areas overlying underground workings not affected by operations and facilities occurring on the surface shall not be subject to the payment of acreage fees or bond requirements of subsection (14) of this section or of KRS 350.151; provided, however, that applications for operations of two (2) acres or less filed under subsection (15) of this section shall clearly identify the boundaries of the proposed deep mine operation.

(17) Any valid permit issued pursuant to this chapter shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holders of the permit may apply for renewal and such renewal shall be issued (provided that on application for renewal the burden shall be on the opponents of renewal), subsequent to the fulfillment of the public notice requirements of this chapter unless it is established and written findings by the cabinet are made that:

(a) The terms and conditions of the existing permit are not being satisfactorily met;

(b) The present surface coal mining and reclamation operation is not in compliance with the environmental protection standards of this chapter;

(c) The renewal requested substantially jeopardizes the operator's continuing responsibility on existing permit areas;

(d) The operator has not provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the cabinet might require; or

(e) Any additional revised or updated information required by the cabinet has not been provided;

Prior to the approval of any renewal of permit the cabinet shall provide notice to the appropriate public authorities.

(18) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new areas of surface disturbance shall be subject to the full standards applicable to new applications under this chapter.

(19) Any permit renewal shall be for a term not to exceed the period of the original permit. Application for permit renewal shall be made at least one hundred and twenty (120) days prior to the expiration of the valid permit.

(20) Notwithstanding any of the provisions of this section, a permit shall terminate if the permittee has not commenced the surface coal mining operations covered by such permit within three (3) years of the issuance of the permit. However, the cabinet may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding commencement of operations, or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee. With respect to coal to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee shall be deemed to have commenced surface mining operations at such time as the construction of the synthetic fuel or generating facility is initiated.

(21) Each application for a permit or revision for auger mining on a previously mined area must contain information to describe the area to be affected, to show that the proposed method of operation will result in stable post-mining conditions, and reduce or eliminate adverse environmental conditions created by previous mining activities. If the cabinet determines that the affected area cannot be stabilized and reclaimed subsequent to augering or that the operation will result in an adverse impact to the proposed or adjacent area, the permit or revision shall not be issued. The cabinet shall, consistent with all applicable requirements of this chapter, issue a permit or revision if the applicant demonstrates that the proposed coal mining operations will provide for reduction or elimination of the highwall, or reduction or abatement of adverse impacts resulting from past mining activities, or stabilization or enhancement of a previously mined area. The cabinet shall insure that all reasonably available spoil material will be used to backfill the highwall to the extent practical and feasible; provided, however, that in all cases the holes be properly sealed and backfilled to a minimum of four (4) feet above the coal seam being mined.

[~~(22) All operations involving the crushing, screening, or loading of coal which do not separate the coal from its impurities, and which are not located at or near the mine site, shall be exempt from the requirements of this chapter.~~]

HB 768, AN ACT relating to surface coal mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

When the reclamation bond for an interim or pre-interim program permit is forfeited by the cabinet, and the entire forfeited amount is not necessary to establish proper drainage and revegetation on the permit area for which it was submitted, the cabinet may use any remaining funds to supplement forfeited bonds for reclamation of other permit areas, if such other permit areas endanger public health and safety.

HB 804, AN ACT relating to forestry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 149.405 is amended to read as follows:

(1) It shall be unlawful, when the forest lands, brush lands and fields in this state or any part thereof have become so dry or parched as to create an extraordinary fire hazard endangering lives and property, for any person, except the owner, tenant or owner's authorized agent, persons regularly engaged in cutting, processing, or moving forest products, persons engaged in constructing, maintaining, and operating utility or pipeline rights-of-way, or persons on official duty, to enter or travel in any state, county, municipal or private forest lands, brush lands, fields or idle or abandoned lands in the area so affected except on public highways or well defined private roads.

(2) When such an emergency is found to exist by the director of forestry, the governor may proclaim such a condition to exist in the commonwealth or any described part thereof. The provisions of subsection (1) shall be effective only during the time such proclamation is in force and only in the area where such emergency is declared to exist.

(3) The secretary of state shall cause notice of such proclamation or any amendments or rescission thereof to be published in a newspaper or newspapers of general circulation in the area affected. *Upon publication of a notice of a forest fire emergency proclamation, it shall be unlawful for any person to build, maintain, attend, or use any outdoor fire, during the time such proclamation is in force and in the area where such emergency is declared to exist.*

HB 809, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 353.540 is amended to read as follows:

(1) The department is authorized and it shall be its duty to administer and enforce KRS 353.500 to 353.720, all rules and regulations promulgated and orders issued hereunder, and to conduct such investigations as it deems necessary.

(2) The department is hereby granted authority and jurisdiction over all persons and property necessary for such purposes.

(3) The department is authorized to adopt administrative regulations in order to carry out the purposes of KRS 353.500 to 353.720 following a hearing pertaining to oil and gas operations and the minimization of the impact on the surface of the land by oil and gas operations.

Section 2. KRS 353.590 is amended to read as follows:

(1) Any person, seeking a permit required by KRS 353.570, shall submit to the department a written application in such form as may be prescribed by the department.

(2) Each application shall be accompanied by a specified fee as follows:

(a) The fee shall be *five* [~~one~~] hundred dollars *($500.00)* [~~($100.00)~~] for each well to be drilled, deepened or reopened for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole.

(b) If the department receives delegation of authority for administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended), the department may, by regulation, establish a fee or schedule of fees in an amount not to exceed fifty dollars ($50.00) per well, in addition to the fees imposed by paragraph (a) of this subsection, upon each application to drill, deepen or reopen a well for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole. The fees or schedule of fees to be established by regulation shall not exceed an amount sufficient to recover the costs incurred by the department in administering the underground injection control program less any other state or federal funds which are made available for such purpose.

(c) All money paid to the state treasurer for fees required by paragraph (b) of this subsection shall be for the sole use of the department in the administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended).

(3) All money paid to the state treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the general assembly for the use of the department.

(4) Each application shall be accompanied by a plat, which shows the *proposed* location and elevation of each well, prepared according to the rules and regulations promulgated under KRS 353.500 to 353.720, *and a topographic map with a scale of one (1) inch equals four hundred (400) feet, which shows the proposed location of all new ingress and egress, the locations of diversions, drilling pits, dikes and related structures and facilities, the location of proposed storage tanks and all other proposed surface disturbances.* The plat *and map* shall be certified as accurate and correct by the applicant, a qualified employe of the applicant, a person approved by the department, or an engineer registered in Kentucky, provided that when the location of the well is known to be underlaid by coal-bearing stratum, such plat *and map* shall be certified accurate and correct only by an engineer registered in Kentucky. If any plat *or map* submitted by an applicant is determined by the department to be materially inaccurate or incomplete, the department may require that a new plat *or map* be prepared and submitted either by a person approved by the director or an engineer registered in Kentucky. The department may further require that all future plats submitted by such an applicant be prepared either by a person approved by the director or an engineer registered in Kentucky. *No later than the filing of the application with the department for a permit to drill and prior to any site preparation, the applicant shall give notice by certified mail of intent to drill to the property owner or owners of the surface of the land to be drilled or to be affected*

by surface disturbances as a result of the drilling operation. Such notice shall contain a correct copy of the plat required to be submitted with the application. Any amendments to the original application or to the plat shall be sent by certified mail to the owner or owners of the surface no later than the filing of the amendments with the department. If a surface owner is aggrieved by the proposed location of the wells or surface disturbances, as set out in an application for a permit or amendment of a permit, he may, within thirty (30) days from the date of the receipt of the notice, request a hearing before the department. This hearing shall be conducted as an adversary proceeding by the commissioner, or his designated representative, not sooner than twenty (20) days nor later than sixty (60) days after receipt of the request. The surface owner, or owners, and the applicant shall have the right to present evidence and cross-examine the other party's witnesses; however, the rules of evidence applicable to the court shall not apply. In no event shall the department issue the permit prior to the decision of the hearing as provided for herein. Within thirty (30) days after the hearing, the commissioner or his designated representative shall render a decision, which shall be the final order of the agency, as to the location of the wells and other surface disturbances so as to minimize the impact of the proposed drilling operation on the surface of the land. If aggrieved, the surface owner or applicant shall have the right to appeal the decision of the commissioner, or his designated representative, to the Franklin circuit court, which shall hear the dispute de novo. The permit applicant, in the design of the proposed drilling operation, shall minimize, to the extent possible, unnecessary disturbance of the natural land surface and impact on water resources, including the design of roads and location of drill sites and shall reclaim the site when the well is plugged or abandoned.

(5) When any person submits to the department of mines and minerals an application for a permit to drill a well, or to reopen, deepen or temporarily abandon any well which is not covered by surety bond, the department shall except as provided in this section, require from the well operator a bond in the sum of $1,000 in favor of the department of mines and minerals, conditioned that the well upon abandonment shall be plugged in accordance with the rules and regulations of the department and that all records required by the department be filed as specified. The bond shall remain in effect until the plugging of the well is approved by the department, or the bond is released by the department. Any well operator in lieu of such bond may file with the department a blanket bond in a sum of $5,000, covering all wells drilled or to be drilled in the Commonwealth by the principal in the bond, and the acceptance and approval by the department of such blanket bond shall be in full compliance with the above provision requiring an individual well bond. The bond or bonds referred to in this section shall be executed by the well operator as principal and by a corporate surety authorized to do business in the Commonwealth. A deposit in cash shall serve in lieu of either of the above bonds.

(6) Notification in writing to the department by a successor to the well operator with bond as provided in subsection (5) that said successor is assuming the obligations of this chapter as to a particular well or wells, will relieve the original permittee of responsibility under this chapter with respect to such well or wells.

(7) If the requirements of subsection (5) with respect to proper plugging upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five (45) days after mailing of the notice, the bond shall then be forfeited to the department.

(8) When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the attorney general, who shall collect the forfeiture.

(9) All sums received through the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account to be designated as the oil and gas well plugging fund. This fund shall be available to the department and may be expended for the plugging of any abandoned wells coming within the authority of the department pursuant to this chapter. The plugging of any well pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for such plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

(10) Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of said hole confidential until such information is allowed to be released by the person obtaining such permit.

(11) For the purpose of this chapter, "water supply well" shall not include:

(a) Any well for a potable water supply for domestic use or for livestock.

(b) Any water well used primarily for cooling purposes in an industrial process.

The Committee Substitute to HB 809 is as follows:

HB 809, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 353.590 is amended to read as follows:

(1) Any person, seeking a permit required by KRS 353.570, shall submit to the department a written application in such form as may be prescribed by the department.

(2) Each application shall be accompanied by a specified fee as follows:

(a) The fee shall be one hundred dollars ($100) for each well to be drilled, deepened or reopened for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole.

(b) If the department receives delegation of authority for administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended), the department may, by regulation, establish a fee or schedule of fees in an amount not to exceed fifty dollars ($50.00) per well, in addition to the fees imposed by paragraph (a) of this subsection, upon each application to drill, deepen or reopen a well for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole. The fees or schedule of fees to be established by regulation shall not exceed an amount sufficient to recover the costs incurred by the department in administering the underground injection control program less any other state or federal funds which are made available for such purpose.

(c) All money paid to the state treasurer for fees required by paragraph (b) of this subsection shall be for the sole use of the department in the administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended).

(3) All money paid to the state treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the general assembly for the use of the department.

(4) Each application shall be accompanied by a plat, which shows the location and elevation of each well, prepared according to the rules and regulations promulgated under KRS 353.500 to 353.720. The plat shall be certified as accurate and correct by the applicant, a qualified employe of the applicant, a person approved by the department, or an engineer registered in Kentucky, provided that when the location of the well is known to be underlaid by coal-bearing stratum, such plat shall be certified accurate and correct only by an engineer registered in Kentucky. If any plat submitted by an applicant is determined by the department to be materially inaccurate or incomplete, the department may require that a new plat be prepared and submitted either by a person approved by the director or an engineer registered in Kentucky. The department may further require that all future plats submitted by such an applicant be prepared either by a person approved by the director or an engineer registered in Kentucky.

(5) *No later than the filing of the application with the department for a permit to drill and prior to any site preparation, the applicant shall give notice by certified mail of intent to drill to the property owner or owners of the surface of the land to be drilled or to be affected by surface disturbances as a result of the drilling operation. Such notice shall contain a correct copy of the plat required to be submitted with the application.*

(6) Before the permit is issued under subsection (5) of this section, if a surface owner is aggrieved by the proposed location of the well in an application for a permit, he shall be entitled to injunctive relief in the circuit court where the land is located.

(7) When any person submits to the department of mines and minerals an application for a permit to drill a well, or to reopen, deepen or temporarily abandon any well which is not covered by surety bond, the department shall except as provided in this section, require from the well operator a bond in the sum of $1,000 in favor of the department of mines and minerals, conditioned that the well upon abandonment shall be plugged in accordance with the rules and regulations of the department and that all records required by the department be filed as specified. The bond shall remain in effect until the plugging of the well is approved by the department, or the bond is released by the department. Any well operator in lieu of such bond may file with the department a blanket bond in a sum of $5,000, covering all wells drilled or to be drilled in the Commonwealth by the principal in the bond, and the acceptance and approval by the department of such blanket bond shall be in full compliance with the above provision requiring an individual well bond. The bond or bonds referred to in this section shall be executed by the well operator as principal and by a corporate surety authorized to do business in the Commonwealth. A deposit in cash shall serve in lieu of either of the above bonds.

(8)[~~(6)~~] Notification in writing to the department by a successor to the well operator with bond as provided in subsection *(7)* [~~(5)~~] that said successor is assuming the obligations of this chapter as to a particular well or wells, will relieve the original permittee of responsibility under this chapter with respect to such well or wells.

(9)[~~(7)~~] If the requirements of subsection *(7)*[~~(5)~~] with respect to proper plugging upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five (45) days after mailing of the notice, the bond shall then be forfeited to the department.

(10)[~~(8)~~] When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the attorney general, who shall collect the forfeiture.

(11)[~~(9)~~] All sums received through the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account to be designated as the oil and gas well plugging fund. This fund shall be available to the department and may be expended for the plugging of any abandoned wells coming within the authority of the department pursuant to this chapter. The plugging of any well pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for such plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

(12)[~~(10)~~] Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of said hole confidential until such information is allowed to be released by the person obtaining such permit.

(13)[~~(11)~~] For the purpose of this chapter, "water supply well" shall not include:

(a) Any well for a potable water supply for domestic use or for livestock.

(b) Any water well used primarily for cooling purposes in an industrial process.

HB 871, AN ACT relating to water pollution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 224.033 is amended to read as follows:

In addition to any other powers and duties vested in it by law, the cabinet shall have the authority, power, and duty to:

(1) Exercise general supervision of the administration and enforcement of this chapter, and all rules, regulations and orders promulgated thereunder;

(2) Prepare and develop a comprehensive plan or plans related to the environment of the Commonwealth;

(3) Encourage industrial, commercial, residential and community development which provides the best usage of land areas, maximizes environmental benefits and minimizes the effects of less desirable environmental conditions;

(4) Develop and conduct a comprehensive program for the management of water, land, and air resources to assure their protection and balance utilization consistent with the environmental policy of the Commonwealth;

(5) Provide for the prevention, abatement, and control of all water, land, and air pollution including but not limited to that related to particulates, pesticides, gases, dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;

(6) Provide for the control and regulation of surface coal mining and reclamation in a manner to accomplish the purposes of KRS chapter 350;

(7) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

(8) Collect and disseminate information and conduct educational and training programs relating to the protection of the environment;

(9) Appear and participate in proceedings before any federal regulatory agency involving or affecting the purposes of the cabinet;

(10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with this chapter, or any rule or regulation which may be promulgated thereunder;

(11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and records by the issuance of subpoenas;

(12) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of the cabinet. Such funds received by the cabinet shall be deposited in the state treasury to the account of the cabinet;

(13) Request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the cabinet in the performance of its duties;

(14) Advise, consult, and cooperate with other agencies of the Commonwealth, other states, the federal government, and interstate and interlocal agencies, and affected persons, groups and industries;

(15) Formulate guides for measuring presently unidentified environmental values and relationships so they can be given appropriate consideration along with social, economic, and technical considerations in decision making;

(16) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems and to warn of emergency conditions;

(17) Adopt, modify or repeal with the recommendation of the commission any standard, rule, regulation or plan specified in subsections (5) and (6) of KRS 224.045;

(18) Issue, after hearing, orders abating activities in violation of this chapter, or the provisions of this chapter, or the regulations promulgated pursuant thereto and requiring the adoption of such remedial measures as the cabinet may deem necessary;

(19) Issue, continue in effect, revoke, modify, suspend or deny under such conditions as the cabinet may prescribe[~~,~~] *and require that applications be accompanied by plans, specifications, and such other information as the cabinet deems necessary for the following permits:*

(a) Permits to discharge into any waters of the Commonwealth, and for the installation, alteration, expansion, or operation of any sewage system; *however, the cabinet may refuse to issue such permits to any person, or any partnership, corporation, etc. of which such person owns more than ten (10) percent interest, who has improperly constructed, operated or maintained a sewage system willfully, through negligence, or because of lack of proper knowledge or qualifications until such time as that person demonstrates proper qualifications to the cabinet and provides the cabinet with a performance bond;*

(b) Permits for the installation, alteration, or use of any machine, equipment, device or other article that may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollution or;

(c) Permits for the establishment or construction and the operation or maintenance of waste disposal sites and facilities.[~~; and require that applications for such permits be accompanied by plans, specifications, and such other information as the cabinet deems necessary;~~]

(20) May establish, by regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by this chapter, and for the cost of processing applications for exemptions or partial exemptions which may include but not be limited to the administrative costs of a hearing held as a result of such exemption application, except that applicants for existing or proposed publicly owned facilities shall be exempt from any such charge;

(21) May require for persons discharging into the waters or onto the land of the Commonwealth, by regulation, order or permit, technological levels of treatment and effluent limitations;

(22) Require, by regulation, that any person engaged in any operation regulated pursuant to this chapter install, maintain, and use at such locations and intervals as the cabinet may prescribe any equipment, device or test and the methodologies and procedures for the use of such equipment, device or test to monitor the nature and amount of any substance emitted or discharged into the ambient air or waters or land of the Commonwealth and to provide any information concerning such monitoring to the cabinet in accordance with the provisions of subsection (23) of this section;

(23) Require by regulation that any person engaged in any operation regulated pursuant to this chapter file with the cabinet reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters or onto the land of the Commonwealth, and such other information as the cabinet may require;

(24) Promulgate rules, regulations, guidelines, and standards for waste planning and management activities, approve waste management facilities, develop and publish a comprehensive statewide plan for nonhazardous waste management which shall contain, but not be limited to, the provisions set forth in KRS 224.888, and develop and publish a comprehensive statewide plan for hazardous waste management which shall contain, but not be limited to, the following:

(a) A description of current hazardous waste management practices and costs, including treatment and disposal, within the Commonwealth;

(b) An inventory and description of all existing facilities where hazardous waste is being generated, treated, recycled, stored, or disposed of, including an inventory of the deficiencies of present facilities in meeting current hazardous waste management needs and a statement of the ability of present hazardous waste management facilities to comply with state and federal laws relating to hazardous waste;

(c) A description of the sources of hazardous waste affecting the Commonwealth including the types and quantities of hazardous waste currently being generated and a projection of such activities as can be expected to continue for not less than twenty (20) years into the future;

(d) An identification and continuing evaluation of those locations within the Commonwealth which are naturally or may be engineered to be suitable for the establishment of hazardous waste management facilities, and an identification of those general characteristics, values, and attributes which would render a particular location unsuitable, consistent with the policy of minimizing land disposal and encouraging the treatment and recycling of such wastes;

The statewide waste management plans shall be developed consistent with state and federal laws relating to waste;

(25) Perform such other and further acts as may be necessary to carry out the duties and responsibilities herein described;

(26) Preserve existing clean air resources while ensuring economic growth by issuing regulations, which shall be no more stringent than federal requirements, setting maximum allowable increases from stationary sources over baseline concentrations of air contaminants to prevent significant deterioration in areas meeting the state and national ambient air quality standards; and

(27) *Promulgate rules and regulations concerning the bonding provisions of subsection (19)(a) of this section, setting forth bonding requirements including, but not limited to requirements for the amount, duration, release and forfeiture of such bonds. All funds from the forfeiture of bonds required pursuant to this section shall be placed in the state treasury and credited to a special trust and agency account which shall not lapse. Such account shall be known as the "sewage treatment system rehabilitation fund" and all moneys placed in the fund shall be used for the elimination of nuisances and hazards created by sewage systems which were improperly built, operated, or maintained, and insofar as practicable be used to correct the problems at the same site for which the bond or other sureties were originally provided.*

(28) Promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet.

HB 898, AN ACT relating to water wells.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 223.400 is amended to read as follows:

As used in KRS 223.405 to 223.460, unless the context requires otherwise:

(1) "Board" means the Kentucky water well certification board;

(2) "Cabinet" means the natural resources and environmental protection cabinet;

(3) "Certificate" means a certificate of competency issued by the secretary stating that the water well driller has met all the requirements for the appropriate classification set forth in KRS 223.405 to 223.460 or by regulation;

(4) *"Geothermal resource" means any medium occurring naturally in the earth through which heat is transferred for heating or cooling purposes;*

(5) "Person" means an individual, corporation, partnership, association, municipality, state and federal government, or other public body or other legal entity, or any officer, employee or agent of any of the foregoing*;*[~~,~~]

(6) "Rig operator" means any individual under the employ and direct supervision of a certificate holder and who has applied for and been granted a rig operator's permit from the cabinet and who may from time to time be in charge of well construction in the certificate holder's absence;

(7)[~~(5)~~] "Secretary" means the secretary of the natural resources and environmental protection cabinet;

(8)[~~(6)~~] "Water well" or "well" means any excavation or opening in the surface of the earth that is drilled cored, bored, washed, driven, jetted or otherwise constructed when the actual or intended use in whole or part of such excavation is the removal of water for any purpose, including but not limited to culinary and household purposes, animal consumption, food manufacture, use of geothermal resources for domestic *and commercial* heating *and cooling* purposes and industrial, irrigation and dewatering purposes. *Monitoring wells, used solely for the purposes of measuring fluctuation of groundwater levels or removing water samples to measure water quality, springs, spring boxes, and cisterns shall not be a "water well" or "well" within the meaning of this Act*[~~, but not including wells to be used for watering stock or general farmstead use~~]; *and*

(9)[~~(7)~~] "Water well driller" means a person who is qualified to engage in the drilling, alteration, or repair of a water well as defined in this chapter;

Section 2. KRS 223.405 is amended to read as follows:

It is unlawful for any person as defined in KRS 223.400[~~,~~] to [~~commercially~~] construct, alter or repair a water well without first having obtained a valid certificate as provided for in KRS 223.425, *except that a property owner may perform such work on his own property without certification provided he complies with all applicable standards of practice promulgated by the cabinet. Rig operators may perform such work only under the supervision and authority of a certificate holder. The cabinet shall have the authority to establish standards for the registration and allowable activities of rig operators. The certificate holder is liable for all actions of the rig operator in his employ during performance of such allowable activities as the cabinet establishes.*

Section 3. KRS 223.425 is amended to read as follows:

(1) Application for a certificate, or for renewal thereof, shall be made to the cabinet in writing under oath or affirmation, upon forms prescribed and furnished by the cabinet. Such applications shall include:

(a) The name and address of the applicant;

(b) Prior experience, if any, in the field for which the applicant is applying;

(c) Any other information that the cabinet deems necessary in order to carry out the provisions of KRS 223.405 to 223.460;

(d) All past and current licenses held in this or any other state relating to the provisions of KRS 223.405 to 223.460.

(2) The cabinet may issue a water well driller certificate to any applicant who meets all of the provisions of KRS 223.405 to 223.460 and:

(a) Is at least eighteen (18) years of age; [~~and~~]

(b) Is a citizen of the United States or has declared an intention to become a citizen of the United States; [~~and~~]

(c) *For the period July 1, 1985, to June 30, 1987, has two (2) years of board-approved experience, or after June 30, 1987,* has worked [~~for two (2) years~~] under the supervision of a [~~certified water well~~] driller *holding a certificate or driller's license from Kentucky or any other state for a sufficient time to have accumulated two (2) years of board-approved experience*; for those in business on the July 13, 1984, the two (2) year experience requirement shall be deemed satisfied if the driller has engaged in water well drilling, over the two (2) previous years; and

(d) Has a passing grade on the examination as determined by the cabinet.

(3) Those persons in business for two (2) years on July 13, 1984 shall be deemed exempt from the examination requirements of this chapter and shall apply for and obtain a certificate by July 1, 1985.

(4) [~~Those persons who are water witchers, dowsers, diviners and any others who use divining rods for the purpose of locating underground water resources shall be exempt from KRS 223.405 to 223.460.~~

~~(5)~~] The term of each certificate shall be one (1) year. Each certificate shall carry with it the right to successive renewal upon application and payment of fee, unless the board finds that the certified individual has failed to comply satisfactorily with KRS 223.405 to 223.460 or the regulations promulgated pursuant to KRS 223.420 or 223.435.

Section 4. KRS 223.435 is amended to read as follows:

The secretary, upon recommendation of the board, shall promulgate administrative regulations establishing standards of practice for water well construction, *alteration, or repair, including abandonment.* The secretary shall utilize the manual of water well construction practices as the guidance document in the development of standards and regulations. These standards and regulations shall be proposed within one (1) year of July 13, 1984 and shall be included as a component of the certification program.

Section 5. KRS 223.440 is amended to read as follows:

(1) Any person certified under KRS 223.425, shall keep a record of each well constructed, altered or sealed after the July 13, 1984, and shall furnish a signed copy of such record to the cabinet within thirty (30) days after the completion of the construction or alteration. A copy of the record shall be furnished to the property owner by the driller within thirty (30) days of completion of the well. Each record required under this section shall be in a form prescribed by the cabinet and shall show:

(a) The name and address of the owner of the well and the persons constructing or altering the well;

(b) A sketch showing the distance from any road, intersection, septic tank drain fields and permanent structures;

(c) The dates of commencement and completion of the construction or alteration of the well;

(d) The depth, diameter, and type of casing;

(e) The kind of joint couplings;

(f) Information on screens and type of completion;

(g) The discharge in gallons per minute and the shut-in pressure in pounds per square inch of a flowing well;

(h) The static water level with reference to the land surface and estimation of well yield, and the drawdown with respect to the amount of water yielded per minute;

(i) The kind, nature, approximate thickness and water-bearing capacity of the material in each stratum penetrated that shows the presence of water, with at least one (1) entry for each change in rock types; and

(j) The type and amount of disinfectant used and the date of disinfection.

(2) Where the well is for potable use the well driller shall be responsible for having the well tested for fecal *or total* coliform and the initial disinfection of the well. The driller shall provide the well owner and the cabinet with the written results of any and all testing and a written assurance that the well has been properly disinfected, within thirty (30) days of well completion.

(3) A copy of the record shall be furnished by the cabinet to the Kentucky geological survey.

Section 6. KRS 223.450 is amended to read as follows:

(1) All water well drillers, before doing any water well related work in Kentucky, must comply with KRS 223.405 to 223.460 notwithstanding comparable state provisions in states other than Kentucky.

(2) The board may approve for certification eligibility in Kentucky those drillers who have accumulated the equivalent of two (2) years of acceptable experience while working in states whose certification and licensing requirements have been determined to be compatible with Kentucky's, provided these drillers take and pass the Kentucky certification examination.

Section 7. KRS 223.991 is amended to read as follows:

(1) Any person, firm or corporation (municipal or private) who violates any provisions of KRS 223.160 to 223.220 or the rules and regulations adopted thereunder shall be liable to a civil penalty not to exceed the sum of one thousand dollars ($1,000) for said violation and an additional civil penalty not to exceed one thousand dollars ($1,000) for each day of operation in violation of KRS 223.160 to 223.220 or of the rules and regulations adopted thereunder. In addition, the person, firm or corporation may be enjoined in the manner set forth in KRS Chapter 224 from continuing such violations.

(2) Any person who fails to comply with the certification provisions of KRS *223.405* [~~223.425~~] shall be liable for a civil penalty not to exceed the sum of one thousand dollars ($1,000) for each day during which such violation continues, and in addition may be concurrently enjoined from any such violations as hereinafter provided.

(3) Any person certified under the provisions of KRS 223.425, who violates KRS 223.405 to 223.460 or fails

to perform any duties imposed by these sections, or who violates any determination, rule, regulation or order or determination of the secretary promulgated pursuant thereto may be subject to proceedings for certificate suspension or revocation, or non-renewal of a certificate *and shall be liable for a civil penalty not to exceed the sum of one thousand dollars ($1,000) for each day during which such violation continues. All penalties collected pursuant to this Act shall be placed in the state treasury and credited to a special trust and agency account which shall not lapse. Such account shall be known as the "water well restoration fund" and all moneys placed in the fund shall be used for the elimination of water-well-induced groundwater problems and the elimination of improperly constructed or abandoned water wells. Insofar as practicable the funds collected shall be used to correct the problems at the same site as that for which the penalty was collected.*.

(4) It shall be the duty of the cabinet to institute an action for the recovery of the penalties herein provided for, and to bring an action for an injunction against any person violating or threatening to violate the certification provisions of KRS *223.405* [~~223.425~~] or violating or threatening to violate any order or determination of the cabinet promulgated pursuant thereto.

(5) Any person found guilty of violating the certification provisions of KRS *223.405* [~~223.425~~] or the rules and regulations adopted thereunder shall be guilty of a misdemeanor and may be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each violation or imprisoned not more than thirty (30) days or both. Each day the violation continues shall be considered a separate violation.

(6) Civil and criminal penalties shall not be deemed mutually exclusive.

(7) All enforcement proceedings shall be conducted pursuant to KRS Chapter 224, and all certificate revocation and enforcement actions shall be subject to the administrative and judicial procedures contained in KRS Chapter 224.

(8) The cabinet may impound any drilling equipment used in the noncompliance of the certification provisions of this Act or any regulation promulgated pursuant thereto until such time as it has been determined that all fines have been paid or all remedial measures completed pursuant to the violation or violations. In addition, action may be taken which will require that the water well being constructed, altered, or repaired in violation of this Act or any regulation promulgated pursuant thereto be completed or plugged by a water well driller certificate holder at the violator's expense.

(9) Any person who has applied for certification or is certified according to the provisions of KRS 223.425 and who makes or causes to be made any false entry or statement of fact in any application or report required by KRS 223.405 through 223.460, or by any determination, rule, regulation or order of the secretary promulgated pursuant thereto, shall be subject to proceedings for certificate denial, suspension or revocation, or non-renewal of a certificate and shall be liable for a civil penalty not to exceed the sum of one thousand dollars ($1,000).

SB 20, AN ACT relating to the mining and minerals trust fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164A.820 is amended to read as follows:

(1) The fund shall be used to defray the costs of [~~the Kentucky geological survey, mining and minerals research, mining and minerals related public service, and~~] debt service to retire revenue bonds issued to defray the costs of constructing and equipping any mining and minerals building authorized by the general assembly for construction on the University of Kentucky campus. [~~The eligible costs include research and public service expenditures in mining and engineering, coal geology, and administrative costs for the Kentucky geological survey.~~] Idle funds shall be invested as provided by law for funds of the University of Kentucky. Investment earnings shall be deposited in the fund. [~~Indirect costs shall not be paid to the University of Kentucky from the fund but payment of direct costs is not prohibited.~~]

(2) A separate budget for [~~the geological survey administrative costs, mining and minerals research, mining and minerals related public service, and~~] required debt service on a mining and minerals building shall be submitted in accordance with KRS Chapter 45.

Section 2. KRS 164A.840 is amended to read as follows:

Each [~~For~~] fiscal *year* [~~years 1982-83 and 1983-84 five percent (5%) of~~] all license, permit, and acreage fees, collected by [~~the department of mines and minerals and by~~] the natural resources and environmental protection cabinet and which are related to mining or minerals, shall be deposited to the credit of the mining and minerals trust fund *in an amount not to exceed the annual debt service required for a mining and minerals building.* [~~For fiscal 1984-85 and each year thereafter twenty percent (20%) of all such fees shall go to the fund.~~]

SB 22, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 353.630 is amended to read as follows:

(1) Whenever any separate tract of land is so situated because of size or other condition that it does not contain a location at which a well for oil or gas may be drilled, deepened or reopened by reason of the spacing provisions of KRS 353.610, the department shall order, after notice and a hearing, the pooling of all oil and gas interests in the separate tract or in a portion thereof with all like interests in a contiguous tract or tracts, or portions thereof, as are necessary to afford the pooled tracts one (1) location for the drilling, deepening or reopening of a well for the production of oil or gas in compliance with the spacing requirements of KRS 353.500 to 353.720. The department shall require the development and operation of all pooled tracts as a single leasehold estate in accordance with regulations and rules promulgated under KRS 353.500 to 353.720.

(2) No pooling as permitted by this section shall be ordered except:

(a) After an application to drill, deepen or reopen a well for the production of oil upon the tract or within four hundred (400) feet of the tract, or after an application for a permit to drill, deepen or reopen a well for the production of gas upon the tract or within one thousand (1,000) feet of the tract has been submitted; and

(b) After a lessee or owner of an oil or gas interest in the tract shall request the pooling.

(3) No pooling as permitted by this section shall be ordered with respect to any tract or portion thereof upon which a well is drilled, deepened or reopened:

(a) Unless the pooling was requested prior to the commencement of the drilling, deepening or reopening of the well by a lessee or owner of an oil and gas interest in a contiguous tract which does not contain a location at which a well for oil or gas may be drilled, deepened or reopened; and

(b) Unless the request, if made by the owner of an operating interest who elects to participate in the risk and cost of the drilling, deepening or reopening of the well, is accompanied by a bond or other security satisfactory to and in an amount set by the director for the payment of such owner's share of the cost of drilling, deepening or reopening the well.

(4) *Production from any well which is ordered pooled pursuant to KRS 353.500 to 353.720 shall be deemed for all purposes to have been so produced from each tract or portion thereof included in the pool in proportion to the amounts established in the pooling order* [~~From and after the date of the pooling all operations, including the commencement, drilling or operating of a well for the production of oil or gas, upon any tract or portion thereof pooled under KRS 353.500 to 353.720 with one or more other tracts or portions thereof shall be deemed for all purposes the conduct of such operations upon which tract or portion thereof included in the pooling; and that portion of production from the well shared by all owners of each tract or portion thereof included in the pooling shall be deemed to have been actually produced from the tract or portion thereof by a well drilled thereon~~].

SB 48, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 353.652 is amended to read as follows:

(1) Upon the application of any operator in a *deep well* pool productive of oil or gas, or both, and other minerals which may be associated and produced therewith and after notice given by the commission to all persons reasonably known to own an interest in the oil or gas in such pool, and after a hearing, the commission may enter an order requiring the unit operation of a pool or of any portion or combinations thereof within a

field. Such unit operation shall be in connection with a program designed to avoid the drilling of unnecessary wells, or otherwise to prevent waste, or to increase the ultimate recovery of the unitized minerals by additional recovery methods. The order shall provide for the unitization of separately owned tracts and interests within such pool or pools, but only after finding that:

(a) Said order is reasonably necessary for the prevention of waste;

(b) The proposed plan of unitized operation will increase the ultimate recovery of oil or gas, or both, from the pool and will be economically feasible;

(c) The production of oil or gas, or both, from the unitized pool can be allocated in such a manner as to insure the recovery by all owners of their just and equitable share of such production; and

(d) A contract incorporating the unitization agreement has been signed or in writing ratified or approved by the owners of at least seventy-five (75) percent in interest as costs are shared under the terms of the order and by seventy-five (75) percent in interest as production is to be allocated of the royalty in the unit area, and a contract incorporating the required arrangements for operations has been signed or in writing ratified or approved by the owners of at least seventy-five (75) percent in interest as costs are shared, and the commission has made a finding to that effect either in the order or a supplemental order.

(2) The order requiring such unit operation shall designate one (1) operator as unit operator and shall also make provision for the proportionate allocation to all operators of the costs and expenses of the unit operation, including a reasonable charge for supervision, which allocation shall be in the proportion that the separately owned tracts share in the production from the unit. In the absence of an agreement entered into by the operators and filed with the commission providing for sharing the costs of capital investments in wells and physical equipment, and intangible drilling costs, the commission shall provide by order for the sharing of such costs in the same proportion as the costs and expenses of the unit operation; provided, that any operator who has not consented to the unitization shall not be required to contribute to the costs or expenses of the unit operation, or to the cost of capital investment in wells and physical equipment, and intangible drilling costs, except out of the proceeds from the sale of the production accruing to the interest of such operator exclusive of any royalty or overriding royalty interest.

(3) The commission, after notice and hearing as provided above may from time to time by entry of a new or amending order enlarge the unit area by approving agreements adding to such area a pool or any portion or combinations thereof not previously included. Any such order shall not become effective unless and until:

(a) All of the terms and provisions of the unitization agreement relating to the extension or enlargement of the unit area or to the addition of pools or portions or combinations thereof to unit operations have been fulfilled and satisfied and evidence thereof has been submitted to the commission; and

(b) The extension or addition effected by such order has been agreed to in writing by the owners of at least seventy-five (75) percent in interest as costs are shared in the pool or pools or portions or combinations thereof to be added to unit operations by such order and by seventy-five (75) percent in interest as production is to be allocated of the royalty owners in said pool, pools, portions or combinations and evidence thereof has been submitted to the commission.

(4) Any agreement, in providing for allocation of production from the unit area, shall first allocate to each pool or portion thereof so added a portion of the total production of oil and gas, or both, from all pools affected within the area, as enlarged, such allocation to be in proportion to the contribution which added pool or portions or extensions thereof are expected to make, during the remaining course of unit operations, to the total production of oil or gas, or both, of the unit as enlarged. The remaining portion of unit production shall be allocated among the separately owned tracts within the previously established unit area in the same proportions as those specified prior to the enlargement.

SB 225, AN ACT relating to insurance for water well drillers, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 223.430 is amended to read as follows:

(1) Each application for issuance or renewal of a certificate shall be accompanied by a proof of *either split*

limits liability coverage for bodily injury of at least twenty-five thousand dollars ($25,000) per person with an aggregate of at least fifty thousand dollars ($50,000) and for property damage of at least fifty thousand dollars ($50,000) per accident with an aggregate of at least one hundred thousand dollars ($100,000), *or single limits liability coverage of not less than one hundred thousand dollars ($100,000) for all damages whether arising out of bodily injury or damage to property as a result of any one (1) accident or occurrence.* Notice shall be given by certified mail to the executive secretary and treasurer of the board by the insurer upon lapse of coverage by the insurance company for any reason, including nonpayment of premiums.

(2) Prior to the issuance of a driller certificate, proof of a surety bond must be filed along with the application for a certificate. The penal sum of this bond shall be five thousand dollars ($5,000), with the applicant designated as the principal obligor and the Commonwealth designated as the obligee. The surety may be called on by the secretary if the certified individual knowingly or wilfully violates any administrative regulation promulgated pursuant to KRS 223.420 or 223.435 or provision of KRS 223.405 to 223.460. Notice of lapse of coverage for any reason by the surety shall be given by certified mail to the executive secretary and treasurer of the board by the surety.

Section 2. Whereas, it is increasingly difficult to obtain liability insurance coverage for water well drillers, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

SB 305, AN ACT relating to asbestos removal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 44.070 is amended to read as follows:

(1) A board of claims, composed of the members of the crime victims compensation board as hereinafter provided, is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its departments or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its departments or agencies; provided, however, regardless of any provision of law to the contrary, the Commonwealth, its departments and agencies, and its officers, agents and employes, while acting within the scope of their employment by the Commonwealth or any of its departments or agencies, shall not be liable for pain or suffering, and compensation shall not be allowed, awarded, or paid for pain or suffering. *Any claim against the Commonwealth, its departments, agencies, officers, agents or employes, or a school district board of education, its members, officers, agents or employes for damages sustained as the result of exposure to asbestos before, during or after its removal from a facility owned, leased, occupied or operated by the Commonwealth or a school district board of education shall be brought in the board of claims.* Except as herein provided the board shall be independent of all agencies and departments of the Commonwealth except as provided in KRS 44.070 to 44.160.

(2) The board shall be composed of the members of the crime victims compensation board. The members shall not be entitled to additional compensation for their services on the board of claims.

(3) The governor shall designate a member of the board to serve as chairman for a term of four (4) years. Any vacancy in the chairmanship shall be filled by the governor. No member shall, at the same time, serve as chairman of the crime victims compensation board and as chairman of the board of claims.

(4) The employes of the crime victims compensation board, without additional compensation, shall be ex-officio employes of the board of claims.

(5) Regardless of any provision of law to the contrary, the jurisdiction of the board is exclusive, and a single claim for the recovery of money or a single award of money shall not exceed fifty thousand dollars ($50,000), exclusive of interest and costs.

(6) The governor shall appoint the necessary number of hearing officers each of whom shall be an attorney admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. These officers, upon the direction of the chairman or the board shall conduct hearings, and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the chairman or the board except that such hearing officers shall not render final decisions, orders, or awards. However, such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and

materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.

(7) The board may at any time recommend the removal of any hearing officer upon filing with the governor a full written statement of its reasons for such removal.

SECTION 2. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO READ AS FOLLOWS:

In any personal injury or property damage lawsuit arising from the cleanup of asbestos, the demonstration that acts or omissions of a party to the lawsuit during the party's involvement in cleanup of asbestos were in accordance with generally accepted practice and state-of-the-art scientific knowledge and utilized the best technology reasonably available to the party at the time the asbestos cleanup was performed shall create a rebuttable legal presumption that the acts or omissions were not negligent.

The Committee Amendment No. 1 to SB 305 is as follows:

Amend printed copy of SB 305:

On page 1, line 18, by inserting after the word "*claim*" the following: "*, except those filed pursuant to KRS Chapter 342,*"; and

On page 2, line 25, by inserting after the word "costs" the following: "*, except those filed pursuant to KRS Chapter 342*".

SJR 54, A JOINT RESOLUTION directing the Secretary of the Natural Resources and Environmental Protection Cabinet to report on the funding necessary for Kentucky to continue administration of the surface mining reclamation and enforcement program.

WHEREAS, interests of the coal industry and the general public are best served by implementation of the Surface Mining Control and Reclamation Act of 1977 through a state program rather than by the federal government; and

WHEREAS, continued state implementation of the Surface Mining Control and Reclamation Act of 1977 by the Natural Resources and Environmental Protection Cabinet requires sufficient administrative and technical personnel and sufficient funding to regulate surface coal mining operations in accord with the requirements of the federal Act; and

WHEREAS, the General Assembly is committed to assuring that the state program has adequate funding in order that Kentucky can retain primary responsibility for regulation of Kentucky's surface coal mining operations;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Secretary of the Natural Resources and Environmental Protection Cabinet shall provide to the Interim Joint Committee on Agriculture and Natural Resources, by October 1 of each odd-numbered year, a report containing a determination of the amount of funds which the Cabinet considers necessary for continued administration of the surface mining reclamation and enforcement program under the Surface Mining Control and Reclamation Act of 1977. The report shall further indicate the current budget and existing staffing levels within the Cabinet which are committed to this program, and shall indicate any anticipated increases or decreases in necessary funding commitments during the following biennium.

Section 2. That a copy of this resolution be sent to the Secretary of the Natural Resources and Environmental Protection Cabinet.

The Committee on State Government reported HB 905, SB 60, SB 110 with Committee Amendment attached thereto, SB 111 with Committee Amendment attached thereto, and SB 154 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 905, AN ACT relating to state purchasing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45A.070 is amended to read as follows:

As used in KRS 45A.070 to 45A.165, unless the context in which they are used clearly requires a different meaning:

(1) "Cost-reimbursement contract" shall mean a contract under which the Commonwealth reimburses the contractor for those contract costs, within a stated ceiling, which are allowable and allocable in accordance with cost principles (as provided in KRS 45A.215), and a fee, if any.

(2) "Established catalogue price" shall mean the price included in the most current catalogue, price list, schedule, or other form that:

(a) Is regularly maintained by the manufacturer or vendor of an item; and

(b) Is either published or otherwise available for inspection by customers; and

(c) States prices at which sales are currently or were last made to a significant number of buyers constituting the general buying public for that item.

(3) "Evaluated bid price" shall mean the dollar amount of a bid after bid price adjustments are made pursuant to objective measurable criteria, set forth in the invitation for bids, which affect the economy and effectiveness in the operation or use of the product, such as reliability, maintain ability, useful life, and residual value.

(4) "Invitation for bids" shall mean all documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in KRS 45A.080 of this code.

(5) "Request for proposals" shall mean all documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth in KRS 45A.085, 45A.090, 45A.095 or 45A.100.

(6) "Responsible bidder or offeror" shall mean a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

(7) "Responsive bidder" shall mean a person who has submitted a bid under KRS 45A.080 which conforms in all material respects to the invitation for bids, so that all bidders may stand on equal footing with respect to the method and timeliness of submission and as to the substance of any resulting contract.

(8) "Kentucky bidder" shall mean any individual, partnership, association, or corporation which maintains at the time of submission of the bid, a bona fide place of business, within the state of Kentucky, and in the case of corporations is duly qualified to do business and is in good standing under the laws of the state of Kentucky.

(9) "Nonresident firm" or "nonresident bidder" shall mean a firm or bidder which does not meet the definition of a "Kentucky bidder" as provided in subsection (8) of this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

(1) The chief purchasing officer, in the purchase of all supplies, services, equipment, commodities and construction by competitive sealed bidding, competitive negotiation, and negotiation after competitive sealed bidding when all bids exceed available funds, shall grant preference to responsive and responsible Kentucky bidders over a nonresident bidder whose state grants preference on like purchases to its resident bidders. The preference applied to Kentucky bidders shall be the same preference as is applied to resident bidders on like purchases in the nonresident firm's state. If a bidder is a resident of a state that has no in-state preference, no preference shall be granted to Kentucky bidders, except that in the case of tie bids between Kentucky bidders and nonresident firms, the award shall be made to the Kentucky bidder. If a nonresident bidder meets the residency requirements of the purchasing preference laws of more than one state, such bidder shall be considered a resident of the state whose preference provisions, when applied to Kentucky bidders under the terms of this Act, would result in the least cost to the Commonwealth.

(2) The secretary of finance and administration shall compile and maintain an up-to-date compilation of the statutes and regulations of other states which statutes and regulations grant a preference to bidders located within those states. The secretary shall specify the documentation, other than statutes and regulations, that state purchasing officers shall accept for purposes of this Act as sufficient evidence that a state grants a preference to resident bidders.

(3) If any provision or condition of this Act conflicts with any provision of federal law or any rule or regulation made under federal law pertaining to federal grant-in-aid programs or other federal aid programs, such provision or condition shall not apply on such federally supported contracts for purchases to the extent that the conflict exists, but all provisions or conditions of this Act with which there is no conflict shall apply to contracts for purchases to be paid in whole or part from federal funds. This section shall not apply to purchases which are subject to Kentucky Constitution, Section 247.

(4) Nothing in this section is intended to override KRS 45A.470 relating to purchase preferences given to prison industries and handicapped industries.

Section 3. KRS 45A.080 is amended to read as follows:

(1) Contracts exceeding the amount provided by KRS 45A.100 shall be awarded by competitive sealed bidding unless it is determined in writing that this method is not practicable. Factors to be considered in determining whether competitive sealed bidding is not practicable shall include whether:

(a) Specifications can be prepared that permit award on the basis of either the lowest bid price or the lowest evaluated bid price; and

(b) The available sources, the time and place of performance, and other relevant circumstances as are appropriate for the use of competitive sealed bidding.

(2) The invitation for bids shall state whether award shall be made on the basis of the lowest bid price or the lowest evaluated bid price. If the latter basis is used, the objective measurable criteria to be utilized shall be set forth in the invitation for bids.

(3) Adequate public notice of the invitation for bids shall be given a sufficient time prior to the date set forth therein for the opening of bids. Such notice shall include publication in a newspaper or newspapers of general circulation in the state as determined by the secretary of the finance and administration cabinet for all price contracts and purchase contracts estimated to exceed ten thousand dollars ($10,000) not less than seven (7) days before the date set for the opening of the bids.

(4) Bids shall be opened publicly at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and be open to public inspection.

(5) *Subject to Section 2 of this Act,* the contract shall be awarded with reasonable promptness by written notice to the responsive and responsible bidder whose bid is either the lowest bid price or lowest evaluated bid price.

(6) Correction or withdrawal of bids may be allowed only to the extent permitted by regulations issued by the secretary.

Section 4. KRS 45A.085 is amended to read as follows:

(1) When, under regulations issued by the secretary, the purchasing officer determines in writing that the use of competitive sealed bidding is not practicable, and except as provided in KRS 45A.095 and 45A.100, a contract may be awarded by competitive negotiation.

(2) Adequate public notice of the request for proposals shall be given in the same manner and circumstances as provided in KRS 45A.080(3).

(3) Contracts may be competitively negotiated when it is determined in writing by the purchasing officer that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which:

(a) Each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate; and

(b) The negotiated price is lower than the lowest rejected bid by any competitive bidder; and

(c) The negotiated price is the lowest negotiated price offered by any competitive offeror.

(4) The request for proposals shall indicate the relative importance of price and other evaluation factors.

(5) Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the Commonwealth, taking into consideration price and the evaluation factors set forth in the request for proposals *and the requirements of Section 2 of this Act.*

(6) Written or oral discussions shall be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

(a) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or

(b) Where time of delivery or performance will not permit discussions; or

(c) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular supply, service, or construction item, that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all offerors of the possibility that award may be made on the basis of the initial offers.

Section 5. KRS 45A.090 is amended to read as follows:

(1) In the event that all bids submitted pursuant to competitive sealed bidding under KRS 45A.080 result in bid prices in excess of the funds available for the purchase, and the chief purchasing officer determines in writing:

(a) That there are no additional funds available from any source so as to permit an award to the lowest responsive and responsible bidder; and

(b) The best interest of the state will not permit the delay attendant to a resolicitation under revised specifications, or for revised quantities, under competitive sealed bidding as provided in KRS 45A.080, then a negotiated award may be made as set forth in subsections (2) or (3) of this section.

(2) Where there is more than one bidder, competitive negotiations pursuant to KRS 45A.085 shall be conducted with the three (3) (two (2) if there are only two (2)) bidders determined in writing to be the lowest responsive and responsible bidders to the competitive sealed bid invitation. Such competitive negotiations shall be conducted under the following restrictions:

(a) If discussions pertaining to the revision of the specifications or quantities are held with any potential offeror, all other potential offerors shall be afforded an opportunity to take part in such discussions; and

(b) A request for proposals, based upon revised specifications or quantities, shall be issued as promptly as possible, shall provide for an expeditious response to the revised requirements, and shall be awarded, *subject to Section 2 of this Act,* upon the basis of the lowest bid price or lowest evaluated bid price submitted by any responsive and responsible offeror.

(3) Where, after competitive sealed bidding, it is determined in writing that there is only one responsive and responsible bidder, a noncompetitive negotiated award may be made with such bidder in accordance with KRS 45A.095.

Section 6. KRS 45A.175 is amended to read as follows:

(1) As used in KRS 45A.170 to 45A.205, "architect" or "engineer" services shall mean those professional services within the scope of practice of architecture, professional engineering, or registered land surveying, pertaining to construction, as defined by the laws of this Commonwealth*;*

(2) "Kentucky firm" shall mean an architectural or engineering firm which has an office with an architectural or engineering staff located in the Commonwealth; and

(3) "Nonresident firm" shall mean an architectural or engineering firm that is not a Kentucky firm.

SECTION 7. A NEW SECTION OF KRS 45A.170 TO 45A.205 IS CREATED TO READ AS FOLLOWS:

(1) In selecting firms under KRS 45A.205(2) for the negotiation of contracts for architectural and engineering services, the purchasing officer shall grant preference to qualified Kentucky firms over a nonresident firm whose state grants preference in awarding such contracts to its resident firms. The preference applied to Kentucky firms shall be the same preference applied to in-state firms in the nonresident firm's state. If a qualified nonresident firm is a resident of a state that has no in-state preference, no preference shall be granted to Kentucky firms. If a nonresident bidder meets the residency requirements of the purchasing preference laws of more than one state, such bidder shall be considered a resident of the state whose preference provisions, when applied to Kentucky bidders under the terms of this Act, would result in the least cost to the Commonwealth.

(2) If any provision or condition of this Act conflicts with any provision of federal law or any rule or regulation made under federal law pertaining to federal grant-in-aid programs or other federal aid programs, such provision or condition shall not apply on such federally supported contracts for architectural or engineering services to the extent that the conflict exists, but all provisions or conditions of this Act with which there is no conflict shall apply to contracts for such services to be paid in whole or part from federal funds. This section shall not apply to purchases which are subject to Kentucky Constitution, Section 247.

(3) Nothing in this section is intended to override KRS 45A.470 relating to purchase preferences given to prison industries and handicapped industries.

Section 8. KRS 45A.205 is amended to read as follows:

(1) It shall be the policy of this Commonwealth to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

(2) In the procurement of architectural and engineering services, the purchasing officer shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The purchasing officer shall evaluate current statements of qualifications and performance data on file with the Commonwealth, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three (3) firms regarding anticipated design concepts and the relative utility of alternative methods of approach for furnishing the required services, and shall then, *subject to Section 7 of this Act,* select therefrom, in order of preference, based upon criteria established and published by him, no less than three (3) of the firms deemed to be the most highly qualified to provide the services required.

(3) The purchasing officer shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the purchasing officer determines in writing to be fair and reasonable to the Commonwealth. In making this decision, the purchasing officer shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof. Should the purchasing officer be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the purchasing officer determines to be fair and reasonable to the Commonwealth, negotiations with that firm shall be formally terminated. The purchasing officer shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the purchasing officer shall formally terminate negotiations. The purchasing officer shall then undertake negotiations with the third most qualified firm. Should the purchasing officer be unable to negotiate a satisfactory contract with any of the selected firms, the purchasing officer shall, *subject to Section 7 of this Act,* select additional firms in order of their competence and qualification and the purchasing officer shall continue negotiations in accordance with this section until an agreement is reached.

(4) KRS 45A.080 to 45A.100 and KRS 45A.165 shall not apply to architect-engineer contracting under this section.

SECTION 9. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section unless the context requires otherwise:

(a) "Kentucky bidder" shall mean any individual, partnership, association, or corporation which maintains at the time of submission of the bid, a bona fide place of business, within the state of Kentucky, and in the case of corporations is duly qualified to do business and is in good standing under the laws of the state of Kentucky.

(b) "Nonresident firm" or "nonresident bidder" shall mean a firm or bidder which does not meet the definition of a "Kentucky bidder."

(2) The secretary of transportation shall grant preference to responsive and responsible Kentucky bidders over a nonresident bidder whose state grants preference on like purchases to its resident bidders in the award of highway construction and maintenance contracts under this chapter and under KRS Chapters 175, 176, 177 and 180. The preference applied to Kentucky bidders shall be the same preference as is applied to resident bidders on like purchases in the nonresident firm's state. If a bidder is a resident of a state that has no in-state preference, no preference shall be granted to Kentucky bidders, except that in the case of tie bids between Kentucky bidders and nonresident firms, the award shall be made to the Kentucky bidder. If a nonresident bidder meets the residency requirements of the purchasing preference laws of more than one state, such bidder shall be considered a resident of the state whose preference provisions, when applied to Kentucky bidders under the terms of this Act, would result in the least cost to the Commonwealth.

(3) If any provision or condition of this Act conflicts with any provision of federal law or any rule or regulation made under federal law pertaining to federal grant-in-aid programs or other federal aid programs, such provision or condition shall not apply on such federally supported contracts for purchases to the extent that the conflict exists, but all provisions or conditions of this Act with which there is no conflict shall apply to contracts for purchases to be paid in whole or part from federal funds.

Section 10. KRS 176.080 is amended to read as follows:

(1) Each bidder shall accompany his bid with a bond or certified check payable to the state treasurer for a reasonable sum, fixed by the *department* [~~bureau~~], guaranteeing that he will enter into a contract with the *department* [~~bureau~~] for doing the work if the work is awarded to him.

(2) *Subject to Section 9 of this Act,* the contract shall be awarded to the lowest and best bidder. The *department* [~~bureau~~] may require bonds from any contractor to secure the performance of any contract or may require security by any other means it deems advisable.

(3) The *department* [~~bureau~~] may reject any bid when it finds it for the best interest of the state to do so. When all bids are rejected, the *department* [~~bureau~~] shall advertise for new bids as in the first place.

SB 60, AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 194.030 is amended to read as follows:

The cabinet for human resources shall consist of the following major organizational units which are hereby created:

(1) Office of the secretary.

(2) The office for policy and budget. The office for policy and budget shall provide the secretary with professional support in planning, budgeting, and policy analysis, including the appraisal of needs, the formulation of policy and the evaluation of programs. The office for policy and budget shall be headed by an administrator who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050.

(3) The office of the counsel. The office of the counsel shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The office of the counsel shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney and shall administer all personal service

contracts of the cabinet for legal services. The office of the counsel shall be headed by a general counsel who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The attorney general, on the request of the secretary, may designate the general counsel as an assistant attorney general in accordance with the provisions of KRS 15.105.

(4) The office of the ombudsman. The office of the ombudsman shall provide a review of citizen complaints on services of the cabinet for human resources when such complaints cannot be resolved through normal administrative remedies. The office of the ombudsman shall be headed by an ombudsman who shall be appointed by the governor with the advice of the secretary. The ombudsman shall be directly responsible to the secretary.

(5) The office of administrative services. The office of administrative services shall be responsible for providing administrative support services within the cabinet for human resources. All fiscal, facility and information management functions of the cabinet shall be vested in the office of administrative services. The office of administrative services shall be headed by an executive director who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The executive director shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The executive director shall exercise authority over the office of administrative services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(6) The department for social insurance. The department for social insurance shall develop and operate programs of the cabinet that provide income maintenance or income supplementation services and social insurance benefit programs not assigned to another department. The department for social insurance shall also be responsible for all eligibility determination and certification functions associated with these programs. The department for social insurance shall be headed by a commissioner for social insurance who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for social insurance shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for social insurance shall exercise authority over the department for social insurance under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(7) The department for health services. The department for health services shall develop and operate all programs of the cabinet that provide health and mental health services and all programs for the prevention, detection, care, and treatment of physical and mental disability, illness, and disease. The department for health services shall be headed by a commissioner for health services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for health services shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for health services shall exercise authority over the department for health services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(8) The department for social services. The department for social services shall develop and operate all social service programs of the cabinet. The department for social services shall be headed by a commissioner for social services who shall be appointed by the secretary with the approval of the governor in accordance with KRS 12.050. The commissioner for social services shall be a person who by education, professional qualification, training, and experience in the administration and management of social service programs is qualified to perform the duties of this office. The commissioner for social services shall exercise authority over the department for social services under the direction of the secretary and shall only fulfill such responsibilities as delegated by the secretary.

(9) The department for employment services. The department for employment services shall develop and operate all employment development and placement programs including all job recruitment and business liaison functions, employability development and training programs, and all job counseling and job placement programs of the cabinet. In addition the department shall develop and operate all programs relating to unemployment insurance laws of the Commonwealth including responsibilities relating to hearing and judging unemployment insurance benefit appeals. The department for employment services shall be headed by a commissioner for employment services who shall be appointed by the secretary with the approval of the

governor in accordance with KRS 12.050. The commissioner for employment services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for employment services shall exercise authority over the department for employment services under the direction of the secretary and shall fulfill only such responsibilities as delegated by the secretary.

(10) The office of the inspector general. The office of the inspector general shall be responsible for: (a) the conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; (b) such licensing and regulatory functions as the secretary may delegate; and (c) the notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority. The office of the inspector general shall be headed by an inspector general who shall be appointed by the secretary with the approval of the governor. The inspector general shall be directly responsible to the secretary.

(11) The commission for handicapped children. The duties, responsibilities and authority set out in KRS 200.460 to 200.490 shall be performed by the commission. The commission shall advocate the rights of handicapped children, and to the extent that funds are available, shall provide such services and facilities for handicapped children as are deemed appropriate by the commission. The commission shall be composed of seven (7) members appointed by the governor to serve a term of office of four (4) years. The commission may promulgate such administrative regulations pursuant to KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The duties, responsibilities and authority of the commission for handicapped children shall be performed through the office of the executive director of the commission. The executive director shall be appointed by the governor pursuant to KRS 12.040, and the commission may at any time recommend the removal of the executive director upon filing with the governor a full written statement of its reasons for such removal. The executive director shall report directly to the commission for handicapped children and serve as the commission's secretary.

Section 2. KRS 200.460 is amended to read as follows:

(1) The *commission for handicapped children* [~~cabinet for human resources~~] shall provide through contractual agreement, or otherwise, such services as may be necessary to locate, diagnose, treat, habilitate or rehabilitate handicapped children, and may include any necessary auxiliary services, such as room and board and travel for patients and parents or parent substitutes.

(2) Children referred to the care of the *commission for handicapped children* [~~cabinet for human resources~~] for treatment shall be placed under the care of such physicians or surgeons as the *commission for handicapped children* [~~cabinet for human resources~~] deems qualified and may be placed in a hospital or home properly equipped to render the necessary treatment or services required by the child.

(3) The *commission for handicapped children* [~~cabinet for human resources~~] is authorized to make such expenditures as may be necessary to carry out the provisions of this section and KRS 200.470 to 200.490.

Section 3. KRS 200.470 is amended to read as follows:

(1) No child shall be accepted for care or treatment by the *commission for handicapped children* [~~cabinet for human resources~~] if his parents or legal guardian are able to pay for such treatment except where the child resides in an area of the state where adequate care and treatment are not otherwise available, in which event referral must be made by the doctor caring for the child and the parents or guardian shall reimburse the *commission for handicapped children* [~~cabinet for human resources~~] for all cost expended by the *commission* [~~cabinet~~] for treatment.

(2) In the event the *commission for handicapped children* [~~cabinet for human resources~~] determines that the parents or legal guardian of a handicapped child can pay only a portion of the cost of treatment through their own resources or through resources available to them, such parents or guardian shall pay such sums as they are able to pay and the funds thus received shall be turned over to the *commission for handicapped children* [~~cabinet for human resources~~] and applied to the cost of treatment and care of the child.

Section 4. KRS 200.480 is amended to read as follows:

The *commission for handicapped children* [~~cabinet for human resources~~] shall make a biennial report to the governor showing the amount of money received and expended and a detailed statement of its activities for such period. A copy of such report shall be furnished each member of the general assembly at its first session following the filing of such report with the governor.

Section 5. KRS 200.490 is amended to read as follows:

All information as to medical data, personal facts, and circumstances obtained by the *commission for handicapped children* [~~cabinet for human resources~~] staff shall constitute privileged communications, shall be held confidential and shall not be divulged without the consent of the father, mother, guardian, person who committed the child, or the patient involved, except as may be necessary to provide additional services to children through other medical, welfare or service agencies and institutions. Such information may be disclosed in summary, statistical or other form which does not identify particular individuals.

Section 6. KRS 211.750 is repealed and reenacted as a new section of KRS Chapter 200 and amended to read as follows:

(1) The *commission for handicapped children* [~~commissioner of the department for health services~~] shall establish a hemophilia treatment program within the *commission* [~~department~~] for the detection, diagnosis and treatment of persons suffering from hemophilia. The hemophilia treatment program shall assist those persons who require continuing treatment with blood, blood derivatives, or a manufactured pharmaceutical product to avoid crippling, hospitalization, or other effects associated with hemophilia, but who are unable to pay for the entire cost of such services on a continuing basis.

(2) The *commission* [~~commissioner~~] shall also initiate activities with the advice of the hemophilia advisory committee to:

(a) Develop standards for determining eligibility for the care and treatment of persons suffering from hemophilia;

(b) Assist in the development and expansion of programs for the diagnosis and treatment of hemophilia and related diseases including but not limited to home care and medical and dental procedures designed to provide maximum control over bleeding;

(c) Provide financial assistance either directly or indirectly to persons suffering from hemophilia for the purpose of obtaining blood, blood derivatives and concentrates, and other efficacious agents for use in hospital, medical and dental facilities as well as in the home;

(d) Provide for community educational programs for the detection of hemophilia and for the counseling of individuals and families suffering from hemophilia; and

(e) Conduct educational programs for physicians, dentists, hospitals, health departments, and the public concerning the methods of detection, diagnosis and treatment of persons who have hemophilia.

Section 7. KRS 211.740 is repealed, reenacted and amended to read as a new section of KRS Chapter 200 to read as follows:

(1) There is hereby created [~~within the cabinet for human resources~~] a hemophilia advisory committee for the purpose of acting in an advisory capacity to the *commission for handicapped children* [~~department for health services~~] regarding the hemophilia treatment program. The committee shall consist of nine (9) members. *The executive director of the commission on handicapped children* [~~The secretary of the cabinet for human resources~~] shall be an ex-officio member. The other eight (8) members of the committee shall be appointed by the governor and shall hold office for a term of four (4) years and until their successors are appointed and qualify, except that of those members initially appointed the terms shall be as follows: two (2) members shall be appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and two (2) for four (4) years. Appointments shall be made one (1) from a list of three (3) nominees submitted by the following organizations: the Kentuckiana Chapter of the National Hemophilia Foundation, the Kentucky Medical Association, the Kentucky Pharmacists Association, and the Kentucky Hospital Association. The other four (4) appointive members shall be citizens residing within the Commonwealth who are hemophiliacs, parents of hemophiliacs, or health care providers interested in hemophilia.

(2) Each appointive member of the committee shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section.

(4) The committee shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The committee shall hold a meeting at least once every three (3) months and such other special or regular meetings as may be desired.

Section 8. The General Assembly confirms Executive Order 84-1079 relating to the creation of the commission on handicapped children to the extent that it is not otherwise confirmed by this Act.

SB 110, AN ACT relating to state boundaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *The boundary with Indiana begins at the point on the Ohio River common to the boundary lines for the states of Ohio, Indiana, and the Commonwealth of Kentucky, thence southwesterly, along the boundary line common to the states of Indiana and Kentucky, the boundary line being a series of straight lines between sequentially numbered geodetic points, 1927 North American Datum, as fixed by the Supreme Court of the United States in Kentucky v. Indiana, No. 81, Original, decided November 4, 1985, thence to the point on the Ohio River common to the boundary lines for the states of Indiana, Illinois, and the Commonwealth of Kentucky as described in the case cited above.*

Section 2. *The boundary with Ohio begins at the point on the Ohio River common to the boundary lines for the states of Ohio, West Virginia, and the Commonwealth of Kentucky, thence generally northwesterly, northerly, and westerly along the boundary line common to the states of Ohio and Kentucky, the boundary line being a series of straight lines between sequentially numbered geodetic points, 1927 North American Datum, as fixed by the Supreme Court of the United States in Ohio v. Kentucky, No. 27, Original, decided April 15, 1985, thence to the point on the Ohio River common to the boundary lines for the states of Ohio, Indiana, and the Commonwealth of Kentucky as described in the case cited above.*

Section 3. *The boundary with Illinois is the low water mark on the northern side of the Ohio River, beginning with the point on the Ohio River common to the boundary lines for the states of Indiana, Illinois, and the Commonwealth of Kentucky, thence due west and downstream with the low water mark on the northern side of the Ohio River, and into the Mississippi River, intersecting a line drawn through the center of the Mississippi.*

Section 4. KRS Title I, Chapter I, Boundary with Ohio, Indiana and Illinois, Acts 1942, c. 116, is repealed.

The Committee Amendment No. 1 to SB 110 is as follows:

Amend printed copy of SB 110:

On page 2, after line 14, by inserting the following new section:

Section 4. *The governor is expressly authorized to negotiate with the appropriate authorities of Indiana, Ohio, or Illinois and to ratify any agreements with Indiana, Ohio, or Illinois, including but not limited to any agreements governing the registration of motor boats or the operation, equipment or safety of any vessel as defined in KRS 235.010, which may be needed as a result of the decision of the Supreme Court of the United States in Kentucky v. Indiana, No. 81, Original, or the decision of the Supreme Court of the United States in Ohio v. Kentucky, No. 27, Original.*

On page 2, line 15, by renumbering "Section 4" to "Section 5".

SB 111, AN ACT relating to fishing and hunting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 150.170 is amended to read as follows:

(1) Except as provided in subsections (2), (3), (4), (5), (6) and (7) of this section, and subject to regulations adopted under this chapter, no person, resident or nonresident, shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit, resident or nonresident, that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or

unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap or dip net.

(3) The resident owner of farmlands, his spouse or dependent children, shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners. Tenants or their dependent children, residing upon said farmlands, shall have the same privilege.

(4) Residents or nonresidents attending and participating in any field trial as authorized by the department may so attend and participate without obtaining a hunting license so long as game is not taken.

(5) Any resident who is sixty-five years of age or older may, without any sport hunting or sport fishing licenses, do any act authorized by such licenses, but while so doing he must carry upon his person an affidavit stating the year of his birth and place of residence.

(6) Any resident serviceman on furlough of more than three days may, in the county of his legal residence at the time of his entrance into the service, without any sport hunting or sport fishing licenses, do any act authorized by such licenses, but while so doing he must carry on his person proper identification and papers showing his furlough status.

(7) Any totally and permanently disabled American veteran residing in Kentucky may, without any sport hunting or sport fishing licenses, do any act authorized by such licenses, but while doing so must carry identification indicating they are a totally and permanently disabled veteran as a result of military related injuries.

(8) Resident landowners, their spouses or dependent children who kill or trap on their lands any wild animals or birds causing damage to such lands or any personal property situated thereon, shall not be required to have a hunting or trapping license. Tenants or their dependent children residing upon said lands shall also have the same privilege. Upon destruction of any animal or bird by the above specified individuals, such act must be reported to the department or the resident conservation officer for the proper disposition of the carcass.

(9) In the event a reciprocal agreement is entered into between the commissioner, with the approval of the commission, and the similar authority of Missouri, Tennessee, Virginia, [~~and~~] West Virginia, *Indiana, Ohio, or Illinois,* persons holding a resident or nonresident fishing or a resident or nonresident statewide hunting license issued in these states are permitted to perform the acts authorized by such license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the state of Kentucky. A resident of the state of Kentucky must purchase a proper Kentucky license to conform with the reciprocal agreement.

The Committee Amendment No. 1 to SB 111 is as follows:

Amend printed copy of SB 111:

On page 3, line 15, after the word "*commission,*" by inserting the following :

"*and ratified by the General Assembly*"

SB 154, AN ACT confirming the establishment of a division of internal audit in the finance and administration cabinet.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) A division of internal audit is established in the finance and administration cabinet, and is attached for administrative purposes to the office of the secretary of finance.

(2) The division of internal audit shall be headed by a director, appointed by the secretary of finance pursuant to KRS 12.050, and shall include other personnel employed pursuant to KRS Chapter 18A, as determined by the director of the division, with the approval of the secretary, to be necessary and desirable to carry out the division's functions.

(3) The division may, with the approval of the secretary of finance, conduct any internal audit, investigation, or management review in the finance and administration cabinet related to the secretary's duties and responsibilities as chief financial officer of the Commonwealth pursuant to KRS 42.012.

(4) When it is necessary to complete an internal audit, investigation or management review in the finance and administration cabinet, with the written approval of the secretary of the governor's executive cabinet, the division shall have access, during business hours, to all books, reports, papers and accounts in the office or under the custody or control of any budget unit, or of any other program cabinet, department or agency under the authority and direction of the governor.

Section 2. The General Assembly hereby confirms Executive Order 84-770, issued September 11, 1984, which established the Division of Internal Audit in the Finance and Administration Cabinet.

Calendar

HB 916, SB 47, SB 220, SB 302, SB 303, SB 304, SB 312, SB 358, SB 360, HB 845, HB 846, HB 696, HB 782, HB 892, SB 70, SB 95, SB 288, SB 361, and HB 852 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

SB 277 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that SB 277 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 20, 1986, roll call on SB 277—Appendix A.)

SB 277 was passed and the title agreed to.

Representative Richards moved that the vote by which SB 277 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 99, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SB 99 be passed.

Representative Farrow moved the adoption of the Floor Amendment No. 1 to SB 99. Rejected.

On the roll call the vote was: Yeas 94, Nays 0. (See March 20, 1986, roll call on SB 99—Appendix A.)

SB 99 was passed and the title agreed to.

Representative Deskins moved that the vote by which SB 99 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 100 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SB 100 be passed.

On the roll call the vote was: Yeas 95, Nays 1. (See March 20, 1986, roll call on SB 100—Appendix A.)

SB 100 was passed and the title agreed to.

Representative Deskins moved that the vote by which SB 100 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 101, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative M. Brown moved the adoption of the Committee Amendment No. 2 to SB 101. Agreed.

Representative Deskins moved the adoption of the Committee Amendment No. 1 to SB 101. Agreed.

Representative Deskins moved that SB 101, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 20, 1986, roll call on SB 100—Appendix A.)

SB 101, as amended, was passed and the title agreed to.

Representative Deskins moved that the vote by which SB 101 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 159, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that SB 159 be passed.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to SB 159. Rejected.

On the roll call the vote was: Yeas 87, Nays 6. (See March 20, 1986, roll call on SB 159—Appendix A.)

SB 159 was passed and the title agreed to.

HB 878 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved that HB 878 be passed.

On the roll call the vote was: Yeas 61, Nays 28. (See March 20, 1986, roll call on HB 878—Appendix A.)

HB 878 was passed and the title agreed to.

Representative Lear moved that the vote by which HB 878 was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enroll Bills

The Committee on Enrollment reported SB 128, SB 212, SB 213, SB 274, SB 278, and SCR 59 had been examined and found correctly enrolled. Said bills and resolution read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:32 p.m.)

Orders of the Day (continued)

SB 120, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative L. Clark moved the adoption of the Committee Substitute to SB 120. Agreed.

Representative L. Clark moved the adoption of the Floor Amendment No. 3 to the Committee Substitute to SB 120. Agreed.

Representative Morris moved the adoption of the Floor Amendment No. 2 to the Committee Substitute to SB 120. Agreed.

Representative LeMaster moved the adoption of the Floor Amendment No. 4 to the Committee Substitute to SB 120. Agreed.

Representative Little moved that SB 120, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 4. (See March 20, 1986, roll call on SB 120—Appendix A.)

SB 120, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Little moved that the vote by which SB 120, by way of Committee Substitute as amended was passed be reconsidered and said motion be placed on the table. Agreed.

SB 264, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of the Committee Amendment No. 1 to SB 264. Agreed.

Representative Bendl moved that SB 264, as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 3. (See March 20, 1986, roll call on SB 264—Appendix A.)

SB 264, as amended, was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 264, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 265 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that SB 265 be passed.

On the roll call the vote was: Yeas 89, Nays 4. (See March 20, 1986, roll call on SB 265—Appendix A.)

SB 265 was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 265 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 284 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that SB 284 be passed.

On the roll call the vote was: Yeas 75, Nays 18. (See March 20, 1986, roll call on SB 284—Appendix A.)

SB 284 was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 284 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 53, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of the Committee Amendment No. 1 to HB 53. Agreed.

Representative Heleringer moved the adoption of the Committee Amendment No. 2 to HB 53. Agreed.

Representative K. Harper moved the adoption of the Committee Amendment No. 3 to HB 53. Agreed.

Representative Bendl moved that HB 53 be laid on the Clerk's desk.

On the roll call the vote was yeas 79—Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Burch, L. Clark, P. Clark, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Gedling, Gray, Gregory, Guenthner, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, R. Jones, Kerr, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Rapier, Reinhardt, Richards, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Thomas, Turner, White, Williams, Worthington, Yates. Nays 0.

The motion that HB 53 be laid on the Clerk's desk was adopted.

Report on Enrolled Bills

The Committee on Enrollment reported HB 270, HB 339, HB 382, and HB 633 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate (Time—3:03 p.m.)

HB 270, HB 339, HB 382, and HB 633 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

HB 70, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riner moved the adoption of the Committee Amendment No. 1 to HB 70. Agreed.

Representative Riner moved that HB 70, as amended, be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 20, 1986, roll call on HB 70—Appendix A.)

HB 70, as amended, was passed and the title agreed to.

Representative Riner moved that the vote by which HB 70, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 197, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kerr moved the adoption of the Floor Amendment No. 1 to HB 197. Agreed.

Representative Hines moved that HB 197, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 20, 1986, roll call on HB 197—Appendix A.)

HB 197, as amended, was passed and the title agreed to.

Representative Hines moved that the vote by which HB 197, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 50 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that HB 50 be passed.

On the roll call the vote was: Yeas 44, Nays 41. (See March 20, 1986, roll call on HB 50—Appendix A.)

HB 50 was passed and the title agreed to.

Representative Bendl moved that the vote by which HB 50 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 170, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative L. Clark moved the adoption of the Floor Amendment No. 1 to HB 170. Agreed.

Representative L. Clark moved that HB 170, as amended, be passed.

On the roll call the vote was: Yeas 78, Nays 9. (See March 20, 1986, roll call on HB 170—Appendix A.)

HB 170, as amended, was passed and the title agreed to.

Representative L. Clark moved that the vote by which HB 170, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 406, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Moberly moved the adoption of the Committee Amendment No. 1 to HB 406. Agreed.

Representative Moberly moved that HB 406, as amended, be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 20, 1986, roll call on HB 406—Appendix A.)

HB 406, as amended, was passed and the title agreed to.

Representative Moberly moved that the vote by which HB 406, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 467, with Committee Substitute and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Scorsone moved the adoption of the Committee Substitute to HB 467. Agreed.

Representative Kerr moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to HB 467. Agreed.

Representative Scorsone moved that HB 467, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 90, Nays 3. (See March 20, 1986, roll call on HB 467—Appendix A.)

HB 467, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Scorsone moved that the vote by which HB 467, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 678, with Committee Amendments and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hines moved the adoption of the Committee Amendment No. 1 to HB 678. Agreed.

Representative Hines moved the adoption of the Committee Amendment No. 2 to HB 678. Agreed.

Representative Riner moved the adoption of the Floor Amendment No. 1 to HB 678.

On the roll call the vote was yeas 72—Arnold, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Burch, Burnette, Caldwell, L. Clark, P. Clark, Cline, Cowan, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Guenthner, Hancock, Handy, J. Harper, Head, Heleringer, Hines, Holbrook, Johnson, T. Jones, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, Meyer, Moberly, Napier, Noe, Noland, O'Brien, Pearman, Pritchett, Rapier, Reinhardt, Richards, Riner, Rose, Scorsone, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Turner, White, Yates. Nays 0.

Floor Amendment No. 1 to HB 678 was adopted.

Representative Hines moved that HB 678, as amended, be passed.

On the roll call the vote was: Yeas 66, Nays 15. (See March 20, 1986, roll call on HB 678—Appendix A.)
HB 678, as amended, was passed and the title agreed to.

Representative Hines moved that the vote by which HB 678, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 785, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved the adoption of the Committee Substitute to HB 785. Agreed.

Representative Lear moved that HB 785, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 90, Nays 1. (See March 20, 1986, roll call on HB 785—Appendix A.)

HB 785, by way of Committee Substitute, was passed and the title agreed.

Representative Lear moved tht the vote by which HB 785, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 798 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dawahare moved that HB 798 be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 20, 1986, roll call on HB 798—Appendix A.)

HB 798 was passed and the title agreed to.

Representative Dawahare moved that the vote by which HB 798 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 839, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Head moved the adoption of the Committee Amendment No. 1 to HB 839. Agreed.

Representative Head moved that HB 839, as amended, be passed.

On the roll call the vote was: Yeas 95,Nays 0. (See March 20, 1986, roll call on HB 839—Appendix A.)

HB 839,as amended, was passed and the title agreed to.

Representative Head moved that the vote by which HB 839, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 404, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative T. Jones moved the adoption of the Committee Amendment No. 1 to HB 404. Agreed.

Representative T. Jones moved that HB 404, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 20, 1986, roll call on HB 404—Appendix A.)

HB 404, as amended, was passed.

Representatives T. Jones moved that the rules be suspended to allow consideration of the Floor Title Amendment to HB 404. Agreed.

Representative T. Jones moved the adoption of the Floor Title Amendment to HB 404. Agreed, and the title was agreed to.

Representative T. Jones moved that the vote by which HB 404, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 840 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that HB 840 be passed.

On the roll call the vote was: Yeas 93, Nays 2. (See March 20, 1986, roll call on HB 840—Appendix A.)

HB 840 was passed and the title agreed to.

Representative Richards moved that the vote by which HB 840 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 841 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 841 be passed.

On the roll call the vote was: Yeas 94, Nays 2. (See March 20, 1986, roll call on HB 841—Appendix A.)

HB 841 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 841 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 843 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that HB 843 be passed.

On the roll call the vote was: Yeas 85, Nays 3. (See March 20, 1986, roll call on HB 843—Appendix A.)

HB 843 was passed and the title agreed to.

Representative Rapier moved that the vote by which HB 843 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 946, with Committee Amendments and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HB 946 be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 20, 1986, roll call on HB 946—Appendix A.)

HB 946 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 946, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 880, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Overstreet moved the adoption of the Committee Amendment No. 1 to HB 880. Agreed.

Representative Kerr moved that HB 880, as amended, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 20, 1986, roll call on HB 880—Appendix A.)

HB 880, as amended, was passed and the title agreed to.

Representative Kerr moved that the vote by which HB 880, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 886 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cline moved that HB 886 be passed.

On the roll call the vote was: Yeas 92, Nays 2. (See March 20, 1986, roll call on HB 886—Appendix A.)

HB 886 was passed and the title agreed to.

Representative Cline moved that the vote by which HB 886 was passed be reconsidered and said motion be placed on the table.

HB 924, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Amendment No. 1 to HB 924. Agreed.

Representative Barrows moved that HB 924, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 20, 1986, roll call on HB 924—Appendix A.)

HB 924, as amended, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 924, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 964 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 964 be passed.

On the roll call the vote was: Yeas 87, Nays 2. (See March 20, 1986, roll call on HB 964—Appendix A.)

HB 964 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 964 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 967, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that HB 967 be passed.

Representative Maggard moved the adoption of the Floor Amendment No. 1 to HB 967.

Representative Hancock inquired whether Floor Amendment No. 1 was germane to HB 967.

The Chair ruled Floor Amendment No. 1 was not germane to HB 967.

On the roll call the vote was: Yeas 89, Nays 0. (See March 20, 1986, roll call on HB 967—Appendix A.)

HB 967 was passed and the title agreed to.

Representative Hancock moved that the vote by which HB 967 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 968, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved the adoption of the Committee Substitute to HB 968. Agreed.

Representative Mann moved that HB 968, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 87, Nays 2. (See March 20, 1986, roll call on HB 968—Appendix A.)

HB 968 was passed and the title agreed to.

Representative Mann moved that the vote by which HB 968, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the motion that the vote by which HB 946 was passed be reconsidered be taken from the table. Agreed.

Representative Stumbo moved that the vote by which HB 946 was passed be reconsidered, Agreed.

Representative Stumbo moved that HB 946 be placed in Orders of the Day for Friday, March 21, 1986. Agreed.

HB 984, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reinhardt moved the adoption of the Committee Amendment No. 1 to HB 984. Agreed.

Representative Reinhardt moved that HB 984, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 20, 1986, roll call on HB 984—Appendix A.)

HB 984, as amended, was passed and the title agreed to.

Representative Reinhardt moved that the vote by which HB 984, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 85 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved that HCR 85 be passed.

On the roll call the vote was: Yeas 84, Nays 2. (See March 20, 1986, roll call on HCR 85—Appendix A.)

HCR 85 was passed and the title agreed to.

Representative Blevins moved that the vote by which HCR 85 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 117 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that HCR 117 be passed.

On the roll call the vote was: Yeas 91, Nays 1. (See March 20, 1986, roll call on HCR 117—Appendix A.)

HCR 117 was passed and the title agreed to.

Representative Pearman moved that the vote by which HCR 117 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 135 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freibert moved that HCR 135 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 20, 1986, roll call on HCR 135—Appendix A.)

HCR 135 was passed and the title agreed to.

Representative Freibert moved that the vote by which HCR 135 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 131, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved the adoption of the Committee Substitute to HCR 131. Agreed.

Representative Stumbo moved that HCR 131, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 92, Nays 1. (See March 20, 1986, roll call on HCR 131—Appendix A.)

HCR 131 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HCR 131 by way of Committee Substitute was passed be reconsidered and said motion be placed on the table. Agreed.

HB 790 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that HB 790 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 20, 1986, roll call on HB 790—Appendix A.)

HB 790 was passed and the title agreed to.

Representative Richards moved that the vote by which HB 790 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 859, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative P. Clark moved the adoption of the Floor Amendment No. 1 to HB 859. Agreed.

Representative P. Clark moved that HB 859, as amended, be passed.

On the roll call the vote was: Yeas 72, Nays 8. (See March 20, 1986, roll call on HB 859—Appendix A.)

HB 859, as amended, was passed and the title agreed to.

Representative P. Clark moved that the vote by which HB 859, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 242 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Smith moved that SB 242 be passed.

On the roll call the vote was: Yeas 81, Nays 4. (See March 20, 1986, roll call on SB 242—Appendix A.)

SB 242 was passed and the title agreed to.

Representative Smith moved that the vote by which SB 242 was passed be reconsidered and said motion be placed on the table. Agreed.

Speaker Pro Tempore Worthington presiding.

HB 119 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McElroy moved that HB 119 be passed.

On the roll call the vote was: Yeas 88, Nays 3. (See March 20, 1986, roll call on HB 119—Appendix A.)

HB 119 was passed and the title agreed to.

Representative McElroy moved that the vote by which HB 119 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 684 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that HB 684 be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 20, 1986, roll call on HB 684—Appendix A.)

HB 684 was passed and the title agreed to.

Representative Little moved that the vote by which HB 684 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 806 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Todd moved that HB 806 be passed.

On the roll call the vote was: Yeas 94, Nays 2. (See March 20, 1986, roll call on HB 806—Appendix A.)

HB 806 was passed and the title agreed to.

Representative Todd moved that the vote by which HB 806 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 700, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 700 is as follows:

Amend printed copy of HB 700:

On page 1, line 16, by placing brackets around and striking through the word "*such*" and

on page 1, line 17, after the word "*obligations*" by adding the following "*of the United States government or obligations unconditionally guaranteed by the United States government.*"

Representative P. Richardson moved that the House concur in the Senate Amendment No. 1 to HB 700. Agreed.

Representative P. Richardson moved that HB 700, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 93, Nays 1. (See March 20, 1986, roll call on HB 700—Appendix A.)

HB 700, as amended by the Senate, was passed and the title agreed to.

Representative P. Richardson moved that the vote by which HB 700, as amended by the Senate was passed be reconsidered and said motion be placed on the table. Agreed.

HB 1, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 1 is as follows:

Amend printed copy of HB 1:

On page 2, line 7, after "*first*" by inserting "*or second*" and after "*expiration of*" by inserting "*three*" and by deleting "*two*";

On page 2, after line 25, by inserting "Section 3. This proposed amendment shall be summarized on the ballot and be presented to the voters in the following language: 'Are you in favor of allowing mayors of cities of the first and second class to serve two successive terms beyond their original terms?'"

Representative Cowan moved that the House concur in the Senate Amendment No. 1 to HB 1. Agreed.

Representative Cowan moved that HB 1, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 20, 1986, roll call on HB 1—Appendix A.)

HB 1, as amended by the Senate, was passed and the title agreed to.

Representative Cowan moved that the vote by which HB 1, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 360, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 360 is as follows:

Amend printed copy of HB 360:

On page 1, after line 20, by adding the following:

"Section 2. KRS 337.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means commissioner of workplace standards under the direction and supervision of the secretary of the labor cabinet;

(b) "Department" means department of workplace standards in the labor cabinet;

(c) "Wages" include any compensation due to an employe by reason of his employment, such compensation to include salaries, commissions, vested vacation pay, overtime pay, severance or dismissal pay, earned bonuses and any other similar advantages agreed upon by the employer and the employe or provided to employes as an established policy; such wages to be payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such allowances made in this chapter;

(d) "Employer" is any person, either individual, corporation, partnership, agency or firm who employs an employe and includes any person, either individual, corporation, partnership, agency or firm acting directly or indirectly in the interest of an employer in relation to an employe; and

(e) "Employe" is any person employed by or suffered or permitted to work for an employer.

(2) As used in KRS 337.275 to 337.325, 337.345 and 337.385 to 337.405 unless the context requires otherwise:

(a) "Employe" is any person employed by or suffered or permitted to work for an employer, but shall not include:

1. Any individual employed in agriculture;

2. Any individual employed in a bona fide executive, administrative, supervisory or professional capacity, or in the capacity of outside salesman, or as an outside collector as such terms are defined by administrative regulations of the commissioner;

3. Any individual employed by the United States;

4. Any individual employed in domestic service in or about a privdte home. The provisions of this section shall include individuals employed in domestic service in or about the home of an employer where there is more than one (1) domestic servant regularly employed;

5. Any individual classified and given a certificate by the commissioner of workplace standards showing a status of learner, apprentice, handicapped worker, sheltered workshop employe, and student under administrative procedures and administrative regulations as prescribed and promulgated by the commissioner of workplace standards. This certificate shall authorize employment at such wages, less than the established fixed minimum fair wage rates, and for such period of time as shall be fixed by the commissioner and stated in the certificate issued to such person;

6. Employes of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety-five thousand dollars ($95,000) for the five (5) preceding years exclusive of excise taxes at the retail level or if the employe is the parent, spouse, child, or other member of his employer's immediate family;

7. Any individual employed as a babysitter in employer's home, or live-in companion to a sick, convalescing or elderly person whose principal duties do not include housekeeping;

8. Any individual engaged in the delivery of newspapers to the consumer;

9. Any individual subject to the provisions of KRS Chapters 7, 16, 27A, 30A, and 18A provided that the commissioner of personnel shall have the authority to prescribe by administrative regulation those emergency employes, or others who shall receive overtime pay rates as necessary for the efficient operation of government and the protection of affected employes;

10. Any employe employed by an establishment which is an organized non-profit camp, religious or non-profit educational conference center, if it does not operate for more than seven (7) months in any calendar year;

(b) "Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity, the raising of livestock, bees, furbearing animals or poultry, and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with such farming operations, including the preparation and delivery of produce to storage, or to market or to carriers for transportation to market;

(c) "Gratuity" means voluntary monetary contribution received by an employe from a guest, patron or customer for services rendered;

(d) "Tipped employe" means any employe engaged in an occupation in which he customarily and regularly receives more than twenty dollars ($20.00) per month in tips;

(e) "U.S.C." means the United States Code.

(3) As used in KRS 337.505 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than two hundred fifty thousand dollars ($250,000) in 1982 and adjusted annually on July 1 thereafter according to the change in the Consumer Price Index released by the U.S. Department of Labor, Bureau of Labor Statistics;

(b) "Contractor" and "subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) 1. "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent, skilled laborers, workmen, and mechanics to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, and mechanics may be obtained in sufficient number to perform the work.

2. "Locality" with respect to contracts advertised or awarded by the department of transportation of this state shall be determined by the secretary of transportation. He may designate any number of counties as constituting a single locality. He may also designate all counties of the Commonwealth as a single locality, but, in no event, shall he designate less than an entire county as a locality;

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, including publicly owned or controlled corporations, authorized by law to enter into any contract for the construction of public works and any nonprofit corporation funded to act as an agency and instrumentality of the government agency in connection with the construction of public building facilities; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or work except for buildings constructed as institutions of learning constructed under contract with any public authority. However, the provisions of this section shall not apply to construction conducted by a city, county, urban-county government or school district unless such construction is financed with fifty percent (50%) or more of state funds.

(4) In any case where the federal government or any of its agencies furnishes by loans or grants any part of the funds used in constructing public works, and if the federal government or its agencies prescribe predetermined prevailing minimum wages to be paid to mechanics, workmen, and laborers employed in the construction of such public works and where KRS 337.505 to 337.550 is also applicable, those wages in each classification which are higher shall prevail."

Representative Bennett moved that the House concur in the Senate Amendment No. 1 to HB 360. Agreed.

Representative Bennett moved that HB 360, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 72, Nays 17. (See March 20, 1986, roll call on HB 360—Appendix A.)

HB 360, as amended by the Senate, was passed and the title agreed to.

Representative Bennett moved that the vote by which HB 360, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 390, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 390 is as follows:

Amend printed copy of HB 390:

On page 5, lines 1 through 26, to delete the same; and

On page 6, lines 1 through 5, to delete the same; and

On page 6, line 6, to delete "3" and to insert "2"; and

On page 6, line 23, to delete "4" and to insert "3"; and

On page 7, line 16, to delete "5" and to insert "4"; and

On page 8, lines 4 through 12, to delete the same; and

On page 8, line 13, to delete "6" and to insert "5"; and

On page 9, line 21, to delete "7" and to insert "6"; and

On page 10, line 19, to delete "8" and to insert "7"; and

On page 11, line 10, to delete "9" and to insert "8"; and

On page 11, line 16, to delete "10" and to insert "9"; and

On page 11, line 21, to delete "11" and to insert "10"; and

On page 12, lines 22 through 23, to delete the same.

Representative Cowan moved that the House concur in the Senate Amendment No. 1 to HB 390.

On the roll call the vote was yeas 45—Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, M. Brown, Bruce, Burch, L. Clark, Cowan, Deskins, Ellington, Handy, Head, Hines, Johnson, R. Jones, T. Jones, Lear, LeMaster, Lile, Long, Lyne, Mack, McBee, McElroy, McNutt, Moberly, Morris, Noe, Preston, Priddy, Pritchett, Rapier, Richards, Stone, Strong, Stumbo, Thomas, White, Worthington, Yates. Nays 40-Allen, Caldwell, Clarke, Cline, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, J. Harper, K. Harper, Heleringer, Holbrook, Jensen, Keith, Kerr, Layman, Lefevers, Meyer, Napier, Noland, O'Brien, Overstreet, Rattliff, Reinhardt, B. Richardson, Seum, Siler, Stewart, Todd, Turner, Williams.

The motion that the House concur in the Senate Amendment No. 1 to HB 390 was adopted.

Representative Cowan moved that HB 390, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 85, Nays 6. (See March 20, 1986, roll call on HB 390—Appendix A.)

HB 390, as amended by the Senate, was passed and the title agreed to.

Representative Cowan moved that the vote by which HB 390, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 436, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 436 is as follows:

Amend printed copy of HB 436:

On page 2, beginning on line 19, after the number "(3)" by inserting the following language:

"*There shall be allotted*"; and,

by bracketing and striking through the following language:

"For the biennium beginning July 1"; by deleting "*1986*"; and

on line 20, by bracketing and striking through the phrase "and ending June 30,"; by deleting "*1988*"; and bracketing and striking through the comma.

Representative Head moved that the House concur in the Senate Amendment No. 1 to HB 436. Agreed.

Representative Head moved that HB 436, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 20, 1986, roll call on HB 436—Appendix A.)

HB 436, as amended by the Senate, was passed and the title agreed to.

Representative Head moved that the vote by which HB 436, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 524, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 524 is as follows:

Amend printed copy of HB 524:

On page 8, after line 19, by adding:

"Section 6. KRS 304.9-400 is amended to read as follows:

That portion of all premiums or moneys which an agent or solicitor collects from an insured and which is to be paid to an insurer, its agents, *its managing general agents* or his principal because of the assumption of liability through the issuance of policies or contracts for insurance, shall be held by the agent or solicitor in a fiduciary capacity and shall not be misappropriated or converted to his own use or illegally withheld by the agent or solicitor."

Representative Cline moved that the House concur in the Senate Amendment No. 1 to HB 524. Agreed.

Representative Cline moved that HB 524, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 91, Nays 0. (See March 20, 1986, roll call on HB 524—Appendix A.)

HB 524, as amended by the Senate, was passed and the title agreed to.

Representative Cline moved that the vote by which HB 524, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Motions, Petitions and Communications

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 2 to HB 197, by Representative Burch:

Amend printed copy of HB 197:

On page 1, line 18,

By inserting after the words "artificial eyes" the words

"*, artificial organs*"; and

On page 2, line 4,

By inserting after the words "*use by diabetics*" the following:

"*; and medical supplies incorporated in the human body during medical treatment*"

Floor Amendment No. 1 to HB 201, by Representative R. Jones:

Amend printed copy of HB 201:

on page 5, line 15, by inserting after the word "*chapter.*" the following: "*This subsection shall not apply to any landfill which has been permitted and operational and which receives solid waste from a county outside of the county where the landfill is located prior to the effective date of this Act.*"

Floor Amendment No. 3 to HB 503, by Representative Maggard:

Amend printed copy of HB 503:

On page 20, lines 2 and 3, by placing brackets around and striking through all the language on lines 2 and 3, beginning on line 2 with the word "Property",

and by renumbering subsequent subsections to conform.

Floor Amendment No. 4 to HB 503, by Representative Maggard:

Amend printed copy of HB 503:

On page 13, lines 19 through 21, by placing brackets around and striking through all the language on lines 19 through 21, beginning on line 19 with the word "one-tenth".

Floor Amendment No. 5 to HB 503, by Representative Maggard:

Amend printed copy of HB 503:

On page 17, by placing brackets around and striking through all the language on lines 9 through 15

And by renumbering subsequent subsections to conform.

Floor Amendment No. 1 to the Committee Substitute to HB 76, by Representative Priddy:

Amend printed copy of Committee Substitute to HB 76:

On page 1, line 21, to delete "Act" and to insert "Section".

Floor Amendment No. 1 to HB 976, by Representative Napier:

Amend printed copy of HB 976:

On page 7, line 26 after "*Class*" by deleting "*D felony*" and by adding in its place "*B misdemeanor*".

Floor Title Amendment to SB 343, by Representative Long:

Amend printed copy of SB 343:

on page 1, line "Title", by amending the title to read as follows: "AN ACT relating to waste disposal."

Floor Amendment No. 2 to SB 343, by Representative Long:

Amend printed copy of SB 343:

on page 1, after line 21, by inserting the following:

"Section 2. KRS 224.855 is amended to read as follows:

(1) No permit shall be issued until a complete application has been submitted to and approved by the cabinet and notice of the application for a waste site or facility has been published at the expense of the applicant in a manner reasonably calculated to inform that portion of the public which is most likely to be affected by the operation of the proposed waste site or facility. The publication shall take place after the cabinet has made a preliminary determination of the application.

(2) At a minimum, publication shall be made at least once by advertisement in a daily or weekly newspaper of general circulation in the locality where the proposed site is to be located.

(3) The contents of the public notice of an application for a waste site or facility shall include the following:

(a) The name and address of the applicant;

(b) A brief description of the activity for which a permit is being sought;

(c) A description of the proposed location;

(d) The name and address of this cabinet; and

(e) The following statement: "Any person who may be aggrieved by the issuance of a permit for this proposed waste site or facility may file with the cabinet a petition which sets forth the grounds of the objection and demand a hearing pursuant to KRS 224.081(2)." Such hearing shall be held within the county where the waste site or facility is proposed.

(4) No permit shall be issued until at least thirty (30) days have expired following publication of the application. The applicant for a permit must establish the date of publication by a verified affidavit from the newspaper which publishes the advertisement. If a hearing is requested, no permit shall be issued prior to a completed hearing. In the case of hazardous waste *incinerators,* landfills and other sites or facilities for the land disposal of hazardous waste no permit shall be approved or issued prior to notification of the cabinet by the local unit of government of its actions pursuant to subsection (5) of this section. *Except that in the case of a hazardous waste incinerator, the procedure set forth in subsection (5) of this section shall not apply if a local unit of government wherein the incinerator is proposed has adopted zoning regulations pursuant to KRS Chapter 100.*

(5) The fiscal court of the county, urban-county government, or governing body of an incorporated municipality wherein a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste is proposed, shall conduct a public hearing after public notice has been given in accordance with KRS Chapter 424 and shall vote to approve or disapprove the hazardous waste *incinerator*, landfill or other site or facility for the land disposal of hazardous waste within thirty (30) days after the hearing described in subsections (3) and (4) of this section. If no hearing is requested under the provisions of subsections (3) and (4) of this section, the fiscal court, urban-county government, or governing body of an incorporated municipality shall conduct such public hearing and vote to approve or disapprove the hazardous waste *incinerator*, landfill or other site or facility for the land disposal of hazardous waste within sixty (60) days following publication of the application. In making a determination the fiscal court, urban-county government, or governing body of an incorporated municipality shall consider the social and economic impacts of the proposed hazardous waste *incinerator*, landfill or other site or facility for the land disposal of hazardous waste on the affected community, including changes in property values, community perception and other psychic costs; costs and availability of public services, facilities and improvements required to support the landfill or other site or facility and protect public health, safety and the environment; and the relationship of

the proposed hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste to local planning and existing development. After a fiscal court or urban-county government or governing body of an incorporated municipality has voted to approve or disapprove a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste, the court, urban-county government, or governing body of an incorporated municipality shall so notify the cabinet in writing within ten (10) days. If a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste is disapproved by the court, urban-county government, or governing body of an incorporated municipality, the reasons for disapproval shall be set forth clearly and concisely, and so recorded in the minutes. No permit shall be issued by the cabinet if a fiscal court, urban-county government or governing body of an incorporated municipality disapproves the hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste in the manner prescribed herein.

(6) The provisions of subsection (5) of this section shall not apply to a proposed regional integrated waste treatment and disposal demonstration facility.

Section 3. KRS 224.866 is amended to read as follows:

(1) No person shall engage in the storage, treatment, recycling or disposal of hazardous waste without first obtaining construction and operation permits from the cabinet. The cabinet shall promulgate regulations establishing standards for such permits but in no case shall a permit to construct or operate a hazardous waste disposal facility or a regional integrated waste treatment and disposal demonstration facility be issued unless it can be demonstrated that the proposed facility can be integrated into the surroundings in an environmentally compatible manner, including but not limited to insuring that hydrologic, seismologic, geologic and soil considerations have been adequately addressed in the permit application and in an operational plan. In no case shall a permit to construct a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste be approved or issued prior to notification of the cabinet by the local unit of government of its actions pursuant to KRS 224.855(5), *unless the exception set forth in KRS 224.855(4) applies.* The cabinet shall not issue a construction permit to a regional integrated waste treatment and disposal demonstration facility until it has been issued a certificate of environmental safety and public necessity. A person desiring a construction permit shall file an application on forms supplied by the cabinet which shall contain such information as the cabinet deems necessary and provide evidence that the hazardous waste shall be treated, stored or disposed of in the manner prescribed by the cabinet. The applicant shall not initiate construction at the proposed site of a new facility for the storage, treatment or disposal of hazardous waste until notice has been given to that portion of the public most likely to be affected by the operation of the proposed facility pursuant to KRS 224.855(1) through KRS 224.855(4) and until a construction permit for said facility has been issued by the cabinet. The cabinet may consider past performance in this or related fields by the applicant. The cabinet, in making a determination to issue, deny or condition a construction permit, shall consider the following:

(a) An evaluation of alternatives, to include other locations and other treatment, storage, and disposal approaches, different from those proposed, available to the applicant;

(b) An evaluation of the public health, safety, and environmental aspects of the proposals;

(c) An evaluation of the social and economic impacts of the proposed action on the affected community, to include, at a minimum, changes in property values, community perception and other psychic costs, and the costs and availability of public services, facilities and improvements required to support the facility and protect public health, safety and the environment;

(d) An evaluation of mitigation measures to alleviate problems identified in *paragraphs* [~~subsections~~] (b) and (c) of this *subsection* [~~section~~]; and

(e) The relationship of the proposal to local planning and existing development.

Except that in the case of hazardous waste *incinerators,* landfills or other sites or facilities for the land disposal of hazardous waste the provisions of paragraphs (c) and (e) of this subsection shall be determined by the local unit of government pursuant to KRS 224.855(5); in the case of a regional integrated waste treatment and disposal demonstration facility the provisions of paragraphs (c) and (e) of this subsection shall be determined by the siting board established pursuant to KRS 224.2203.

(2) Any hazardous waste which would migrate, leach, or generate gas in its normal state shall not be disposed of in a landfill unless such waste has been either neutralized, detoxified, solidified, encapsulated or otherwise treated so that the character of the waste is such that it will prevent substantial migration, leaching or gas generation or unless the landfill is designed and constructed in such manner as will prevent substantial migration, leaching or gas generation, that in either case may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment.

(3) In conjunction with the application for permits under this section the applicant shall establish adequate financial responsibility as follows:

(a) The applicant shall file as part of his application for a permit to construct the facility an estimate of the cost of closing the facility after its capacity is reached or operations have otherwise ceased. In the case of storage facilities, the cost of closing shall include the cost of properly disposing of the hazardous waste stored. The cabinet shall evaluate this cost estimate and either accept the estimate as made or shall revise it in accordance with acceptable guidelines, using, where available, actual data on closure costs associated with similar existing facilities. Before a permit to operate can be issued the applicant for any hazardous waste permit shall assure that the funds needed to close the facility are available by establishing assurance through one (1) or more of the following mechanisms: cash, certificates of deposit, irrevocable credit or other sureties satisfactory to the cabinet and the mechanism shall be established by agreement with the cabinet. The agreement shall provide that disbursement is permissible only upon written approval of the cabinet and whenever, on the basis of any information, the cabinet determines that the owner or operator is in violation of any of the closure requirements for the facility, that the cabinet shall have the right to use part or all of the closure fund to carry out the closure requirements. The financial institution, surety company or escrow agent shall release these funds upon receiving a forfeiture order of the cabinet issued pursuant to an appropriate administrative hearing considering one (1) or more closure violations. Upon determination that closure has been satisfactorily accomplished, the cabinet shall release the applicant from further financial responsibility for closure.

(b) Any applicant for a hazardous waste disposal permit shall file with the cabinet as part of his application an estimate of the annual cost of post-closure monitoring and routine maintenance at the site. The cabinet shall evaluate the cost estimate, and, after such modification as may be necessary in light of its evaluation, shall give notice of acceptance of the cost estimate. This cost estimate which will be referred to as the annual post-closure operating cost will then be used to determine the amount of the post-closure monitoring and maintenance fund to be used for monitoring and maintenance for a period of a minimum of thirty (30) years after facility closure. The post-closure monitoring and maintenance fund shall be cash, irrevocable credit or other sureties satisfactory to the cabinet and shall be established by an agreement with the cabinet. The agreement shall provide that whenever, on the basis of any information, the cabinet determines that the owner or operator of the facility is in violation of any of the post-closure monitoring and maintenance requirements, the cabinet shall have the right to use part or all of the funds to carry out the post-closure monitoring and maintenance for the facility. The funds shall be released upon receipt of a forfeiture order of the cabinet issued pursuant to an appropriate administrative hearing considering one (1) or more post-closure monitoring and maintenance violations. One (1) year after closure and annually, thereafter, for a period of thirty (30) years, the applicant who has carried out all necessary post-closure maintenance and monitoring requirements may upon application to the cabinet be reimbursed out of the post-closure monitoring and maintenance fund an amount equal to the estimated costs for monitoring and routine maintenance for that year. Request for release of funds for reimbursement must be accompanied by an itemized list of costs incurred. Upon determination that the expenditures incurred are in accordance with the approved plan or otherwise justified the cabinet may authorize the release of the funds to the applicant in writing. Any funds remaining in the account following a termination hearing in which the applicant is released of further responsibility will likewise be released to the applicant.

(c) All applicants for any hazardous waste permit must provide evidence of financial responsibility in an amount and for a time period specified by the cabinet for the purpose of satisfying claims arising out of injury to persons or property resulting from the release or escape of hazardous waste into the environment. Such financial responsibility may be established by one or a combination of evidence of liability insurance, self-insurance, or other evidence of financial responsibility acceptable to the cabinet. The level of self-insurance shall not exceed ten percent (10%) of equity, and financial responsibility must be maintained during the entire operation of the facility and until termination. The minimum liability coverage for sudden occurrences, exclusive of legal defense costs, for a storage, treatment or disposal facility shall be one million dollars ($1,000,000) per occurrence with an annual aggregate of two million dollars ($2,000,000). A hazardous waste disposal facility shall maintain additional excess liability coverage in the amount of at least ten million dollars

($10,000,000). The minimum liability coverage for nonsudden occurrences, exclusive of legal defense costs, for a hazardous waste facility involving land disposal shall be five million dollars ($5,000,000) per occurrence with an annual aggregate of ten million dollars ($10,000,000). Combined coverage for sudden and nonsudden occurrences shall be no less than the combined totals herein set forth for separate coverage.

(4) The cabinet shall promulgate regulations establishing minimal standards for closure, post-closure monitoring and maintenance, and termination of sites for the disposal of hazardous waste. Any person who obtains a disposal permit for hazardous waste shall be responsible for the post-closure monitoring and maintenance of the permitted facility for a minimum of thirty (30) years after closure of the facility, and may apply to the cabinet for termination of the responsibility for post-closure monitoring and maintenance at any time after the site has been closed for at least thirty (30) years. Upon receipt of such application the cabinet shall provide notice to the public and to the owner or operator and an opportunity for a hearing on the termination of the site. In this proceeding the burden shall be on the applicant to prove by clear and convincing evidence that additional post-closure monitoring and maintenance is not necessary for adequate protection of public health or the environment. The cabinet shall determine either that post-closure monitoring and maintenance of the site is no longer required in which case the applicant shall be relieved of such responsibility; or that additional post-closure monitoring and maintenance of the site as specified in a plan of operation is still required, in which case the cabinet may order appropriate remedial measures, impose restrictive covenants as to future use of the property involved, or otherwise condition termination as may be necessary for adequate protection of public health and the environment."

Floor Amendment No. 1 to SB 387, by Representative Little:

Amend printed copy of GA Copy of SB 387:

On page 15, after line 9, by adding a new, "Section 7." to read as follows:

"Section 7. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

(1) No half-way house established, operated or contracted for by the state shall be located within the boundaries of a voting precinct in the Commonwealth until a referendum is held and at least fifty-one percent (51%) of the registered voters residing in said precinct vote to approve the location of a half-way house in their precinct.

(2) For purposes of this section only, a half-way house means a residential correctional facility which houses adult felons under sentence by the court who are authorized to leave the facility to perform community service work or participate in vocational training programs and afterwards are required to return to the facility for detention. For purposes of this section a half-way house shall not include a county or regional jail."

Floor Amendment No. 3 to HB 743, by Representative Donnermeyer:

Amend printed copy of HB 743:

On page 1, line 4, to delete "*which is classified as a hazardous material or a*" and to insert in lieu thereof "*which may pose a threat of fire or explosion.*"

On page 1, line 5, to delete the same.

On page 2, line 19, following "*chief*" to add "*or an officer*".

On page 2, line 20, following "*95,*" to add "*or an industrial fire brigade*".

On page 3, line 6, following "*loss*" to add "*or explosion*".

Floor Amendment No. 1 to SB 309, by Representative K. Harper:

Amend printed copy of SB 309:

On page 11, after line 21 by adding:

"SECTION 13. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The commissioner shall hold four (4) public hearings to determine if insurance is generally available to the political subdivisions of this state, if it is available at rates that are not excessive, inadequate or unfairly discriminatory, and if a competitive market exists for such insurance. The first hearing shall be held before September 1, 1986, and all hearings shall be held prior to December 1, 1986."

Floor Amendment No. 1 to SB 330, by Representative K. Harper:

Amend printed copy of SB 330:

On page 3, after line 11 by adding:

"SECTION 5. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The commissioner shall hold four (4) public hearings to determine if insurance is generally available to the political subdivisions of this state, if it is available at rates that are not excessive, inadequate or unfairly discriminatory, and if a competitive market exists for such insurance. The first hearing shall be held before September 1, 1986, and all hearings shall be held prior to December 1, 1986."

Floor Title Amendment to SB 288, by Representative Dawahare:

Amend printed copy of GA Copy of SB 288:

Amend the title to read:

"AN ACT relating to retirement for state employees and declaring an emergency therefor."

Floor Amendment No. 1 to SB 288, by Representative Dawahare:

Amend printed copy of GA Copy of SB 288:

On page 3, after line 22, insert the following:

"Section 2. KRS 161.600 is amended to read as follows:

(1) Effective July 1, 1978, a member of the retirement system may qualify for service retirement by meeting either of the following requirements:

(a) Attainment of age fifty-five (55) years and completion of five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, or

(b) Completion of *twenty-seven (27)* [~~thirty (30)~~] years of Kentucky service, two (2) years of which are subsequent to July 1, 1941. [~~A member having less than thirty (30) years of service may retire with benefits reduced according to the following schedule:~~

~~29 years—90% of benefits~~

~~28 years—80% of benefits~~

~~27 years—70% of benefits.~~]

[~~(c)~~]

Benefits will be reduced in accordance with KRS 161.620 for persons qualifying under *paragraph* (a) *of this subsection* who are less than age sixty (60) years.

(2) Any member shall be automatically retired as of July 1 next following his seventieth (70th) birthday, providing, however, that a member reaching age seventy (70) and having fewer than five (5) years of Kentucky

service, two (2) years of which are subsequent to July 1, 1941, shall receive a refund of the member's accumulated contributions as provided in KRS 161.470(6) in lieu of a retirement annuity.

(3) Any person who has been a teacher in Kentucky for twenty-seven (27) years or more and who withdraws from teaching after July 1, 1941, and before reaching the age of sixty-five (65) years may continue to pay into the fund each year, until the end of the fiscal year in which he reaches the age of sixty-five (65) years, the current contribution rate based on the annual compensation received during his last full year as a teacher. If he so elects he shall at any time be entitled to receive a retirement allowance as provided in KRS 161.620. No member shall make contributions as provided for above if such member is at the same time making contributions to another retirement system in Kentucky supported wholly or in part by public funds.

(4) Service credit in the Kentucky employes retirement system, the state police retirement system, the legislators' retirement plan, the county employes or the judicial retirement system may be used in meeting the service requirements of subsections (1)(a) and (1)(b) of this section, provided such service is subsequent to July 1, 1956.

(5) No retirement annuity shall be effective until written application and option election forms are filed with the retirement office in accordance with regulations of the board of trustees.

(6) The surviving spouse of an active contributing member, if named as beneficiary of the member's account, may purchase retirement credit that the member was eligible to purchase prior to his death.

Section 3. KRS 161.620 is amended to read as follows:

(1) The retirement allowance, in the form of a life annuity with refundable balance, of a member retiring for service shall be calculated as follows:

(a) For retirements effective July 1, 1980, and thereafter, the annual allowance for each year of service performed prior to July 1, 1941, shall be one hundred dollars ($100) and the annual allowance for each year of service performed after July 1, 1941, shall be two percent (2%) of the final average salary. Actuarial discounts due to age or service credit at retirement may be applied as provided in this section.

(b) For retirements effective January 1, 1984, and thereafter the annual allowance shall be determined as set out in subsection (1)(a) of this section, except that the allowance for service performed after January 1, 1984, shall be valued at the annual rate of two and one-half percent (2 1/2%) of the final average salary for all members not employed by a state university or college. For purposes of implementing the change in the value of a year of service, the board of trustees shall establish by regulation, the value of services performed during the 1983-84 fiscal year but in no case shall the value of service performed during the 1983-84 fiscal year exceed two and one quarter percent (2.25%).

(c) If the member has five (5) years or more of Kentucky service, but less than *twenty-seven (27)* [~~thirty (30)~~] years of such service credit, the allowance shall be reduced actuarially for the number of years the member is less than sixty (60) years of age or by the number of years the service credit is less than *twenty-seven (27)* [~~thirty (30)~~] years, whichever is the lesser number. The board of trustees shall adopt an actuarial table of discounts for the purpose of calculating these allowances.

(2) Effective July 1, 1980, and annually on July 1 thereafter, the retirement allowance of each retired member and of each beneficiary of a retirement option who has been retired at least ten (10) months shall be increased in the amount of one percent (1%).

(3) Any member qualifying for retirement under a life annuity with refundable balance shall be entitled to receive an annual allowance amounting to not less than eighty-eight dollars ($88) multiplied by the service credit years of the teacher, except that no retired teacher who was sixty (60) years of age or older at retirement, and who has five (5) years or more service credit in a position covered by the teachers' retirement system shall receive a monthly benefit of less than seventy-five dollars ($75). The above minimums shall be effective July 1, 1978, and shall apply to those members retiring on or subsequent to that date.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option other than a life annuity with refundable balance in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries as provided in the duly adopted option tables at the time of the member's retirement.

(5) Effective July 1, 1982, the monthly allowance of each member retired on or before July 1, 1981, and each recipient of a retirement option of such retired members shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member has been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(6) Effective July 1, 1983, the monthly allowance of each member retired on or before July 1, 1982, and each recipient of a retirement option of such retired member shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member had been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(7) Effective July 1, 1980, monthly payments of two hundred dollars ($200) shall be payable for the benefit of an adult child of a member retired for service when the child's mental condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of such child or until such time as the mental condition creating the dependency no longer exists. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto.

(8) The cost of providing the statutory cost-of-living increases for retired members during 1980-82 and 1982-84 shall be funded by annual appropriations from the state on an amortized basis over the lifetime of the recipients. When the earnings on investments of the retired teacher savings exceeds the actuarial assumed rate of interest, the board of trustees may allocate such excess earnings toward the funding of the amortized payments required during the 1982-84 biennium for the cost-of-living increases approved under subsections (5) and (6) of this section.

Section 4. KRS 161.540 is amended to read as follows:

(1) Effective *July 1, 1986* [~~July 1, 1984~~], each member shall contribute to the retirement system *nine and eight hundred and fifty-five thousandths percent (9.855%)* [~~nine and six-tenths percent (9.6%)~~] of annual compensation except that university faculty members shall contribute *eight and three hundred and seventy-five thousandths percent (8.375%)* [~~eight and twelve-hundredths percent (8.12%)~~] of annual compensation. The contribution of members shall not exceed these applicable percentages on annual compensation. When a member retires, if it is determined that he has made contributions on a salary in excess of the amount to be included for the purpose of calculating his final average salary, any excess contribution shall be refunded to him in a lump sum at the time of the payment of his first retirement allowance.

(2) Each public board, institution or agency, as listed in KRS 161.220(4)(a) through (f) shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employe contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(9). However, each public board, institution or agency shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employe until such time as the contributions are distributed or made available to the employe. The picked up employe contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982 by the employe contribution, and the picked up employe contribution shall be in lieu of an employe contribution. Each employer shall pay these picked up employe contributions from the same source of funds which is used to pay earnings to the employe. The employe shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employe contributions picked up after August 1, 1982 shall be treated for all purposes of KRS 161.220 to 161.714 in the same manner and to the same extent as employe contributions made prior to August 1, 1982.

Section 5. Whereas contributions to the retirement system must be made at the beginning of the fiscal year, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Amendment No. 1 to SB 70, by Representative Dawahare:

Amend printed copy of GA Copy of SB 70:

On page 1, after line 19, add the following:

"Section 2. KRS 161.600 is amended to read as follows:

(1) Effective July 1, 1978, a member of the retirement system may qualify for service retirement by meeting either of the following requirements:

(a) Attainment of age fifty-five (55) years and completion of five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, or

(b) Completion of *twenty-seven (27)* [~~thirty (30)~~] years of Kentucky service, two (2) years of which are subsequent to July 1, 1941. [~~A member having less than thirty (30) years of service may retire with benefits reduced according to the following schedule:~~

~~29 years—90% of benefits~~

~~28 years—80% of benefits~~

~~27 years—70% of benefits.~~]

[~~(c)~~]

Benefits will be reduced in accordance with KRS 161.620 for persons qualifying under *paragraph* (a) *of this subsection* who are less than age sixty (60) years.

(2) Any member shall be automatically retired as of July 1 next following his seventieth (70th) birthday, providing, however, that a member reaching age seventy (70) and having fewer than five (5) years of Kentucky service, two (2) years of which are subsequent to July 1, 1941, shall receive a refund of the member's accumulated contributions as provided in KRS 161.470(6) in lieu of a retirement annuity.

(3) Any person who has been a teacher in Kentucky for twenty-seven (27) years or more and who withdraws from teaching after July 1, 1941, and before reaching the age of sixty-five (65) years may continue to pay into the fund each year, until the end of the fiscal year in which he reaches the age of sixty-five (65) years, the current contribution rate based on the annual compensation received during his last full year as a teacher. If he so elects he shall at any time be entitled to receive a retirement allowance as provided in KRS 161.620. No member shall make contributions as provided for above if such member is at the same time making contributions to another retirement system in Kentucky supported wholly or in part by public funds.

(4) Service credit in the Kentucky employes retirement system, the state police retirement system, the legislators' retirement plan, the county employes or the judicial retirement system may be used in meeting the service requirements of subsections (1)(a) and (1)(b) of this section, provided such service is subsequent to July 1, 1956.

(5) No retirement annuity shall be effective until written application and option election forms are filed with the retirement office in accordance with regulations of the board of trustees.

(6) The surviving spouse of an active contributing member, if named as beneficiary of the member's account, may purchase retirement credit that the member was eligible to purchase prior to his death.

Section 3. KRS 161.620 is amended to read as follows:

(1) The retirement allowance, in the form of a life annuity with refundable balance, of a member retiring for service shall be calculated as follows:

(a) For retirements effective July 1, 1980, and thereafter, the annual allowance for each year of service performed prior to July 1, 1941, shall be one hundred dollars ($100) and the annual allowance for each year of service performed after July 1, 1941, shall be two percent (2%) of the final average salary. Actuarial discounts due to age or service credit at retirement may be applied as provided in this section.

(b) For retirements effective January 1, 1984, and thereafter the annual allowance shall be determined as set out in subsection (1)(a) of this section, except that the allowance for service performed after January 1, 1984, shall be valued at the annual rate of two and one-half percent (2 1/2%) of the final average salary for all members not employed by a state university or college. For purposes of implementing the change in the value of a year of service, the board of trustees shall establish by regulation, the value of services performed during the 1983-84 fiscal year but in no case shall the value of service performed during the 1983-84 fiscal year exceed two and one quarter percent (2.25%).

(c) If the member has five (5) years or more of Kentucky service, but less than *twenty-seven (27)* [~~thirty (30)~~] years of such service credit, the allowance shall be reduced actuarially for the number of years the member is less than sixty (60) years of age or by the number of years the service credit is less than *twenty-seven (27)* [~~thirty (30)~~] years, whichever is the lesser number. The board of trustees shall adopt an actuarial table of discounts for the purpose of calculating these allowances.

(2) Effective July 1, 1980, and annually on July 1 thereafter, the retirement allowance of each retired member and of each beneficiary of a retirement option who has been retired at least ten (10) months shall be increased in the amount of one percent (1%).

(3) Any member qualifying for retirement under a life annuity with refundable balance shall be entitled to receive an annual allowance amounting to not less than eighty-eight dollars ($88) multiplied by the service credit years of the teacher, except that no retired teacher who was sixty (60) years of age or older at retirement, and who has five (5) years or more service credit in a position covered by the teachers' retirement system shall receive a monthly benefit of less than seventy-five dollars ($75). The above minimums shall be effective July 1, 1978, and shall apply to those members retiring on or subsequent to that date.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option other than a life annuity with refundable balance in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries as provided in the duly adopted option tables at the time of the member's retirement.

(5) Effective July 1, 1982, the monthly allowance of each member retired on or before July 1, 1981, and each recipient of a retirement option of such retired members shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member has been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(6) Effective July 1, 1983, the monthly allowance of each member retired on or before July 1, 1982, and each recipient of a retirement option of such retired member shall be increased in the amount of one percent (1%) of the monthly allowance for each year the member had been retired up to a maximum of five (5) years. The percentage increases shall be based on an assumed maximum allowance of one thousand dollars ($1,000) per month of annuity in effect the previous month.

(7) Effective July 1, 1980, monthly payments of two hundred dollars ($200) shall be payable for the benefit of an adult child of a member retired for service when the child's mental condition is sufficient to cause dependency on the member at the time of retirement. Eligibility for this payment shall continue for the life of such child or until such time as the mental condition creating the dependency no longer exists. The board of trustees shall be the sole judge of eligibility or dependency and may require formal application or information relating thereto.

(8) The cost of providing the statutory cost-of-living increases for retired members during 1980-82 and 1982-84 shall be funded by annual appropriations from the state on an amortized basis over the lifetime of the recipients. When the earnings on investments of the retired teacher savings exceeds the actuarial assumed rate of interest, the board of trustees may allocate such excess earnings toward the funding of the amortized payments required during the 1982-84 biennium for the cost-of-living increases approved under subsections (5) and (6) of this section.

Section 4. KRS 161.540 is amended to read as follows:

(1) Effective *July 1, 1986* [~~July 1, 1984~~], each member shall contribute to the retirement system *nine and eight hundred and fifty-five thousandths percent (9.855%)* [~~nine and six-tenths percent (9.6%)~~] of annual compensation except that university faculty members shall contribute *eight and three hundred and seventy-five thousandths percent (8.375%)* [~~eight and twelve-hundredths percent (8.12%)~~] of annual compensation. The contribution of members shall not exceed these applicable percentages on annual compensation. When a

member retires, if it is determined that he has made contributions on a salary in excess of the amount to be included for the purpose of calculating his final average salary, any excess contribution shall be refunded to him in a lump sum at the time of the payment of his first retirement allowance.

(2) Each public board, institution or agency, as listed in KRS 161.220(4)(a) through (f) shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employe contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010(9). However, each public board, institution or agency shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employe until such time as the contributions are distributed or made available to the employe. The picked up employe contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982 by the employe contribution, and the picked up employe contribution shall be in lieu of an employe contribution. Each employer shall pay these picked up employe contributions from the same source of funds which is used to pay earnings to the employe. The employe shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employe contributions picked up after August 1, 1982 shall be treated for all purposes of KRS 161.220 to 161.714 in the same manner and to the same extent as employe contributions made prior to August 1, 1982.

Section 5. Whereas contributions to the retirement system must be made at the beginning of the fiscal year, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Title Amendment to SB 70, by Representative Dawahare:

Amend printed copy of GA Copy of SB 70:

To amend the title to read as follows:

"AN ACT relating to retirement and declaring an emergency therefor."

Floor Amendment No. 4 to SB 83, by Representative R. Jones:

Amend printed copy of GA Copy of SB 83:

On page 2, after line 18, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or~~] upon request of the statewide professional educational association having the largest paid membership *to* the superintendent of public instruction [~~may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

On page 2, line 19, change "2" to "3".

Floor Amendment No. 6 to SB 152, by Representative R. Jones:

Amend printed copy of GA Copy of SB 152:

On page 1, after line 20, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or~~] upon request of the statewide professional educational association having the largest paid membership *to* the superintendent of public instruction [~~may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding

Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

Floor Amendment No. 1 to SB 299, by Representative Moberly:

Amend printed copy of SB 299:

On page 10, after line 20, by adding the following:

"SECTION 6. A NEW SECTION OF KRS CHAPTER 353 IS CREATED TO READ AS FOLLOWS:

The department of mines and minerals shall not issue a permit under KRS 353.570 to drill or deepen a well until the applicant submits to the department a proposed spill control plan and the department approves same, or the department determines one not to be necessary to prevent discharged oil from entering any river, stream or public body of surface water. The department shall make the determination of whether a spill control plan is required under this section within five (5) days following submittal of an application for a permit, and shall render a decision on a submitted spill plan within ten (10) days of plan submittal. Any approved plan shall be made a condition of the permit and shall be implemented by the permittee prior to commencement of the drilling activity. Such plan shall include appropriate containment or diversionary structures or equipment sufficient to prevent discharged oil from reaching any river, stream or public body of surface water. One (1) or more of the following preventive systems or its equivalent as the department deems necessary to assure that no discharged oil will enter any river, stream or public body of surface water in the event of a blowout or other oil-production or storage related failure shall be used:

(1) Dikes, berms or retaining walls sufficiently impervious to contain spilled oil;

(2) Culverting, gutters, or other drainage systems;

(3) Spill diversion or retention ponds; or

(4) Blowout preventers."

Floor Title Amendment to HB 404, by Representative T. Jones:

Amend printed copy of HB 404:

By amending the title to read, AN ACT relating to hearing impaired children.

Floor Amendment No. 1 to SB 310, by Representative Cowan:

Amend printed copy of GA Copy of SB 310:

On page 1, line 10, after "*victim*" insert the following: "*or unless the qualified mental health professional is put on reasonable notice that some specific violent act may occur*"; and

on page 1, line 14, after "*warn*" insert "*a clearly or reasonably identifiable victim*"; and on page 1, line 19, after "*violence.*" insert the following: "*Where the mental health professional is put on reasonable notice that a specific violent act may occur and no particular victim is identifiable, the duty to warn shall be discharged if reasonable efforts are made to communicate the threat to law enforcement authorities.*"

Floor Title Amendment to HB 53, by Representative K. Harper:

Amend printed copy of HB 53:

By amending the title to read, AN ACT relating to persons with developmental disabilities.

Floor Amendment No. 8 to the Committee Substitute to HB 134, by Representative T. Jones:

Amend printed copy of Committee Substitute for HB 134:

On page 3, after line 2, by inserting "Section 3. When the State Treasurer certifies that the sum of fifty million dollars ($50,000,000) in net proceeds has been generated pursuant to subsection (1) of Section 1 of this Act, the State shall no longer be authorized to levy or collect taxes upon inheritance."

Floor Amendment No. 9 to the Committee Substitute to HB 134, by Representative T. Jones:

Amend printed copy of Committee Substitute for HB 134:

On page 3, after line 2, by inserting "Section 3. When the State Treasurer certifies that the sum of fifty million dollars ($50,000,000) in net proceeds has been generated pursuant to subsection (1) of Section 1 of this Act, the State shall no longer be authorized to levy or collect taxes upon inheritance."

Floor Amendment No. 2 to the Committee Substitute to HB 310, by Representative Cowan:

Amend printed copy of Committee Substitute to HB 310:

On page 12, lines 3-10, delete lines 3-10 in their entirety and insert in lieu thereof the following: "*the board of claims shall have no jurisdiction over actions alleging negligence or malpractice against a physician, surgeon, dentist or hospital licensed pursuant to KRS Chapter 216.*"

Floor Amendment No. 3 to the Committee Substitute to HB 310, by Representative Cowan:

Amend printed copy of Committee Substitute for HB 310:

On page 12, line 8, after "*beyond*" delete "*three (3)*" and insert in lieu thereof "*five (5)*".

Floor Amendment No. 4 to the Committee Substitute to HB 310, by Representative Cowan:

Amend printed copy of Committee Substitute for HB 310:

On page 12, lines 15-19, after "*suit,*" delete the remainder of line 15 and delete lines 16-19 in their entirety and insert in lieu thereof the following: "*the time limitations set forth herein shall be tolled as provided by applicable sections of KRS Chapter 413.*"

Representative Stumbo moved that HB 280 be recommitted to the Committee on Business Organizations and Professions. Agreed.

Representative Stumbo moved that HB 448 be recommitted to the Committee on Appropriations and Revenue. Agreed.

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Report of Committees, and Posting of Bills and Resolutions. Agreed.

Introduction of Resolution

HR 162, by Representative Cline: A RESOLUTION honoring the boys' basketball team of East Carter High School.

Report of Committees

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: SB 372, SB 389.

Banking and Insurance: SB 273, SB 281.

Natural Resources and Environment: SB 354, SB 374.

State Government: SB 340, SCR 78.

The Committee on Appropriations and Revenue reported HB 842, and HB 978 with Committee Substitute and Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 842, AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent (3%) of the cost of production. Cost of production shall be computed on the basis of plant facilities which shall mean all permanent structures affixed to real property at one (1) location;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor, repair parts, and replacement parts

which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations;

(10) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(11) Tombstones and other memorial grave markers; [~~and~~]

(12) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of such facilities;

(13) Gasoline, special fuels, and liquefied petroleum gas used to operate or propel stationary engines or tractors for agricultural purposes. As used in this subsection:

(a) "Gasoline" is defined as in KRS 138.210(4);

(b) "Special fuels" is defined as in KRS 138.560(3);

(c) "Liquefied petroleum gas" is defined as in KRS 234.100(1); and

(d) "Agricultural purposes" is defined as in KRS 138.343(4);

(14) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but does not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;

(15) Any property which has been certified as an alcohol production facility as defined in KRS 247.910; [~~and~~]

(16) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property for hire. Nominal intrastate use will not subject the property to the taxes imposed by this chapter*; and*

(17) Beginning on October 1, 1986, food or food products purchased for human consumption with food coupons issued by the United States department of agriculture pursuant to the food stamp act of 1977, as amended, and required to be exempted by the food security act of 1985 in order for the Commonwealth to continue participation in the federal food stamp program.

HB 978, AN ACT relating to coal haul roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) The extended weight coal haul road system shall consist of public highways over which coal was transported by motor vehicles during the period from January 1, 1985, through December 31, 1985.

(2) The secretary of the transportation cabinet shall by official order on or before November 1, 1986, certify such public highways or portions thereof, as fulfill the criteria in subsection (1) of this section as the extended weight coal haul road system.

(3) The total tons of coal transported by motor vehicles over any public highway shall be determined from the official coal road system transportation report required pursuant to KRS 177.977.

(4) Any vehicle which is used for the transportation of coal from the point at which such coal is mined or processed to a rail head tipple processing plant, storage yard or consumer over highways which are a part of the extended weight coal haul road system or portions thereof, may be operated in excess of the maximum gross weight prescribed in KRS 189.221 and KRS 189.222 as set forth below:

(a) A single unit truck having one (1) steering axle and two (2) axles in tandem shall be limited to a maximum gross weight of ninety thousand (90,000) pounds with a tolerance of five percent (5%);

(b) A single unit truck having one (1) steering axle and three (3) axles in tridem arrangement shall be limited to a maximum gross weight of one hundred thousand (100,000) pounds with a tolerance of five percent (5%);

(c) Tractor-semitrailer combinations with five (5) or more axles shall be limited to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a tolerance of five percent (5%).

(5) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes and the secretary of transportation shall not act in any manner which shall jeopardize federal highway funds or funds to be received by the Commonwealth. In no event shall this section be construed to authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222. Likewise, nothing in this section shall be construed to prohibit the department of highways from providing for the public safety and convenience of the traveling public on the highway.

(6) As soon as practical after the report is prepared and published pursuant to KRS 177.977 for any calendar year after 1985, the secretary shall add to or delete from the extended weight coal haul road system public highways or portions thereof based upon the criteria set out in this section. However, deletion of a public road or portion thereof from the extended weight coal haul road system shall not affect the eligibility of such roads for highway funds or programs applicable to the extended weight coal haul road system.

(7) The secretary of the transportation cabinet is authorized to promulgate administrative regulations pursuant to KRS Chapter 13A as may be necessary to administer the provisions of this Act.

Section 2. KRS 177.978 is amended to read as follows:

(1) All revenues generated pursuant to KRS [~~177.979,~~] 177.980, and *177.990(4) and (5)* [~~186.990(7) and (10)~~] shall be credited to a special account within the road fund called the "*energy* [~~coal~~] recovery road fund" and any additional funds obtained through state appropriation, gifts, grants and federal funds may be credited to the special account, and shall be used, in addition to those road funds normally used for said highways, exclusively by the transportation cabinet for those costs attendant to highway purposes for roads *designated as part of the extended weight coal haul road system* [~~covered by any cooperative agreements under KRS 177.976~~]. All funds in the account shall be carried forward at the end of each year.

(2) All funds credited to the "coal recovery road fund" shall be transferred to the "energy recovery road fund."

Section 3. KRS 177.979 is amended to read as follows:

[~~(1)~~] The department of *highways* [~~vehicle regulation~~] is authorized to enter into cooperative agreements with any person engaged in the mining, processing, transporting or sale of coal providing for the transportation of coal in vehicles exceeding the maximum weight limits on the state maintained system. Such cooperative agreements shall provide for an equitable apportionment of the incremental costs for design, maintenance, construction or reconstruction of those roads and bridges, except those roads and bridges which are part of the federal interstate highway system, resulting from the transportation of coal by trucks transporting coal in excess of the maximum weight limits on the state maintained system and covered by the cooperative agreement. Nothing contained herein shall effect the continuing validity of any existing agreement.

[~~(2) Any area of dispute arising under a cooperative road agreement, excluding the weight bearing capacity of a bridge, which cannot be resolved between the parties shall be submitted to an arbitration panel, which shall consist of one (1) arbitrator appointed by the commissioner of the department of highways, one (1) arbitrator appointed by the aggrieved party or parties, with the third arbitrator being appointed by the commissioner of the department of vehicle regulation, from a list of persons agreed to jointly by the commissioner of the department of highways and the parties to the cooperative agreement. In the event the two (2) parties to the dispute cannot agree upon a joint list, the third arbitrator shall be chosen by the commissioner of the department of vehicle regulation. The administrative costs incurred by the transportation cabinet in the arbitration procedures as provided herein shall be paid out of those revenues deposited pursuant to KRS 177.978.~~

~~(3) In any dispute arising under a cooperative road agreement concerning the weight bearing capacity of a bridge, the aggrieved party or parties shall submit to the state highway engineer a certified opinion rendered by a qualified registered engineer duly licensed in the Commonwealth, setting forth his independent analysis of the weight bearing capacity of the bridge. Relying in fact upon said certified independent analysis, the state highway engineer may adjust the determination of weight bearing capacity of a bridge.~~

~~(4) Notwithstanding KRS Chapter 143 the total tax contributions from any person entering into a cooperative agreement, as specified in this section, shall not exceed, in the aggregate, the sum of five thousand dollars ($5,000) per mile per year on those roads covered by the cooperative agreement, but such contribution shall not exceed ten (10) cents per ton of coal hauled on cooperative roads per year from an individual coal operator unless otherwise agreed. The transportation cabinet may allow any person, under the cooperative agreement, to provide for the design, approved maintenance, construction or reconstruction provided for in subsection (1) of this section in accordance with guidelines or standards prescribed by the cabinet. In the event any person exceeds his annual total tax contribution as authorized under a cooperative agreement, such person may petition the commissioner of vehicle regulation for a carry over for future years liability.~~

~~(5) Notwithstanding any provision of KRS 177.976 to 177.981 or 186.057, the Commonwealth shall not be relieved of expending its normal routine maintenance on all roads covered by the cooperative agreements.~~]

Section 4. KRS 177.980 is amended to read as follows:

(1) *In addition to any taxes paid by a coal operator or processor under KRS Chapter 143, every operator or processor shall pay a tax of ten (10) cents per ton for coal hauled over the public roads. The coal tax shall be paid at the same time and in the same manner as the tax levied under KRS 143.020*

(2) Sixty percent (60%) of funds arising from the imposition of the tax pursuant to subsection (1) of this section shall be used by the department of highways for construction, maintenance, and repair of the coal haul road system in those counties in which coal is severed. The portion of the funds retained by the department of highways shall be spent in accordance with the formula prescribed in subsection (4) of this section.

(3) Forty percent (40%) of all funds arising from the imposition of the tax pursuant to subsection (1) of this section shall be distributed to the fiscal court of those counties in which coal is severed for the sole purpose of construction, maintenance and repair of the coal haul road system. The distribution of funds retained by the department of highways shall be in accordance with the formula prescribed in subsection (4) of this section.

(4) All funds arising from the imposition of the tax pursuant to subsection (1) of this section shall be expended for the coal haul road-system by the department of highways and distributed to the fiscal courts of the coal producing counties in the following manner:

(a) One-fifth (1/5) shall be apportioned equally among the coal producing counties;

(b) Two-fifths (2/5) shall be apportioned on the basis of mileage of road in a coal producing county bears to the total mileage of road in the total coal haul road system within coal producing counties; and

(c) Two-fifths (2/5) shall be apportioned on the basis of coal produced in a county based on the ratio to the total coal produced within the Commonwealth. [~~The department of vehicle regulation shall create a coal recovery road fund within the road fund. The coal recovery road fund shall receive from any operator or processor who is not covered by a cooperative agreement as provided in KRS 177.976, and exceeds the gross weight, gross axle weight or tire weights ten (10) cents per ton tax for coal hauled over state maintained system in addition to any taxes paid by a coal operator or processor under KRS Chapter 143. The coal road hauling tax shall be paid at the same time as the tax levied under KRS 143.020 and remitted to the transportation cabinet in accordance with those regulations promulgated by the commissioner of vehicle regulation.~~

~~(2) Any operator or processor whose public road transportation plan provides sufficient evidence to the commissioner of vehicle regulation that the one way hauling distance of coal is limited to twenty-five (25) air miles over the state maintained system shall be assessed a tax of five (5) cents per ton instead of the tax due under the provisions of subsection (1) of this section.~~

~~(3) The coal recovery road fund may receive any additional funds obtained through state appropriations, gifts, grants and federal funds.~~

~~(4) A tandem or triaxle shall be limited to transporting coal to a radius of seventy-five (75) air miles from the point at which the coal is mined.~~

~~(5) Any motor carrier transporting coal over roads in coal producing and coal impact counties under this section shall be subject to the registration fees and weight limitations as provided in KRS 186.057(1).~~

~~(6) Total tax contributions from any persons under this section shall not exceed five thousand ($5,000) per mile per year provided that such person shall have applied for a cooperative agreement~~].

Section 5. KRS 189.221 is amended to read as follows:

No person shall operate on any highway, except such highways as may be designated by the secretary of transportation under the provisions of subsection (1) of KRS 189.222 *or an extended weight coal haul road as provided in Section 1 of this Act*, any of the following trucks, trailers, mobile homes or vehicles:

(1) Any motor truck, semitrailer, trailer, mobile home or vehicle which exceeds 11 1/2 feet in height or 96 inches in width, including any part of the body or load;

(2) Any motor truck, except a semitrailer truck, which exceeds 26 1/2 feet in length, including any part of the body or load;

(3) Any semitrailer truck which exceeds 30 feet in length, including any part of the body or load;

(4) Any truck, semitrailer truck or truck and trailer unit which exceeds 36,000 pounds gross weight, including the load;

(5) Any truck, semitrailer truck or tractor-trailer unit which exceeds a gross weight equal to the sum of *six hundred* (600) pounds per inch of the combined width of the tires upon which such vehicle may be propelled, but in no event more than *thirty-six thousand* (36,000) pounds.

(6) Notwithstanding the provisions of this section, any truck hauling building materials to a road construction project on a highway rated less than the maximum weight provided above, may haul up to *eighty thousand* (80,000) pounds gross weight, including the load, without a permit. This privilege shall extend only to travel between the materials manufacturing site and the road construction project and shall be automatically rescinded upon completion of said project.

Section 6. KRS 177.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 177.220 to 177.310 shall be guilty of a misdemeanor and upon arrest and conviction therefor, shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100) or by imprisonment in the city or county jail for not less than five (5) days nor more than ninety (90) days, or by both such fine and imprisonment.

(2) Any person who wilfully violates any of the provisions of KRS 177.830 to 177.890 shall, in addition to any other penalty herein provided, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(3) In addition to any other penalty provided by KRS 177.905 to 177.950, any person violating any order or provision of KRS 177.905 to 177.950 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000). Each day of violation of the provisions of KRS 177.905 to 177.950 shall constitute a separate offense.

(4) *Any person who violates the weight provisions of Section 1 of this Act shall, upon conviction, be fined in an amount equal to three (3) cents per pound when the excess is three thousand (3,000) pounds or less, five (5) cents per pound when the excess exceeds three thousand (3,000) pounds but is less than four thousand (4,000) pounds, seven (7) cents per pound when the excess exceeds four thousand (4,000) pounds but is less than five thousand (5,000) pounds, and nine (9) cents per pound when the excess exceeds five thousand (5,000) pounds. In no case shall the fine be less than sixty dollars ($60) nor more than five hundred dollars ($500)* [~~Any person who transports coal in violation of any provision of KRS 177.976 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense~~].

[~~(5) Any operator or processor which permits coal to be transported in violation of KRS 177.980 shall be fined not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000).~~]

Section 7. KRS 189.230 is amended to read as follows:

(1) The department, in respect to state and federal highways, and county judges/executive in respect to

county highways, may prescribe, by notice as provided in subsection (2) of this section, load and speed limits lower than the limits prescribed in KRS 189.221 and subsection (3) of KRS 189.390, respectively, whenever in its judgment any highway may, by reason of its design, deterioration, rain or other natural causes, be damaged or destroyed by motor trucks or semitrailer trucks, if their gross weight or speed exceeds certain limits. The department or county judges/executive may, by like notice, regulate or prohibit the operation of motor trucks or semitrailer trucks on state highways or county roads for limited periods of specified days, or parts of days, if their load and speed exceed those limits, whenever, in its or their judgment, such regulations or prohibition is necessary, by reason of traffic density or intensive use by the traveling public, to provide for the public safety and convenience on the highway.

(2) The department, in respect to bridges on the extended weight coal haul road system defined in Section 1 of this Act, may prescribe, by notice, as provided in subsection (3) of this section, gross weight limits lower than the limits prescribed in Section 1 of this Act, when in its judgment any bridge on the extended weight coal haul road system may, by reason of its design or deterioration, be damaged or destroyed by motor vehicles, if their gross weight exceeds certain limits.

(3) The notice or the substance of it shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of the highway to which the notice applies. After such a notice has been posted, no person shall operate any motor truck or semitrailer truck contrary to its provisions.

Section 8. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045(5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than twenty dollars ($20.00) nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than twelve dollars ($12.00) nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the cabinet.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

(7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class A misdemeanor.

(8) Any person who makes a false affidavit to secure a license plate under KRS 186.172 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for a period of six (6) months.

[~~(9) Any person who transports coal in violation of any provision of KRS 186.057 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense.~~]

Section 9. The following KRS sections are repealed:

177.976 Coal transporter—Use of roads to limit of vehicle registration license—Restrictions to promote public safety and convenience—Regulations.

177.981 Fiscal court may make cooperative agreement.

186.057 Additional fee for trucks used to haul coal.

186.0571 Surtax exemption—Weight distance tax exemption.

The Committee Substitute to HB 978 is as follows:

HB 978, AN ACT relating to coal haul roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) The "extended weight coal haul road system" shall consist of public highways over which coal was transported by motor vehicles during the period from January 1, 1985, through December 31, 1985 and shall be updated annually thereafter.

(2) The secretary of the transportation cabinet shall by official order on or before November 1, of each year, certify such public highways or portions thereof, as fulfill the criteria in subsection (1) of this section as the extended weight coal haul road system. Upon petition, the transportation cabinet shall immediately add roads or road segments to the system based upon reasonable justification.

(3) The total tons of coal transported by motor vehicles over any public highway shall be determined from the official coal road system transportation report required pursuant to KRS 177.977.

(4) Any vehicle which is used for the transportation of coal over public highways which are part of the extended weight coal haul road system or portions thereof, may be operated at the weights as set forth below in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state or county maintained systems by entering into a cooperative agreement as provided in KRS 177.979 or by paying the corresponding decal fee as set forth below:

(a) A single unit truck having one (1) steering axle and two (2) axles in tandem shall be limited to a maximum gross weight of ninety thousand (90,000) pounds with a tolerance of five percent (5%), and pay a decal fee of one hundred sixty dollars ($160) annually;

(b) A single unit truck having one (1) steering axle and three (3) axles in tridem arrangement shall be limited to a maximum gross weight of one hundred thousand (100,000) pounds with a tolerance of five percent (5%), and pay a decal fee of two hundred sixty dollars ($260) annually;

(c) Tractor-semitrailer combinations with five (5) or more axles shall be limited to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a tolerance of five percent (5%), and pay a decal fee of three hundred sixty dollars ($360) annually;

(d) Any motor carrier involved in the transportation of coal which meets gross axle weights of twenty thousand (20,000) pounds per axle and twelve thousand (12,000) pounds for the steering axle may register in excess of eighty thousand (80,000) pounds by payment of eight hundred and forty dollars ($840) plus an additional decal fee of ten dollars ($10) per thousand (1,000) pounds of registered weight above eighty thousand (80,000) pounds;

(e) The payment of the decal fee shall be in addition to any state registration fee, user fee or other decal fee, including the registration fee as specified in KRS 186.050(3);

(f) Motor vehicles used in the transportation of coal under cooperative agreements pursuant to KRS 177.979 shall be exempt from the payment of the decal fee as set forth in this section and shall be exempt from any state registration fee, user fee or other decal fee, including the registration fee as set forth in KRS 186.050(3), except as provided below. Such motor vehicles, which are unloaded may be driven over non-cooperative roads. The transportation cabinet shall issue identifying license plates for those motor vehicles used under cooperative agreements without charge;

(g) All fees under this section shall be scheduled for payment and prorated pursuant to the provisions of KRS 186.051; and

(h) All revenues generated pursuant to this section shall be credited to a special account within the road fund called the "energy recovery road fund."

(5) Sixty percent (60%) of all energy recovery road funds shall be used by the department of highways for construction, maintenance, and repair of the coal haul road system in those counties in which coal is severed. The portion of the funds retained by the department of highways shall be spent in accordance with the formula prescribed in subsection (7) of this section.

(6) Forty percent (40%) of all energy recovery road funds shall be distributed to the fiscal court of those counties in which coal is severed for the sole purpose of construction, maintenance and repair of the coal haul system. The distribution of funds retained by the department of highways shall be in accordance with the formula prescribed in subsection (7) of this section.

(7) All energy recovery road funds shall be expended for the coal haul road-system by the department of highways and distributed to the fiscal courts of the coal producing counties in the following manner:

(a) One-fifth (1/5) shall be apportioned equally among the coal producing counties;

(b) Two-fifths (2/5) shall be apportioned on the basis of mileage of coal haul road system in a coal producing county bears to the total mileage of road in the total coal haul road system within coal producing counties; and

(c) Two-fifths (2/5) shall be apportioned on the basis of coal produced in a county based on the ratio to the total coal produced within the Commonwealth.

(8) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes and the secretary of transportation shall not act in any manner which shall jeopardize federal highway funds or funds to be received by the Commonwealth. In no event shall this section be construed to authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222. Likewise, nothing in this section shall be construed to prohibit the department of highways from providing for the public safety and convenience of the traveling public on the highway.

(9) As soon as practical after the report is prepared and published pursuant to KRS 177.977 for any calendar year after 1985, the secretary shall add to or delete from the extended weight coal haul road system public highways or portions thereof based upon the criteria set out in this section. However, deletion of a public road or portion thereof from the extended weight coal haul road system shall not affect the eligibility of such roads for highway funds or programs applicable to the extended weight coal haul road system.

(10) The secretary of the transportation cabinet is authorized to promulgate administrative regulations pursuant to KRS Chapter 13A as may be necessary to administer the provisions of this Act.

Section 2. KRS 177.978 is amended to read as follows:

(1) All revenues generated pursuant to KRS *177.990(4) and (5) and Section 1(4) of this Act* [~~177.979, 177.980, and 186.990(7) and (10)~~] shall be credited to a special account within the road fund called the "*energy* [~~coal~~] recovery road fund" and any additional funds obtained through state appropriation, gifts, grants and federal funds may be credited to the special account, and shall be used, in addition to those road funds normally used for said highways, exclusively by the transportation cabinet for those costs attendant to highway purposes for roads *designated as part of the extended weight coal haul road system* [~~covered by any cooperative agreements under KRS 177.976~~]. All funds in the account shall be carried forward at the end of each year.

(2) All funds credited to the "coal recovery road fund" shall be transferred to the "energy recovery road fund."

Section 3. KRS 177.979 is amended to read as follows:

(1) *Upon application* the department of *highways shall* [~~vehicle regulation is authorized to~~] enter into cooperative agreements with any person engaged in the mining, processing, transporting or sale of coal providing for the transportation of coal in vehicles exceeding the maximum weight limits on the state

maintained system. Such cooperative agreements shall provide for an equitable apportionment of the incremental costs for design, maintenance, construction or reconstruction of those roads and bridges, except those roads and bridges which are part of the federal interstate highway system, resulting from the transportation of coal by trucks transporting coal in excess of the maximum weight limits on the state maintained system and covered by the cooperative agreement. Nothing contained herein shall effect the continuing validity of any existing agreement.

(2) [~~Any area of dispute arising under a cooperative road agreement, excluding the weight bearing capacity of a bridge, which cannot be resolved between the parties shall be submitted to an arbitration panel, which shall consist of one (1) arbitrator appointed by the commissioner of the department of highways, one (1) arbitrator appointed by the aggrieved party or parties, with the third arbitrator being appointed by the commissioner of the department of vehicle regulation, from a list of persons agreed to jointly by the commissioner of the department of highways and the parties to the cooperative agreement. In the event the two (2) parties to the dispute cannot agree upon a joint list, the third arbitrator shall be chosen by the commissioner of the department of vehicle regulation. The administrative costs incurred by the transportation cabinet in the arbitration procedures as provided herein shall be paid out of those revenues deposited pursuant to KRS 177.978.~~

~~(3) In any dispute arising under a cooperative road agreement concerning the weight bearing capacity of a bridge, the aggrieved party or parties shall submit to the state highway engineer a certified opinion rendered by a qualified registered engineer duly licensed in the Commonwealth, setting forth his independent analysis of the weight bearing capacity of the bridge. Relying in fact upon said certified independent analysis, the state highway engineer may adjust the determination of weight bearing capacity of a bridge.~~

~~(4)~~] Notwithstanding KRS Chapter 143 the total tax contributions from any person entering into a cooperative agreement, as specified in this section, shall not exceed, in the aggregate, the sum of five thousand dollars ($5,000) per mile per year on those roads covered by the cooperative agreement, but such contribution shall not exceed ten (10) cents per ton of coal hauled on cooperative roads per year from an individual coal operator unless otherwise agreed *to by the operator.* The transportation cabinet may allow any person, under the cooperative agreement, to provide for the design, approved maintenance, construction or reconstruction provided for in subsection (1) of this section in accordance with guidelines or standards prescribed by the cabinet. In the event any person exceeds his annual total tax contribution as authorized under a cooperative agreement, such person may petition the commissioner of vehicle regulation for a carry over for future years liability.

(3)[~~(5)~~] Notwithstanding any provision of KRS 177.976 to 177.981 or 186.057, the Commonwealth shall not be relieved of expending its normal routine maintenance on all roads covered by the cooperative agreements.

Section 4. KRS 177.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 177.220 to 177.310 shall be guilty of a misdemeanor and upon arrest and conviction therefor, shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100) or by imprisonment in the city or county jail for not less than five (5) days nor more than ninety (90) days, or by both such fine and imprisonment.

(2) Any person who wilfully violates any of the provisions of KRS 177.830 to 177.890 shall, in addition to any other penalty herein provided, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(3) In addition to any other penalty provided by KRS 177.905 to 177.950, any person violating any order or provision of KRS 177.905 to 177.950 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000). Each day of violation of the provisions of KRS 177.905 to 177.950 shall constitute a separate offense.

(4) *Any person who violates the weight provisions of Section 1 of this Act shall, upon conviction, be fined in an amount equal to three (3) cents per pound when the excess is three thousand (3,000) pounds or less, five (5) cents per pound when the excess exceeds three thousand (3,000) pounds but is less than four thousand (4,000) pounds, seven (7) cents per pound when the excess exceeds four thousand (4,000) pounds but is less than five thousand (5,000) pounds, and nine (9) cents per pound when the excess exceeds five thousand (5,000) pounds. In no case shall the fine be less than sixty dollars ($60) nor more than five hundred dollars ($500)* [~~Any person who transports coal in violation of any provision of KRS 177.976 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense~~].

(5) *Any person who transports coal in violation of the weight provisions of KRS 189.221 and 189.222 and does not have a current decal or is not transporting coal under a valid cooperative agreement within Section 1(4)(f) of this Act, shall, in addition to any applicable penalty prescribed by law, be fined five hundred dollars ($500) and be required to purchase the decal described in Section 1(4) of this Act* [~~Any operator or processor which permits coal to be transported in violation of KRS 177.980 shall be fined not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000)~~].

Section 5. KRS 189.230 is amended to read as follows:

(1) The department, in respect to state and federal highways, and county judges/executive in respect to county highways, may prescribe, by notice as provided in subsection (2) of this section, load and speed limits lower than the limits prescribed in KRS 189.221 and subsection (3) of KRS 189.390, respectively, whenever in its judgment any highway may, by reason of its design, deterioration, rain or other natural causes, be damaged or destroyed by motor trucks or semitrailer trucks, if their gross weight or speed exceeds certain limits. The department or county judges/executive may, by like notice, regulate or prohibit the operation of motor trucks or semitrailer trucks on state highways or county roads for limited periods of specified days, or parts of days, if their load and speed exceed those limits, whenever, in its or their judgment, such regulations or prohibition is necessary, by reason of traffic density or intensive use by the traveling public, to provide for the public safety and convenience on the highway.

(2) *The department, in respect to bridges on the extended weight coal haul system defined in Section 1 of this Act, may prescribe, by notice, as provided in subsection (3) of this section, gross weight limits lower than the limits prescribed in Section 1 of this Act, when in its judgment any bridge on the extended weight coal haul road system may, by reason of its design or deterioration, be damaged or destroyed by motor vehicles, if their gross weight exceeds certain limits.*

(3) The notice or the substance of it shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of the highway to which the notice applies. After such a notice has been posted, no person shall operate any motor truck or semitrailer truck contrary to its provisions.

Section 6. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045(5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than twenty dollars ($20.00) nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than twelve dollars ($12.00) nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the cabinet.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

(7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class A misdemeanor.

(8) Any person who makes a false affidavit to secure a license plate under KRS 186.172 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for a period of six (6) months.

[~~(9 Any person who transports coal in violation of any provision of KRS 186.057 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense.~~]

Section 7. KRS 186.0571 is amended to read as follows:

All motor carriers registered pursuant to *Section 1 of this Act* [~~KRS 186.057~~] shall be exempt from the two percent (2%) surtax provided by subsection (2) of KRS 138.660 and the weight distance tax provided by subsection (3) of KRS 138.660.

Section 8. The following KRS sections are repealed:

177.976 Coal transporter—Use of roads to limit of vehicle registration license—Restrictions to promote public safety and convenience—Regulations.

177.980 Coal recovery road fund—Assessment.

186.057 Additional fee for trucks used to haul coal.

The Committee Amendment No. 1 to HB 978 is as follows:

Amend printed copy of Committee Substitute to HB 978:

On page 5, line 25, after the period, punctuation mark, by adding the following language:

"*Upon request of a city of the 4th class, a city of a higher class, or an urban-county government, the secretary shall delete any highway or road within the corporate limits of that city or urban-county government.*"

The Committee Amendment No. 2 to HB 978 is as follows:

Amend printed copy of Committee Substitute to HB 978:

On page 1, line 13, after the word "*add*", by inserting *or delete.*

The Committee Amendment No. 3 to HB 978 is as follows:

Amend printed copy of Committee Substitute to HB 978:

On page 3, line 14, after the word "*section*" by inserting a period, punctuation mark, and by deleting all subsequent language on line 14; and,

lines 15 through 21, by deleting lines 15 through 21 in their entirety.

The Committee on State Government reported SB 153, with Committee Substitute and Committee Amendment attached thereto, and SB 327, with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 153, AN ACT confirming the establishment of the Kentucky industrial development bond allocation committee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 103 IS CREATED TO READ AS FOLLOWS:

The Kentucky industrial development bond allocation committee is established. The purpose of the committee is to ensure compliance by the Commonwealth, its political subdivisions, and other authorized *issuers within the Commonwealth of Kentucky, of "private activity bonds" as defined in the internal revenue code of the United States, with the state ceiling on the issuance of such bonds imposed by the Act of Congress commonly known as the tax reform act of 1984, Title 26 United States Code, Section 103(n). The committee shall be attached to the finance and administration cabinet for administrative purposes and staff services. The committee shall be composed of the secretary of finance, who shall be chairman of the committee; the secretary of the commerce cabinet; the state budget director; the executive director of the office for program administration; and the chairman of the industrial development bond oversight committee. The secretary of finance may promulgate regulations in accordance with KRS Chapter 13A, to provide for the allocation of the state ceiling on private activity bonds among all issuers of such bonds within the Commonwealth of Kentucky, regardless of whether such issuers are at the state or local level. No such bonds shall be issued that are not in compliance with the state ceiling and with the allocation procedures established by the secretary of finance.*

Section 2. This Act confirms Executive Order 84-834 creating the Kentucky industrial development bond allocation committee. Allocation procedures established by Executive Order 84-834 shall remain in effect and shall be followed by the committee until they have been superseded by regulations issued by the secretary of finance as authorized by Section 1 of this Act.

The Committee Substitute to SB 153 is as follows:

SB 153, AN ACT confirming the establishment of the Kentucky industrial development bond allocation committee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 103 IS CREATED TO READ AS FOLLOWS:

The Kentucky industrial development bond allocation committee is established. The purpose of the committee is to ensure compliance by the Commonwealth, its political subdivisions, and other authorized issuers within the Commonwealth of Kentucky, of "private activity bonds" as defined in the internal revenue code of the United States, with the state ceiling on the issuance of such bonds imposed by the Act of Congress commonly known as the tax reform act of 1984, Title 26 United States Code, Section 103(n). The committee shall be attached to the finance and administration cabinet for administrative purposes and staff services. The committee shall be composed of the secretary of finance, who shall be chairman of the committee; the secretary of the commerce cabinet; the state budget director; the executive director of the office for program administration; and the chairman of the industrial revenue bond oversight committee, or their respective designees. The secretary of finance may promulgate regulations in accordance with KRS Chapter 13A, to provide for the allocation of the state ceiling on private activity bonds among all issuers of such bonds within the Commonwealth of Kentucky, in order to maximize utilization of the state ceiling, to foster economic development within the Commonwealth, and promote the general welfare of its citizens, and the public purposes of the Commonwealth, regardless of whether such issuers are at the state or local level. No such bonds shall be issued that are not in compliance with the state ceiling and with the allocation procedures established by the secretary of finance.

SECTION 2. A NEW SECTION OF KRS CHAPTER 103 IS CREATED TO READ AS FOLLOWS:

(1) It is hereby determined and declared as a legislative finding of fact that, because of proposed amendments to the United States internal revenue code now pending in congress, known as the tax reform act of 1985, which amendments have been adopted by the United States house of representatives, including substantial amendments to existing provisions of the code relating to the state ceiling for bonds currently defined in the code as "private activity bonds" (including qualified housing bonds), it is not possible at this time for the general assembly of Kentucky to determine by legislative action the most appropriate formula for allocation of the state ceiling as it may be in effect following the enactment of any such amendments.

(2) It is hereby further recognized that federal law presently permits the governor of each state to prescribe a formula for allocation of that state's ceiling until such time as the state legislature shall have enacted a different formula for the allocation of the state ceiling and a similar provision is set forth in the proposed tax reform act of 1985 now pending in the senate of the United States.

(3) Accordingly, to enable the Commonwealth to maximize utilization of the state ceiling, so that the state ceiling may be appropriately allocated among all issuers of bonds in the Commonwealth, if the provisions of

the internal revenue code of the United States relating to private activity bonds are amended (however, they later may be defined by such amendments), the governor shall by executive order or proclamation prescribe the most appropriate formula for allocating the state ceiling of Kentucky in order to best effectuate the issuance of such bonds, foster economic development within the Commonwealth, and promote the general welfare of its citizens and the public purposes of the Commonwealth, until further legislation to the contrary is enacted by the general assembly; provided that any such executive orders or proclamations by the governor shall be in accordance with the provisions of then applicable federal law.

Section 3. This Act confirms Executive Order 84-834 creating the Kentucky industrial development bond allocation committee. Allocation procedures established by Executive Order 84-834 shall remain in effect and shall be followed by the committee until they have been superseded by regulations issued by the secretary of finance as authorized by Section 1 of this Act.

Section 4. Pursuant to Section 103A(g)(6) of the Internal Revenue Code of 1954, as amended, and as specifically authorized by Section 611 of the Tax Reform Act of 1984 (Public Law 98-369), the governor of the Commonwealth is hereby authorized and empowered by executive order or proclamation to prescribe from time to time the formulas for allocating the state ceiling of Kentucky for the issuance of qualified mortgage bonds until further legislation to the contrary is enacted by the general assembly; provided that any such executive orders or proclamations by the governor shall be in accordance with the provisions of then applicable federal law.

The Committee Title Amendment to Committee Substitute to SB 153 is as follows:

Amend printed copy of Committee Substitute to SB 153:

On page 1, by changing the title to "AN ACT relating to the allocation of ceilings on bonds".

SB 327, AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 194.110 is amended to read as follows:

(1) The Kentucky certificate of need *authority* [~~and licensure board~~] and its associated bodies are hereby attached to the bureau for health services for administrative and support purposes. The Kentucky certificate of need *authority* [~~and licensure board~~] shall advise the council for health services, the secretary for human resources, and the commissioner for health services on the administration and operations of the certificate of need [~~and licensure~~] program. The composition, structure, authority, responsibilities, activities, programs, and resources of the Kentucky certificate of need *authority* [~~and licensure board~~] shall continue and remain in its present form, except that it shall not have authority to expend funds, hire employes, issue grants, or otherwise engage in the normal administrative processes of the department. This authority and responsibility shall reside exclusively with the secretary for human resources and such employes of the department designated by the secretary to hold these powers.

(2) The advisory council for medical assistance and its associated bodies are hereby attached to the bureau for social insurance for administrative and support purposes. The advisory council for medical assistance shall advise the council for social insurance, the secretary for human resources and the commissioner for social insurance on the administration and operations of the medical assistance program.

(3) The comprehensive health planning council and its associated bodies are hereby attached to the bureau for health services for administrative and support purposes. The comprehensive health planning council shall advise the council for health services, the Kentucky certificate of need *authority* [~~and licensure board~~], the secretary for human resources, and the commissioner for health services on the total health service, facility, and resource needs of the Commonwealth and the allocation of resources to address those needs.

Section 2. KRS 194.120 is amended to read as follows:

The Kentucky certificate of need *authority* [~~and licensure board~~] shall be the only statutory body attached to the department that shall have the authority to issue administrative regulations. No other corporate body or instrumentality of the Commonwealth, advisory committee, interstate compact, or other statutory body, presently or hereinafter attached to the department, shall issue administrative regulations, but shall operate only in an advisory capacity.

Section 3. KRS 216B.010 is amended to read as follows:

The general assembly finds that the licensure of health facilities and health services is a means to insure that the citizens of this Commonwealth will have safe, adequate and efficient medical care; that the proliferation of unnecessary health care facilities, health services and major medical equipment results in costly duplication and underuse of such facilities, services and equipment; and that such proliferation increases the cost of quality health care within the Commonwealth. Therefore, it is the purpose of this chapter to provide for the establishment of the Kentucky [~~health facilities and health services~~] certificate of need *authority* [~~and licensure board~~] for the purpose of [~~licensing health facilities and services, and~~] acting on applications for certificates of need.

Section 4. KRS 216B.015 is amended to read as follows:

Except as otherwise provided, for purposes of this chapter, the following definitions shall apply:

(1) "Administrative regulation" means a regulation adopted and promulgated pursuant to the procedures in KRS Chapter *13A* [~~13~~].

(2) "Affected persons" means the applicant; any person residing within the geographic area served or to be served by the applicant; any person who regularly uses health facilities within that geographic area; health facilities located in the health service area in which the project is proposed to be located which provide services similar to the services of the facility under review; health facilities which, prior to receipt by the agency of the proposal being reviewed, have formally indicated an intention to provide similar services in the future; the cabinet and third party payors who reimburse health facilities for services in the health service area in which the project is proposed to be located.

(3) "Applicant" means any person, health facility, or health service requesting a certificate of need or license.

(4) *"Authority"* [~~"Board"~~] means the Kentucky health facilities and health services certificate of need *authority* [~~and licensure board~~].

(5) "Capital expenditure" means an expenditure made by or on behalf of a health facility which:

(a) Under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance; or

(b) Is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part thereof.

(6) "Capital expenditure minimum" means six hundred thousand dollars ($600,000) for the twelve (12) month period beginning July 15, 1980 and as adjusted annually thereafter. In determining whether an expenditure exceeds the expenditure minimum, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the improvement, expansion, or replacement of any plant or any equipment with respect to which the expenditure is made shall be included. Donations of equipment or facilities to a health facility which if acquired directly by such facility would be subject to review under this chapter shall be considered a capital expenditure, and a transfer of the equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review.

(7) "Certificate of need" means an authorization by the *authority* [~~board~~] to proceed to acquire, to establish, to offer, to substantially change the bed capacity or to substantially change a health service as covered by this chapter.

(8) "Cabinet" means the cabinet for human resources which functions as the state health planning and development agency.

(9) "Federal act" means the National Health Planning Resources Development Act of 1974, P.L. 93-641, and subsequent amendments.

(10) "Formal review process" means the ninety (90) day certificate of need review conducted by the *authority* [~~board~~].

(11) "Health facility" means any institution, place, building, agency or portion thereof, public or private, whether organized for profit or not, used, operated or designed to provide medical diagnosis, treatment, nursing, rehabilitative or preventive care and includes alcohol abuse, drug abuse, and mental health services. This shall include, but shall not be limited to health facilities and health services commonly referred to as hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, nursing homes, personal care homes, intermediate care facilities, family care homes, primary care centers, rural health clinics, outpatient clinics, ambulatory care facilities, ambulatory surgical centers, emergency care centers and services, ambulance services, non-emergency health transportation services, hospices, community mental health and mental retardation centers, home health agencies, kidney disease treatment centers and free standing hemodialysis units, health maintenance organizations, and others providing similarly organized services regardless of nomenclature.

(12) "Health maintenance organization" means a public or private organization, organized under KRS 304.38-010 to 304.38-200, which:

(a) Is a qualified health maintenance organization under the federal act; or

(b) 1. Provides or otherwise makes available to enrolled participants health services, including at least the following basic health services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out of area coverage;

2. Is compensated (except for co-payments) for the provision of the basic health services listed in subparagraph 1. of this paragraph to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and

3. Provides physicians' services primarily;

a. Directly through physicians who are either employes or partners of such organization; or

b. Through arrangements with individual physicians or one (1) or more groups of physicians (organized on a group practice or individual practice basis).

(13) "Health service area" means a particular geographical area designated by the governor as a health service planning area.

(14) "Health services" means clinically related services provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services.

(15) "Local health planning agency" means a health planning agency organized for a particular geographical area of the Commonwealth and designated by the governor.

(16) "Major medical equipment" means equipment which is used for the provision of medical and other health services and which costs in excess of the medical equipment expenditure minimum except that such term does not include medical equipment acquired by or on behalf of a medical laboratory. For purposes of this *subsection* [~~paragraph~~], "medical equipment expenditure minimum" means four hundred thousand dollars ($400,000) for the twelve (12) month period beginning July 15, 1982 and as adjusted annually thereafter. In determining whether medical equipment has a value in excess of the medical equipment expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

(17) "Nonsubstantive review" means an expedited review conducted by the cabinet of an application for a certificate of need as authorized under KRS 216B.095.

(18) "Operating cost expenditure minimum" means two hundred fifty thousand dollars ($250,000) for the twelve (12) month period beginning July 15, 1982 and as adjusted annually thereafter.

(19) "Party to the proceedings" means the applicant for a certificate of need and any affected person who appears at a hearing on the matter under consideration and enters an appearance of record.

(20) "Person" means an individual, a trust or estate, a partnership, a corporation, an association, a group, state or political subdivision or instrumentality (including a municipal corporation) of a state.

(21) "Record" means, as applicable in a particular proceeding:

(a) The application and any information provided by the applicant at the request of a local health planning agency, the cabinet or the *authority* [~~board~~];

(b) Any information provided by a holder of a certificate of need or license in response to a notice of revocation of a certificate of need or license;

(c) Any memoranda or documents prepared by or for a local health planning agency, the cabinet or the *authority* [~~board~~] regarding the matter under review which were introduced at any hearing;

(d) Any staff reports or recommendations prepared by or for a local health planning agency, the cabinet or the *authority* [~~board~~];

(e) Any recommendation or decision of the cabinet;

(f) Any testimony or documentary evidence adduced at a hearing;

(g) The findings of fact and recommendation of the hearing officer; and

(h) Any other items required by administrative regulations promulgated by the *authority* [~~board~~].

(22) "Secretary" means the secretary of the cabinet for human resources.

(23) "State health plan" means the document duly adopted by the state health planning council and approved by the governor.

(24) "State health planning council" means the statewide health coordinating council or a state health planning agency established and designated by the governor.

(25) "Substantial change in a health service" means the addition of a clinically related service not previously provided in the health facility which entails an annual operating cost which exceeds the operating cost expenditure minimum, or the addition of a health service for which there is a component of the state health plan, or the addition of a health service subject to licensure under this chapter, or the reduction or termination of a health service which had previously been provided in the health facility.

(26) "Substantial change in bed capacity" means the addition, reduction, relocation or redistribution of beds by licensure classification within a health facility.

(27) "To acquire" means to obtain from another by purchase, lease or other comparable arrangement of the controlling interest of a capital asset or capital stock, or voting rights of a corporation. An acquisition is deemed to occur when more than fifty percent (50%) of an existing capital asset or capital stock or voting rights of a corporation is purchased, leased or acquired by comparable arrangement by one person from another person.

(28) To "batch" means to review in the same review cycle and, if applicable, give comparative consideration to all filed applications pertaining to similar types of services, facilities or equipment affecting the same health service area.

(29) "To establish" means to construct, develop, or initiate a health facility.

(30) "To obligate" means to enter any enforceable contract for the construction, acquisition, lease, or financing of a capital asset. A contract shall be considered enforceable when all contingencies and conditions in such contract have been met. An option to purchase or lease which is not binding, shall not be considered an enforceable contract.

(31) "To offer" means, when used in connection with health services, to hold a health facility or health maintenance organization out as capable of providing, or as having the means of providing, specified health services.

Section 5. KRS 216B.025 is amended to read as follows:

(1) There is hereby created the Kentucky health facilities and health services certificate of need *authority* [~~and licensure board~~] consisting of *three (3)* [~~seventeen (17)~~] members, to be appointed by the *secretary with the approval of the* governor, for the purpose of carrying out the duties prescribed in this chapter. [~~The board shall be appointed as follows: two (2) members from the Kentucky Hospital Association, two (2) members from the Kentucky Medical Association, two (2) members from the Kentucky Association of Health Care Facilities, one (1) member from the Kentucky Nurses Association, one (1) member from the Kentucky Primary Care Association, one (1) member from the Kentucky Dental Association, one (1) member from the Kentucky Pharmacists Association, and four (4) members who are consumers with an interest in education, rehabilitation, mental health, home care programs, or ambulatory care services and three (3) members who are consumers not associated with any health facilities or delivery of health services. The aforesaid associations shall nominate three (3) persons for each appointment to be made. The state health planning council shall nominate three (3) persons for each of the consumer positions.~~] The *secretary* [~~governor~~] shall appoint a chairman [~~from the consumer members~~] of the *authority* [~~board~~]. [~~Members of the board shall serve for a term of four (4) years. In the event of a vacancy the person appointed shall serve only for the remaining portion of the vacated term. All members shall serve until such time as their successors are qualified and appointed.~~]

[~~(2) Board members shall receive fifty dollars ($50.00) per day for each day spent in active board duty and shall be reimbursed for allowable expenses for each day spent in active board duty.~~]

(2)[~~(3)~~] No person shall serve as a member of the *authority* [~~board~~] if he concurrently is a member of the board of a local health planning agency or a member of the state health planning council.

(3)[~~(4)~~] A majority of the *authority* [~~board~~] members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the *authority* [~~board~~]. No vacancy in the *authority* [~~board~~] shall impair the right of the remaining members to exercise all of the powers of the board.

(4)[~~(5)~~] No member of the *authority* [~~board~~] may, in the exercise of any function described in this chapter, vote on any matter before the *authority* [~~board~~] respecting any applicant, licensee or holder of a certificate of need with which such member has or, within the twelve (12) months preceding the vote, had any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. A member who has or has had such a relationship with the applicant, licensee or holder of a certificate of need involved in a matter before the *authority* [~~board~~] shall make a written disclosure of the relationship before any action is taken by the *authority* [~~board~~], and such disclosure shall become part of the record of the proceeding.

Section 6. KRS 216B.030 is amended to read as follows:

(1) The principal office of the *authority* [~~board~~] shall be located at the state capital, and it shall be kept open during the usual business hours.

(2) The *authority* [~~board~~] shall hold meetings at its principal office and at such other convenient places in the Commonwealth as are expedient or necessary for the proper performance of its duties.

Section 7. KRS 216B.035 is amended to read as follows:

(1) The secretary shall serve in an advisory capacity to the *authority* [~~board~~] and shall provide the *authority* [~~board~~] such administrative staff assistance as may be required by the *authority* [~~board~~] to carry out its duties and functions under the provisions of this chapter.

(2) The secretary shall appoint an executive director. The executive director shall keep a full and true record of all the proceedings of the *authority* [~~board~~], of all books and papers ordered filed by the *authority* [~~board~~], and of all [~~licenses,~~] exemptions, and certificates of need issued by the *authority* [~~board~~], and shall be responsible to it for the safe custody and preservation of all documents in its office. Under the direction of the *authority* [~~board~~], the executive director shall have general charge of its office, superintend its clerical business and perform such other duties as the *authority* [~~board~~] prescribes. He may administer oaths in all parts of the state, where the exercise of that power is properly incidental to the performance of his duties of those of the *authority* [~~board~~].

Section 8. KRS 216B.040 is amended to read as follows:

(1) The *authority* [~~board~~] shall have *the following* [~~four (4)~~] separate and distinct functions:

(a) To issue or deny certificates of need in accordance with the provisions of this chapter, except as to those applications which have been granted nonsubstantive review status;

(b) To revoke certificates of need; *and*

(c) [~~To issue, deny, revoke, modify, or suspend licenses or issue provisional licenses in accordance with the provisions of this chapter; and~~

~~(d)~~] To enforce, through legal actions on its own motion, the provisions of this chapter and its orders and decisions issued pursuant to this chapter.

(2) The *authority* [~~board~~] shall:

(a) Issue administrative regulations through the secretary:

1. To establish the certificate of need review procedures, including but not limited to, application procedures, notice provisions, procedures for review of completeness of applications, and timetables for review cycles.

2. Establish criteria for issuance and denial of certificates of need which shall be limited to the following considerations:

a. Consistency with plans. The proposal should be consistent with the state health plan. Consideration should be given to other applicable appropriately adopted plans developed by local health planning agencies. In case of inconsistency between the state health plan and other plans considered, the state health plan shall prevail. The fact that the state health plan does not address the specific type of proposal being reviewed does not constitute grounds for disapproval of the proposal;

b. Need and accessibility. The proposal should meet an identified need in a defined geographic area and be accessible to all residents of the area;

c. Interrelationships and linkages. The proposal should serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care system in the region and state, accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and efficient functioning of the health care system;

d. Costs, economic feasibility, and resources availability. The proposal, when measured against the cost of alternatives for meeting needs, is judged to be an effective and economical use of resources, not only in terms of capital investment, but also in terms of ongoing requirements for health manpower and operational financing;

e. Quality of services. The applicant should be prepared to and capable of undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements assuring the provision of quality health care services; and

f. Special needs and circumstances of health maintenance organizations. In the case of a health maintenance organization or an ambulatory care facility or health facility controlled directly or indirectly by a health maintenance organization, the proposal should be consistent with the special needs and circumstances of health maintenance organizations.

3. [~~To establish licensure standards and procedures to ensure safe, adequate and efficient health facilities and health services. These regulations shall include, but need not be limited to:~~

~~a. Patient care standards and safety standards, minimum operating standards, minimum standards for training, required licenses for medical staff personnel and minimum standards for maintaining patient records;~~

~~b. Licensure application procedures;~~

~~c. Classification of health facilities and health services according to type, size, range of services and level of care provided; and~~

~~d. Licensure renewal procedures.~~

~~4.~~] To define a substantial change in a project which will require a subsequent review of an approved certificate of need and to establish a procedure for conducting such subsequent review.

(b) Conduct public hearings, as requested, in respect to certificate of need applications, revocations of certificates of need, and denials, suspensions, modifications, or revocations of licenses.

(3) The *authority* [~~board~~] shall have the authority to:

(a) Issue such other administrative regulations through the secretary as are necessary for the proper administration of this chapter;

(b) Authorize its agents or representatives to enter upon the premises of any health facility for the purpose of inspection, and under such conditions as are set forth in administrative regulations promulgated by the *authority* [~~board~~];

(c) Administer oaths, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings brought before or initiated by the *authority* [~~board~~], and such process shall extend to all parts of the Commonwealth. Service of process in all proceedings brought before or initiated by the *authority* [~~board~~] may be made by certified mail, or in the same manner as other process in civil cases, as the *authority* [~~board~~] directs;

(d) Establish by administrative regulation reasonable application fees for certificates of need [~~and licenses~~];

(e) Appoint technical advisory committees as are deemed necessary to administer the provisions of this chapter; and

(f) Establish a mechanism for issuing advisory opinions to prospective applicants for certificates of need regarding the requirements of a certificate of need.

Section 9. KRS 216B.042 is amended to read as follows:

[~~(1)~~] The cabinet shall:

(1) [~~(a)~~] Make recommendations to the *authority* [~~board~~] concerning actions on certificates of need when applications require formal review;

(2)[~~(b)~~] Make recommendations to the board concerning the revocation of certificates of need; [~~and~~]

(3) Establish by administrative regulation under KRS Chapter 13A reasonable application fees for licenses;

(4) Issue, deny, revoke, modify, or suspend licenses or provisional licenses in accordance with the provisions of this chapter; and

(5) Establish licensure standards and procedures to ensure safe, adequate and efficient health facilities and health services. These regulations, under KRS Chapter 13A, shall include, but need not be limited to:

(a) Patient care standard and safety standards, minimum operating standards, minimum standards for training, required licenses for medical staff personnel and minimum standards for maintaining patient records;

(b) Licensure application and renewal procedures; and

(c) Classification of health facilities and health services according to type, size, range of services and level of care provided.

[~~(c) Make recommendations to the board concerning licenses.~~

~~(2) The cabinet shall have authority to:~~

~~(a) Grant or deny nonsubstantive review status of certificate of need applications pursuant to KRS 216B.095; and~~

~~(b) Issue or deny certificates of need, when nonsubstantive review status has been granted, after considering the criteria as established by the board and staff recommendations and, when applicable, recommendations of the local health planning agency.~~]

Section 10. KRS 216B.050 is amended to read as follows:

The *authority* [~~board~~] or cabinet may compel obedience to its lawful orders by mandamus, injunction or other proper proceedings in the Franklin Circuit Court or any other circuit court of competent jurisdiction. Every order entered by the *authority* [~~board~~] or cabinet shall continue in force until the expiration of the time, if any, named by the *authority* [~~board~~] or cabinet in the order, or until revoked or modified.

Section 11. KRS 216B.055 is amended to read as follows:

Notice of decisions and orders made by the *authority* [~~board~~] or cabinet under the provisions of this chapter shall be made by certified mail addressed to the last known address on file with the cabinet or *authority* [~~board~~], or by personal service. Such notice shall be mailed or personal service shall be obtained no later than fifteen (15) working days after the decision or order. Notice shall be complete and effective upon mailing.

Section 12. KRS 216B.062 is amended to read as follows:

(1) Applications for certificates of need shall be submitted according to timetables established by the *authority* [~~board~~] by administrative regulation. Once an application has been deemed complete pursuant to the *authority's* [~~board's~~] adopted regulations, notice shall be given as provided by the regulations of the beginning of the review, the proposed review schedule, and the right to request a hearing. The review shall be deemed to commence on the date of notice. No review shall take longer than ninety (90) days from the commencement of the review unless the applicant agrees to a deferral of action.

(2) Applications proposing the same or similar types of services, facilities, or equipment shall be batched for review purposes, excluding those granted nonsubstantive review status. The *authority* [~~board~~] shall by regulation establish appropriate batching groups to assure that applications for each type of service, facility, or equipment will be eligible for consideration at set intervals. In each review batch, the *authority* [~~board~~] shall review and, if appropriate, compare all timely filed applications proposing similar types of services, facilities, or equipment in the same health service areas.

Section 13. KRS 216B.065 is amended to read as follows:

(1) Before any person enters into a contractual agreement to acquire an existing health facility which arrangements will require the obligation of a capital expenditure which exceeds the capital expenditure minimum, or to acquire major medical equipment, such person shall notify the *authority* [~~board~~] of the person's intent to acquire such a facility or major medical equipment and of the services to be offered in the facility and its bed capacity or the use of such medical equipment. The notice shall be in writing and shall be filed at least thirty (30) days prior to entry into a contract to acquire the health facility or major medical equipment with respect to which the notice is given.

(2) A certificate of need shall be required for the acquisition of a health facility or major medical equipment, only if:

(a) The notice required in this section is not filed; or

(b) The *authority* [~~board~~] finds within thirty (30) days after the date it received such notice that the health services or bed capacity of the health facility will be substantially changed in being acquired, or in the case of major medical equipment, the equipment will be used to provide services for inpatients of a health care facility.

(3) Donations and leases of major medical equipment and health facilities shall be considered acquisitions of equipment and facilities, and an acquisition of medical equipment or a facility for less than fair market value shall be considered an acquisition if the fair market value exceeds the expenditure minimum.

(4) Before any health facility reduces or terminates a health service or reduces its bed capacity, the facility

shall notify the *authority* [~~board~~] of its intent. The notice shall be in writing and shall be filed at least thirty (30) days prior to the reduction or termination. A certificate of need shall be required for the reduction or termination only if the notice required in this section is not filed.

Section 14. KRS 216B.066 is amended to read as follows:

(1) Before a health facility acquires major medical equipment to be used solely for research, offers a health service solely for research or makes or obligates a capital expenditure solely for research, which exceeds the prescribed minimum, the health facility shall notify the *authority* [~~board~~] of its intent to do so. Such notice shall be in writing and shall be made sixty (60) days prior to the acquisition, offering, or making or obligation of the expenditure with respect to which notice is given. The notice shall state the use to be made of the major medical equipment, health service or capital expenditure.

(2) A certificate of need shall be required for the acquisition of major medical equipment solely for research, the offering of a health service solely for research or the making or obligating of a capital expenditure solely for research by a health facility, only if:

(a) The notice required by this section is not filed; or

(b) The *authority* [~~board~~] finds within sixty (60) days after it receives notice that the project or transaction for which notice is given will affect the charges of the facility for the provision of medical or other patient care services other than services which are included in the research, will substantially change the bed capacity of the facility, or will substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, making or obligation.

(3) If major medical equipment is acquired, a health service is offered or a capital expenditure is made or obligated and, pursuant to this section, no certificate of need is required, such equipment or service or facilities acquired through the capital expenditure may not be used in a manner which would affect the charges of the facility for the provision of medical or other patient care services other than that included in the research, substantially change the bed capacity of the facility or substantially change the medical or other patient care services of the facility unless a certificate of need is issued.

(4) For purposes of this section, ''solely for research'' means patient care provided on an occasional and irregular basis and not as part of a research project.

Section 15. KRS 216B.070 is amended to read as follows:

A certificate of need shall not be required of a health maintenance organization for the establishment of a health facility, or the acquisition of major medical equipment, or the obligation of capital expenditures for the provision of a health service except as may be allowed by the federal act or the regulations issued pursuant to the federal act. A health maintenance organization shall file an application for an exemption with the *authority* [~~board~~] pursuant to administrative regulations promulgated by the *authority* [~~board~~].

Section 16. KRS 216B.075 is amended to read as follows:

The *authority* [~~board~~] shall, within ninety (90) days, following the date this chapter becomes effective, promulgate administrative regulations respecting application and review procedures consistent with the federal act and regulations promulgated thereunder.

Section 17. KRS 216B.085 is amended to read as follows:

(1) Any time no later than thirty (30) days after the date the review commences, any affected person may request a public hearing. Hearings shall be before a quorum of the *authority* [~~board~~], or at the request of the chairman, before a *member of the authority* [~~hearing officer~~] designated by the *chairman* [~~secretary~~], *to serve as hearing officer* and shall be in addition to any hearing which may have been conducted before a local health planning agency. The hearing officer shall be authorized to administer oaths, issue subpoenas, subpoenas duces tecum, and all necessary process in such proceedings.

(2) In the event a hearing is requested, the executive director shall set a date, time and place for a public hearing. Reasonable notice of the hearing shall be given to all affected persons in accordance with administrative regulations promulgated by the *authority* [~~board~~].

(3) At the hearing, any party to the proceedings shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing and may conduct reasonable cross examination under oath of persons who make factual allegations relevant to such matters. A full and complete record shall be maintained of the hearing, and all testimony shall be reported but need not be transcribed unless the *authority's* [~~board's~~] decision is appealed pursuant to this chapter.

(4) Any decision of the *authority* [~~board~~] to issue or deny a certificate of need shall be based solely on the record established with regard to the matter. All decisions granting, denying or modifying a certificate of need shall be made by the *authority* [~~board~~] in writing and shall be recorded in the minutes of the *authority* [~~board~~]. The *authority* [~~board~~] shall notify the parties to the proceedings of the decision and the decision shall be final for purposes of judicial appeal unless a request for reconsideration is filed. An approved certificate of need shall be issued forty (40) days after notice of the *authority's* [~~board's~~] decision unless a request for reconsideration is filed or a judicial appeal is taken.

Section 18. KRS 216B.086 is amended to read as follows:

(1) The *authority* [~~board~~] may revoke a certificate of need for failure of the holder of the certificate to implement the project in accordance with timetables for implementation established by administrative regulation of the *authority* [~~board~~]. The *authority* [~~board~~] shall give notice to the holder of the certificate of its initial decision to revoke the certificate of need. The *authority's* [~~board's~~] initial decision to revoke a certificate of need shall become final after thirty (30) days unless a hearing is requested. The executive director shall give notice to the holder of the certificate of a decision which has become final under the provisions of this subsection.

(2) The holder of the certificate of need to be revoked may request in writing a public hearing in respect to an initial decision by the *authority* [~~board~~] to revoke a certificate of need within thirty (30) days of the date of notice of such initial decision. Failure to request a hearing shall constitute a waiver of any right to reconsideration or judicial appeal of a final *authority* [~~board~~] decision to revoke a certificate of need.

(3) The hearing shall be before the *authority* [~~board~~], or at the request of the chairman, before a *member of the authority* [~~hearing officer~~] designated *to serve as hearing officer* by the *chairman* [~~secretary~~]. The hearing shall be no later than thirty (30) days after the request for the hearing is filed.

(4) In the event a hearing is requested, the executive director shall set a date, time and place for a public hearing. Reasonable notice of such hearing shall be given to all affected persons in accordance with administrative regulations promulgated by the *authority* [~~board~~].

(5) At the hearing, any party to the proceedings shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the revocation of the certificate of need, and may conduct reasonable cross examination under oath of persons who testify. A full and complete record shall be maintained of the hearing, and all testimony shall be reported but need not be transcribed unless the *authority's* [~~board's~~] final decision is appealed pursuant to this chapter.

(6) After the issuance of an initial decision to revoke a certificate of need and before a final decision is made, no person shall have ex parte contacts with members of the *authority* [~~board~~] regarding the revocation. In the event an ex parte contact occurs, it shall be promptly made a part of the record.

(7) If a hearing is requested after notice of the *authority's* [~~board's~~] initial decision to revoke a certificate of need, the board shall make a final decision at its next regularly scheduled meeting after the hearing. Any final decision revoking a certificate of need shall be made by the *authority* [~~board~~] in writing and shall be recorded in the minutes of the *authority* [~~board~~]. The *authority* [~~board~~] shall notify the parties to the proceedings of the final decision.

(8) Any final decision of the *authority* [~~board~~] to revoke a certificate of need shall be based solely on the record established with regard to the revocation.

(9) Except as provided in subsection (1) of this section, reconsideration pursuant to KRS 216B.090 or judicial appeal pursuant to KRS 216B.115 is available with regard to a final decision of the *authority* [~~board~~] to revoke a certificate of need.

Section 19. KRS 216B.090 is amended to read as follows:

(1) Any party to the proceedings may, for good cause shown, request in writing a hearing for purposes of reconsideration of a decision of the *authority* [~~board~~] pertaining to a certificate of need or the revocation of a certificate of need under such procedures as are promulgated by administrative regulation. The request shall be filed within fifteen (15) days of the notice of the decision and the *authority* [~~board~~] shall consider the request at its next regularly scheduled meeting. For purposes of this section there shall be deemed to be "good cause shown" if the request for a public hearing:

(a) Presents significant, relevant information not previously available for consideration by the *authority* [~~board~~]; or

(b) Demonstrates that there have been significant changes in the factors or circumstances relied upon by the *authority* [~~board~~] in reaching its decision; or

(c) Demonstrates that the *authority* [~~board~~] has materially failed to follow its adopted procedures in reaching its decision.

(2) If a public hearing is granted, it shall be held within thirty (30) days after the decision to grant the request for reconsideration. The hearing shall be conducted in accordance with the provisions of this chapter. The *authority* [~~board~~] shall make its decision on reconsideration at its next regularly scheduled meeting after the public hearing, and shall give notice thereof. The decision of the *authority* [~~board~~] shall be final for purposes of judicial appeal. An approved certificate of need shall be issued forty (40) days after notice of the *authority's* [~~board's~~] decision unless a judicial appeal is taken.

Section 20. KRS 216B.095 is amended to read as follows:

(1) An applicant may waive the procedures for formal review of an application for a certificate of need and request a nonsubstantive review as provided below. The *authority* [~~cabinet~~] shall grant or deny nonsubstantive review status within fifteen (15) days of the date the application is deemed completed and shall give notice to all affected persons of its decision to conduct a nonsubstantive review. Any affected person other than the applicant may request a hearing before the *authority* [~~cabinet~~] or its designated hearing officer by filing a request for a hearing with the *authority* [~~cabinet~~] within fifteen (15) days of the *authority's* [~~cabinet's~~] notice to conduct a nonsubstantive review. As applicable, hearings shall be conducted as provided in KRS 216B.085. Based solely upon the record established with regard to the matter, the *authority* [~~cabinet~~] shall issue or deny a certificate of need on all projects assigned nonsubstantive review status within forty-five (45) days of the determination of nonsubstantive review status. If the application is denied nonsubstantive review status it will automatically be placed in the formal review process.

(2) If a certificate of need is denied following a nonsubstantive review, the applicant may request that the application be placed in the next cycle of the formal review process. Nothing in this subsection shall require an applicant to pursue a formal review before obtaining judicial review pursuant to KRS 216B.115.

(3) The *authority* [~~cabinet~~] shall grant nonsubstantive review status to an application for a certificate of need which is required:

(a) In emergency circumstances which, if not promptly acted upon, would pose a threat to the health and safety of the patients. Emergency circumstances shall include acts of God, fire, vandalism, structural or mechanical failure and other similar situations. Any applicant acting under this subsection may proceed to relieve circumstances threatening the health and safety of the patients, provided the *authority* [~~cabinet~~] is consulted prior to such action and the application is submitted within thirty (30) days of the occurrence of the emergency; or

(b) To eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or

(c) To comply with licensure standards; or

(d) To comply with accreditation standards compliance with which is required to receive reimbursements under title XVIII of the Social Security Act or payments under a state plan for medical assistance approved under title XIX of such act; or

(e) To replace or repair worn equipment provided such worn equipment shall have been used by the applicant in a health facility for five (5) years or more; or

(f) To make repairs, alterations or improvements to the physical plant of a health facility which do not result in a substantial change in beds, a substantial change in health services, or the addition of equipment. In no event shall repairs, alterations or improvements be construed to mean the replacement or the relocation of a health facility; or

(g) In such other circumstances as the *authority* [~~board~~] may by regulation prescribe.

(4) Notwithstanding any other provision to the contrary in this chapter, the *authority* [~~cabinet~~] shall issue a certificate of need for a project required for the purposes set out in *paragraphs* (a) through (d) of subsection (3) *of this section* [~~hereof~~] unless it finds the facility or service with respect to which such capital expenditure is proposed to be made is not in fact so required; or to the extent the facility or services contemplated by the proposed capital expenditure is addressed in the state health plan, the *authority* [~~cabinet~~] finds that such capital expenditure is not consistent with the state health plan.

(5) The decision of the *authority* [~~cabinet~~] issuing or denying a certificate of need pursuant to this section shall be final for purposes of judicial appeal unless the applicant requests the application be placed in the formal review process. An approved certificate shall be issued forty (40) days after notice of the *authority's* [~~cabinet's~~] decision unless a judicial appeal is taken.

Section 21. KRS 216B.105 is amended to read as follows:

(1) Unless otherwise provided in this chapter, no person shall operate any health facility in this Commonwealth without first obtaining a license issued by the *cabinet* [~~board~~] which license shall specify the kind or kinds of health services the facility is authorized to provide. A license shall not be transferable and shall be issued for a specific location and, if specified, a designated geographical area.

(2) The *cabinet* [~~board~~] shall have the authority to deny, revoke, modify or suspend a license in any case in which it finds that there has been a substantial failure to comply with the provisions of this chapter or the rules and regulations promulgated hereunder. Such denial, revocation, modification, or suspension shall be effected by mailing to the applicant or licensee, by certified mail, a notice setting forth the particular reasons for such action. Such denial, revocation, modification, or suspension shall become final and conclusive thirty (30) days after notice is given unless the applicant or licensee, within said thirty (30) day period, shall file a request in writing for a hearing.

(3) The hearing shall be before the *authority* [~~board~~], or at the request of the chairman, *before* [~~by~~] a *member of the authority* [~~hearing officer~~] designated *to serve as hearing officer* by the *chairman* [~~secretary~~].

(4) If the hearing is before a designated hearing officer, within thirty (30) days from the conclusion of the hearing, the hearing officer shall transmit his findings and recommendations to the *authority* [~~board~~], with a synopsis of the evidence contained in the record and a statement of the basis of his findings. The applicant or licensee shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the *authority* [~~board~~] so permits, by depositions. A full and complete record shall be kept of all hearings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to this chapter. The *authority* [~~board~~] may adopt the hearing officer's findings and recommendations or prepare written findings of fact and state the basis for its decision which shall become part of the record of the proceedings.

(5) All *final* decisions revoking, suspending, modifying or denying licenses shall be made by the *authority* [~~board~~] in writing and shall be recorded in the minutes of the *authority* [~~board~~]. The *authority* [~~board~~] shall notify the applicant or licensee of the decision.

(6) The decision of the *authority* [~~board~~] shall be final for purposes of judicial appeal upon notice of the *authority's* [~~board's~~] decision.

Section 22. KRS 216B.115 is amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final decision of the *authority* [~~board~~] or cabinet with respect to a certificate of need application, a certificate of need, or a license, by any party to the proceedings.

(2) An appeal may be taken by filing a petition for review in the Franklin Circuit Court within thirty (30)

days after notice of the final decision. A request for reconsideration filed pursuant to KRS 216B.090 shall toll the time for filing a judicial appeal until notice of the *authority's* [~~board's~~] decision not to reconsider or notice of its decision on reconsideration is given. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The petitioner shall serve a copy of the petition to each person who was a party to the proceedings. Summons shall be issued upon the petition directing the adverse party or parties to file an answer within twenty (20) days after service of summons. The *authority* [~~board~~] or cabinet shall, upon being served with the summons and within thirty (30) days thereafter, file a copy of the record, duly certified by the cabinet or the executive director of the *authority* [~~board~~], the cost of the record to be taxed as costs upon appeal. In lieu of filing of such record an abstract thereof may be filed if all parties to the appeal agree.

Section 23. KRS 216B.120 is amended to read as follows:

(1) Each party to the proceedings may participate as a party in the proceedings in the circuit court on an appeal.

(2) In case of an appeal, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the decision or order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether the *authority* [~~board~~] or cabinet acted within its jurisdiction, whether the decision or order was procured by fraud, and whether the findings of fact in issue are supported by substantial evidence and are not clearly erroneous based upon a review of the record as a whole.

(3) The court shall enter judgment affirming, modifying, reversing or setting aside the decision or, in its discretion, remanding the case to the *authority* [~~board~~] or cabinet for proceedings in conformity with the directions of the court.

(4) Any party to the judicial appeal may appeal from the circuit court to the Court of Appeals in accordance with the Kentucky Rules of Civil Procedure.

Section 24. KRS 216B.125 is amended to read as follows:

In the event the *authority* [~~cabinet or board~~] fails to issue or deny a certificate of need or an exemption pursuant to this chapter within the time prescribed under this chapter or administrative regulations promulgated by the *authority* [~~board~~], the applicant may seek judicial enforcement of this chapter by filing a civil action in Franklin Circuit Court.

Section 25. KRS 216B.130 is amended to read as follows:

Any other provisions of this chapter notwithstanding, any expenditure minimum or limit as provided in this chapter shall be adjusted for each twelve (12) month period beginning twelve (12) months after July 15, 1980 to reflect the changes in the preceding twelve (12) month period in a cost index designated by regulation for the purposes of making such adjustment. The *authority* [~~board~~] shall effect such adjustment by administrative regulations.

Section 26. KRS 216B.410 is amended to read as follows:

All conforming ambulance services, but no non-conforming ambulance services, shall be required to keep adequate reports and records to be maintained at the ambulance base headquarters, and to be available for periodic review as deemed necessary by the *authority* [~~board~~]. Required records and reports are as follows:

(1) Two (2) copies of the Kentucky emergency medical service ambulance run report form, one (1) copy to be kept in the files of the ambulance services and one (1) copy to be submitted to the hospital to which the patient is transported and maintained in the hospital's files;

(2) Employe records, including a resume of each employe's training and experience and evidence of current certification; and

(3) Health records of all drivers and attendants including records of all illnesses or accidents occurring while on duty.

Section 27. KRS 222.310 is amended to read as follows:

(1) As used in this section "hospital" shall mean a health facility licensed as such by the Kentucky [~~health facilities and health services~~] certificate of need *authority* [~~and licensure board~~] pursuant to the provisions of KRS 216B.040.

(2) No hospital shall refuse to admit and treat on the basis of medical need, alcohol abusers and alcoholics whose admission or treatment has been prescribed by a physician who is a member of the hospital's staff; nor shall any hospital discriminate against alcoholics solely because of their alcoholism.

Section 28. The General Assembly confirms the reorganization of the Cabinet for Human Resources effected by Executive Order 85-761, issued October 2, 1985, to the extent that it is not otherwise confirmed by this Act.

The Committee Amendment No. 1 to SB 327 is as follows:

Amend printed copy of SB 327:

On page 8, lines 24, 25 and 26, by placing an opening bracket "[" before the first quotation mark and a closing bracket "]" after the period "." and by striking through same; and

On page 9, line 1, by placing brackets around the number "(18)" and striking through same; and

On page 9, line 5, by inserting before the opening parenthesis the number "*(18)*" and by placing brackets around the number "(19)" and striking through same; and

On page 9, line 9, by inserting before the opening parenthesis the number "*(19)*" and placing brackets around the number "20" and striking through same; and

On page 9, line 13, by inserting before the opening parenthesis the number "*(20)*" and by placing brackets around the number "(21)" and striking through same; and

On page 10, line 9, by inserting before the opening parenthesis the number "*(21)*" and by placing brackets around the number "(22)" and striking through same; and

On page 10, line 11, by inserting before the opening parenthesis the number "*(22)*" and by placing brackets around the number "(23)" and striking through same; and

On page 10, line 14, by inserting before the opening parenthesis the number "*(23)*" and by placing brackets around the number "(24)" and by striking through same; and

On page 10, line 17, by inserting before the opening parenthesis the number "*(24)*" and by placing brackets around the number "(25)" and striking through same; and

On page 11, line 1, by inserting before the opening parenthesis the number "*(25)*" and by placing brackets around the number "(26)" and by striking through same; and

On page 11, line 4, by inserting before the opening parenthesis the number "*(26)*" and by placing brackets around the number "(27)" and striking through same; and

On page 11, line 12, by inserting before the opening parenthesis the number "*(27)*" and by placing brackets around the number "(28)" and striking through same; and

On page 11, line 17, by inserting before the opening parenthesis the number "*(28)*" and by placing brackets around the number "(29)" and striking through same; and

On page 11, line 19, by inserting before the opening parenthesis the number "*(29)*" and by placing brackets around the number "(30)" and striking through same; and

On page 11, line 26, by inserting before the opening parenthesis the number "*(30)*" and by placing brackets around the number "(31)" and striking through same; and

On page 42, after line 4, by adding the following:

"Section 28. KRS 216B.020 is amended to read as follows:

(1) The provisions of this chapter that relate to the issuance of a certificate of need shall not apply to family care homes or non-conforming ambulance services as defined by administrative regulation.

(2) Nothing in this chapter shall be construed to authorize the licensure, supervision, regulation or control in any manner of:

(a) Private offices and clinics of physicians, dentists, and other practitioners of the healing arts.

(b) Office buildings built by or on behalf of a health facility for the exclusive use of physicians, dentists and other practitioners of the healing arts, provided that no capital expenditure or expenses relating to any such building shall be chargeable to or reimbursable as a cost for providing inpatient services offered by a health facility.

(c) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employes, provided that such facility does not contain inpatient or resident beds for patients or employes who generally remain in the facility for more than twenty-four (24) hours.

(d) Establishments, such as motels, hotels and boarding houses which provide domiciliary and auxiliary commercial services, but do not provide any health related services and boarding houses which are operated by persons contracting with the United States veterans administration for boarding services.

(e) The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination and recognized by that church or denomination.

(f) On-duty police and fire department personnel assisting in emergency situations by providing first-aid or transportation when regular emergency units licensed to provide first-aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.

(3) Nothing in this chapter shall be construed to require certificate of need review in the following instances:

(a) In emergency circumstances which, if not promptly acted upon, would pose a threat to the health and safety of the patients. Emergency circumstances shall include acts of God, fire, vandalism, structural or mechanical failure and other similar situations. Any applicant acting under this subsection may proceed to relieve circumstances threatening the health and safety of the patients, provided the cabinet is consulted prior to such action and the application is submitted within thirty (30) days of the occurrence of the emergency; or

(b) To eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or

(c) To comply with licensure standards; or

(d) To comply with accreditation standards compliance with which is required to receive reimbursements under title XVIII of the Social Security Act or payments under a state plan for medical assistance approved under title XIX of such act; or

(e) To replace or repair worn equipment provided such worn equipment shall have been used by the applicant in a health facility for five (5) years or more; or

(f) To make repairs, alterations or improvements to the physical plant of a health facility which do not result in a substantial change in beds, a substantial change in health services, or the addition of equipment. In no event shall repairs, alterations or improvements be construed to mean the replacement or the relocation of a health facility; or

(g) In such other circumstances as the board may by regulation prescribe.

Section 29. The following KRS section is repealed:

KRS 216B.095, Nonsubstantive review of application."; and

On page 42, line 5, by deleting the number "28" and inserting in lieu thereof the number "30".

The Committee Amendment No. 2 to SB 327 is as follows:

Amend printed copy of SB 327:

On page 42, after line 4, by adding the following:

"SECTION 28. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

All portions of provisions of Chapter 216B relating to certificate of need shall expire July 1, 1988. The licensing functions will be functions of the cabinet for human resources."; and

On page 42, line 5, by deleting the number "28" and inserting in lieu thereof the number "29".

Motions, Petitions and Communications (continued)

Representative Long moved the adoption of the following Legislative Citation No. 57:

The House of Representatives of the Commonwealth of Kentucky hereby honors the President of the Capitol Press Corps upon the observance of her 38th birthday. Susan Warren of United Press International is now officially one year older and wiser. Mrs. Warren of Lexington, who was born in 1948 does not yet qualify as the official fossil of the press corps.

The members of the Capitol Press Corps appreciate her wisdom that comes only with age and experience. (Sponsored by Representative Long)

On the roll call the vote was yeas 85—Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, L. Clark, P. Clark, Clarke, Cowan, Crupper, Cyrus, Dawahare, Deskins, Donnermeyer, Farrow, Ford, Freibert, Gedling, Gray, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Jensen, Johnson, T. Jones, Keith, Kerr, Lear, Lefevers, LeMaster, Lile, Little, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Noe, Noland, O'Brien, Overstreet, Pearman, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 1—Long.

Legislative Citation No. 57 was adopted.

Representative L. Clark moved the adoption of the following HR 161:

HR 161, A RESOLUTION requesting the Auditor of Public Accounts of the Commonwealth of Kentucky to perform an audit of the workers' compensation special fund.

WHEREAS, the projected unfunded liability of the workers' compensation special fund has been estimated at one billion dollars; and

WHEREAS, every employer carrying his own risk, every self-insured group and every workers' compensation insurer doing business in this Commonwealth finance the special fund through a tax and assessment charge; and

WHEREAS, the average tax and assessment charge is reportedly forty percent; and

WHEREAS, the methods used to calculate the projected annual expenditures of the special fund and the tax and assessment charge are extremely complex and largely misunderstood by employers and workers' compensation insurers in the Commonwealth; and

WHEREAS, the increasing liability of the special fund threatens to impede the economic development efforts of the Governor of the Commonwealth and other officials;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor of Public Accounts of the Commonwealth of Kentucky perform an audit of the workers' compensation special fund for the period beginning January 1, 1984 and ending January 1, 1986.

Section 2. That the audit of the special fund be conducted as expeditiously as possible.

Section 3. That the results of the audit be submitted to the Task Force on Workers' Compensation established pursuant to 1986 House Joint Resolution 78.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to the Governor of the Commonwealth, the Auditor of Public Accounts, the Secretary of Labor, the Secretary of Revenue and the Secretary of Finance and Administration.

HR 161 was adopted by voice vote.

Representative Bendl moved that HB 53 be taken from the Clerk's desk and placed in Orders of the Day for Friday, March 21, 1986. Agreed.

Representative Hancock moved that HB 813 be withdrawn. Agreed.

Representative Heleringer moved that the rules be suspended to act upon two Resolutions. Agreed.

Representative Heleringer moved the adoption of the following HR 17:

HR 17, A RESOLUTION honoring the Trinity High School Shamrocks and head football coach Dennis Lampley.

WHEREAS, the Trinity High School Shamrocks defeated a strong Lexington Lafayette team on November 30, 1985, to win the state AAAA football crown; and

WHEREAS, this victory was a special triumph, since 1985 was to be a rebuilding year, coach Dennis Lampley's first as Trinity head coach; and

WHEREAS, the championship victory capped an impressive 12-2 season; and

WHEREAS, this Trinity team has shown great determination, skill, and maturity;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the Shamrocks of Trinity High School, principal Peter Flaig, athletic director Reverend Harry Jansing, and coach Dennis Lampley and his fine staff.

Section 2. That the clerk of the House is directed to transmit sufficient copies of this resolution to Coach Lampley for distribution to members of the team and the coaching staff.

HR 17 was adopted by voice vote.

Representative Heleringer moved that adoption of the following HR 104:

HR 104, A RESOLUTION honoring Trinity High School's cross country team.

WHEREAS, Trinity High School's cross country team captured the state championship for 1985; and

WHEREAS, the individual championship on that occasion went to a Trinity member, Rob Shoaf; and

WHEREAS, this championship team was so ably led by head cross country Coach Rich Rostel;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the Shamrocks of Trinity, Rob Shoaf, and Coach Rich Rostel and his staff.

Section 2. That sufficient copies of this resolution be sent to Mr. Rostel for distribution to team and staff members.

HR 104 was adopted by voice vote.

Representative Mann moved the adoption of the following HR 129:

HR 129, A RESOLUTION urging presidential action.

WHEREAS, the April, 1950, downing of a United States Navy plane by the USSR may have left survivors who may yet be Soviet prisoners; and

WHEREAS, a native of South Newport, Kentucky, AT1 Frank L. Beckman, could be such a prisoner; and

WHEREAS, an affidavit submitted to former president Richard Nixon by former prisoner of the Soviets, John H. Noble, states that, according to Noble's informant (another prisoner), eight of the ten crew members of that plane survived the crash and became Soviet prisoners; and

WHEREAS, the possibility therefore exists that survivors of that crash remain prisoners of the Soviets;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this honorable body implores President Ronald Reagan to seek explanation from the USSR regarding the possible survival of Frank L. Beckman and his fellow seamen, and if they are, in fact, alive and in prison, move toward bringing about their return.

Section 2. That a copy of this resolution therefore be sent to President Ronald Reagan.

HR 129 was adopted by voice vote.

Representative Bruce moved that the rules be suspended to waive the three-day posting requirement on SB 273. Agreed.

Representative Bruce moved that the rules be suspended to waive the three-day posting requirement on SB 281. Agreed.

Representative Deskins moved that the rules be suspended to waive the three-day posting requirement on SB 354. Agreed.

Representative Deskins moved that the rules be suspended to waive the three-day post requirement on SB 374. Agreed.

The following members requested that their votes be recorded as follows. All requests were agreed to.

Representative Bendl, "yea" on HB 170; Representative Bennett, "yea" on HB 808; Representative Blevins, "yea" on HB 684; Representative Brinkley, "nay" on HB 878; Representative Deskins, change from "nay" to "yea" on HB 772; Representative Freibert, "nay" on SB 242, "nay" on HB 678; Representative Johnson, change from "nay" to "yea" on SB 264; Representative R. Jones, "yea" on HB 794, "yea" on HB 828; Representative Lear, change from "yea" to "nay" on SB 271; Representative Little, "yea" on HB 226; Representative Lyne, change from "nay" to "yea" on HB 859; Representative Mann, "yea" on SB 159; Representative Reinhardt, change from"nay" to "yea" on Floor Amendment No. 2 to HB 262; Representative Riner, change from "yea" to "nay" on HB 665; Representative Williams, "yea" on HB 924.

Announcements

The following meetings were announced:

Banking and Insurance: March 21, 1986, 9:30 a.m.

Natural Resources and Environment: March 21, 1986, 9:30 a.m.

Committee on Rules: On adjournment, State Reception Room.

Adjournment

Representative Stumbo moved that the House adjourn until 10:00 a.m., Friday, March 21, 1986.

On the roll call the vote was yeas 83—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, M. Brown, Bruce, Burch, Burnette, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Cyrus, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gregory, Guenthner, Handy, J. Harper, K. Harper, Head, Hines, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Priddy, Pritchett, Rapier, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Scorsone, Seum, Siler, Smith, Stewart, Stone, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 5—Bronger, Heleringer, Holbrook, LeMaster, Strong.

The motion to adjourn was adopted.

FRIDAY, MARCH 21, 1986

FORTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend James Wagner, South Frankfort Presbyterian Church.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 20, 1986, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: SB 373.

Banking and Insurance: SB 370.

Judicial-Civil: SB 396.

State Government: SB 268, SB 356.

Posting of Bills and Resolutions for Consideration

Cities: SB 377 and SB 241.

Health and Welfare: HCR 157, HCR 141, HB 701 and HB 987.

Report of Committees

The Committee on Rules reported HB 234, HB 546, SB 95, SB 325, SB 360, SB 361, HB 664, HB 723, HB 799, HB 881, HB 887, HB 913, HB 918, HB 952, HB 979, HCR 132, SB 17, SB 263, SB 266, SB 283, SB 350, HB 374, HB 936, HB 310, HB 823, HB 861, HB 882, SB 204, SB 256, HB 525, and SB 251 have been posted for passage in Orders of the Day, March 24, 1986.

The Committee on Rules reported the following bills have been recommitted:

Appropriations and Revenue: HB 531, HB 503, HB 866.

The Committee on Education reported HB 780, HJR 115, HJR 126, HCR 136, and SB 198 with Committee Substitute and Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 780, AN ACT relating to hospitality education.

WHEREAS, there is a numbering system to identify various occupations; and

WHEREAS, there is a numbering system to identify educational programs; and

WHEREAS, occupations and education programs in the hospitality industry are not grouped together; and

WHEREAS, education, training and recruitment of people in the hospitality industry is difficult without recognition of this category; and

WHEREAS, the hospitality industry is important to the Commonwealth of Kentucky; and

WHEREAS, it is in the best interest of the Commonwealth and its present and future employes to recognize hospitality education;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

Hospitality education is hereby recognized as a discipline in academic and vocational education.

HJR 115, A JOINT RESOLUTION directing the State Board of Education to conduct a study to identify programs which enhance the educational opportunities of public high school students.

WHEREAS, the State Board of Education is charged with the management and control of the public schools and all programs operated in those schools; and

WHEREAS, the Commonwealth has over 593,000 secondary students enrolled in its public schools; and

WHEREAS, maximizing the potential of secondary students is for the betterment of the entire Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the State Board of Education shall conduct a comprehensive study to identify programs which provide quality educational opportunities for maximizing the individual potential of high school students. Creative scheduling, honors programs, college-affiliated summer sessions, special diplomas, advanced placement, mentors, internships, field work, artistic performances, and other flexible methods of learning shall be included in the review. The need for and feasibility of residential and magnet schools located in different geographic areas of the state for high school students with differing interests, abilities, and aptitudes shall also be included in the Board's scope of study.

Section 2. The Board shall report its findings and recommendations to the Governor and the General Assembly no later than June 1, 1987.

HJR 126, A JOINT RESOLUTION directing Morehead State University to develop through the Appalachian Development Center, in cooperation with the Cabinet for Natural Resources and Environmental Protection, the Commerce Cabinet, the Energy Cabinet, and the industry itself, a comprehensive plan to expand the state's forest products industry.

WHEREAS, Kentucky has over 11.9 million acres of timberland resource, predominantly in hardwood; and

WHEREAS, as a result of this abundant resource, Kentucky is a leading hardwood producer; and

WHEREAS, large quantities of this hardwood resource is currently leaving the state unprocessed because of a decline in the state's secondary wood industry; and

WHEREAS, further development of the forest products industry could lead to a more diversified economy in various areas of this state and make a significant contribution in terms of employment and tax revenues; and

WHEREAS, the state of Michigan has been able to turn around its declining forest products industry with a wide-ranging program based upon a statewide forest resource strategic plan developed in cooperation with state agencies and the industry itself; and

WHEREAS, Morehead State University is located in a region with great potential for secondary wood industry development and has demonstrated a commitment to the industry through its Appalachian Development Center;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Morehead State University be directed to develop through the Appalachian Development Center a comprehensive plan to expand the state's forest products industry. This plan shall provide for a targeted investment and marketing strategy program which could be implemented by the state over a five year period and shall include but not be limited to:

(1) An analysis of the Michigan experience in developing and implementing the Michigan Forest Resource Strategic Plan;

(2) Strategy to promote the use of wood and wood waste as a fuel for Kentucky's industries and institutions;

(3) An assessment of the wood resource by region, a determination of appropriate forest product development by region, and aggressive strategy to promote such development; and

(4) Consideration of the feasibility of establishing, with state support, a wood-using complex, similar to an industrial park, which would encompass the various stages of wood processing.

Section 2. That the Cabinet for Natural Resources and Environmental Protection, the Commerce Cabinet, and the Energy Cabinet are directed to assist Morehead State University in the development of this plan.

Section 3. That Morehead State University shall make every effort to involve the industry in the plan and shall seek the participation of both the Kentucky Forest Industries Association and the Kentucky Council of Forest Industries.

Section 4. That Morehead State University shall provide quarterly reports to the Interim Joint Subcommittee on Commerce, Energy and Natural Resources and shall provide a final report to such subcommittee by August 31, 1987.

HCR 136, A CONCURRENT RESOLUTION directing a study of the desirability and feasibility of providing state funding or other support to community educational television stations.

WHEREAS, WKPC-TV, better known as Channel 15 in Louisville, Kentucky, is a valuable asset not only to Louisville or the much larger area which receives its signal, but the whole of Kentucky, through its educational programs, programming in conjunction with the Kentucky Center for the Arts, and for many other productions and services; and

WHEREAS, WKPC-TV, within its service area, enjoys strong community support and for greater viewership than the local channel operated by Kentucky Educational Television; and

WHEREAS, it is no criticism of the statewide educational network, KET, nor of its contributions to the Commonwealth, to recognize also the value and contributions of independent public educational stations such as WKPC-TV; and

WHEREAS, in many of our neighboring states, financial support is provided to community public broadcasting stations, yet in Kentucky funds are appropriated only to KET; and

WHEREAS, while WKPC-TV is by far the largest community-based educational station in Kentucky, many concerns relevant to WKPC-TV may also apply to small stations operated by universities or others; and

WHEREAS, state funding of WKPC-TV and perhaps other local educational stations is a matter of some complexity which cannot easily be deliberated and decided in the haste of a legislative session;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to conduct a study of the desirability, feasibility and appropriate methods of providing state support to community educational television stations in Kentucky. The study shall identify all community educational stations in Kentucky and determine whether state support is provided; shall analyze the funding procedures and mechanisms used in other states to provide funding to community education stations, assess various alternatives to direct state appropriations in support of such stations, and examine any legal or other impediments to such funding or support mechanisms.

Section 2. The study shall be completed and a report made to the Legislative Research Commission no later than July 1, 1987.

Section 3. Staff services to be utilized in completing this study are estimated to cost $15,000, and shall be provided from the regular Legislative Research Commission budget subject to the limitations and other research responsibilities of the commission.

SB 198, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.750 is amended to read as follows:

(1) By January 1, 1987, the state board of education shall assure that each pupil in the public schools of the Commonwealth is taught and is mastering the essential skills necessary to function in each basic skills area defined by KRS 158.650 through 158.730. The state board of education shall:

(a) By July 15, 1984, determine the essential skills necessary for pupils to successfully complete each grade level. The essential skills shall be established for each of the basic skills areas established by KRS 158.650 through 158.730 for kindergarten and grades one (1) through twelve (12), though such essential skills established for kindergarten shall not be required for all the basic skills areas. Parents, teachers, administrators and representatives of groups interested in education shall be consulted in determining the essential skills. At least every four (4) years, the essential skills shall be reviewed and revised if necessary;

(b) Prior to the 1984-85 school year, disseminate the essential skills to local school districts and require the essential skills be taught to each pupil, at each grade level, in each public school;

(c) By April 1, 1985, develop and disseminate tests to determine mastery of essential skills for mathematics and reading for each grade level to local school districts, *except those local school districts participating in the pilot program under paragraph (d) of this subsection* for administration prior to the end of the 1984-85 school year. Tests to determine mastery of essential skills for all basic skills areas set forth in KRS 158.650 through 158.730 shall be developed for each grade level and disseminated to all local school districts for administration prior to the end of the 1985-86 school year and all school years thereafter; [~~and~~]

(d) *Conduct a five (5) year pilot program approved by the state department of education beginning with the 1986-87 school year whereby a school district may administer a locally developed proficiency test appropriate for measuring student progress in the basic skills in lieu of the tests developed under paragraph (c) of this subsection. School districts electing this option shall be responsible for the following: administering the test during the same time period as required of other school districts; scoring the locally developed tests; reporting the scores to the department of education; and fulfilling the local school district's responsibilities in administering a nationally normed test to fulfill the requirements of KRS 158.690 in grades 3, 5, 7 and 10; and*

(e) Score or cause to be scored all tests specified in paragraph (c) of this subsection, compile and analyze results, and assist local school districts interpreting tests results and in developing programs to improve academic performance.

(2) The superintendent shall report to the 1986 general assembly on the progress of the implementation of this section and make recommendations regarding the feasibility of requiring successful mastery of essential skills a prerequisite for promotion at selected grade levels and graduation from high school.

(3) Pupils identified as exceptional children pursuant to KRS 157.200 may be exempt from the requirements of this section if such exemption is in compliance with state board of education regulations and is recommended by the admissions and release committee. Exemptions shall be included in the pupil's individual educational plan.

(4) (a) Based on the results of the essential skills test *or locally developed proficiency test*, the department of education shall determine the number and type of units needed for each district to provide a remedial

instruction program for the pupils who achieve ten percent (10%) or more below the acceptable level of mastery and notify the districts of their tentative allotment based on pupil need. In the event a greater number of units are needed than are appropriated in the biennial budget, the department of education shall adjust the allotment to districts in a manner which is proportionate to the need as indicated by *tests which measure* [~~the~~] essential skills [~~test results~~].

(b) Supplemental classroom units, to include only a salary allotment and current operating expense allotment, as defined in KRS 157.360, shall be allotted to local school districts to provide a remedial instruction program for each thirteen (13) pupils who at the end of their kindergarten, first, or second grade years achieve twenty-six percent (26%) or more below the acceptable level of mastery of the essential skills as determined by state board of education regulations.

(c) A salary allotment for a teacher aide as defined in KRS 161.010(5), shall be allotted for each twenty (20) pupils who at the end of their kindergarten, first, or second grade years achieve ten percent (10%) to twenty-five percent (25%) below the acceptable level of mastery of the essential skills. The supplemental classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

Section 2. The legislative research commission shall conduct a comprehensive review of the entire testing program of the department of education and shall make recommendations concerning any needed changes no later than December 1, 1987.

The Committee Substitute to SB 198 is as follows:

SB 198, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.690 is amended to read as follows:

The department shall develop and implement a statewide assessment program in accordance with the following:

(1) This program shall be for the purpose of measuring and reporting student progress and achievement in the basic skills in grades 3, 5, 7 and 10 and other product goal and competency areas as determined by the state board of education upon recommendation of the superintendent of public instruction;

(2) Appropriate tests shall be administered annually;

(3) Results of these tests shall be compiled on a statewide, district and school basis by the department and shall be reported to the governor, the state advisory committee for educational improvement, the legislative research commission, the state board of education, and local boards of education. The report of scores [~~by schools~~] shall be *the percent of students mastering each essential skill* [~~a summary of results~~] in each [~~basic skills~~] area by grade level [~~as defined in KRS 158.650~~]. Local boards of education shall publish in the newspaper with the largest circulation in the county by October 1 of each year an annual performance report on district accomplishments and activities pertaining to product goals including, but not limited to, retention rates and student performance on basic and essential skills tests by [~~school and~~] grade level, the districts' goals for the succeeding year and other items as may be set forth in state board of education regulations;

(4) The results of these tests shall be used by local boards of education for the development of educational improvement plans and shall not be used for the evaluation of teachers or administrators for the purpose of promotion, demotion, transfer, or dismissal, *nor for state ranking of school districts other than by grade level.*

Section 2. KRS 158.750 is amended to read as follows:

(1) By January 1, 1987, the state board of education shall assure that each pupil in the public schools of the Commonwealth is taught and is mastering the essential skills necessary to function in each basic skills area defined by KRS 158.650 through 158.730. The state board of education shall:

(a) By July 15, 1984, determine the essential skills necessary for pupils to successfully complete each grade level. The essential skills shall be established for each of the basic skills areas established by KRS 158.650 through 158.730 for kindergarten and grades one (1) through twelve (12), though such essential skills established for kindergarten shall not be required for all the basic skills areas. Parents, teachers, administrators and representatives of groups interested in education shall be consulted in determining the essential skills. At least every four (4) years, the essential skills shall be reviewed and revised if necessary;

(b) Prior to the 1984-85 school year, disseminate the essential skills to local school districts and require the essential skills be taught to each pupil, at each grade level, in each public school;

(c) By April 1, 1985, develop and disseminate tests to determine mastery of essential skills for mathematics and reading for each grade level to local school districts for administration prior to the end of the 1984-85 school year. Tests to determine mastery of essential skills for all basic skills areas set forth in KRS 158.650 through 158.730 shall be developed for each grade level and disseminated to all local school districts for administration prior to the end of the 1985-86 school year and *after the one hundred and sixtieth (160th) day and before the one hundred and seventieth (170th) day of instruction in* all school years thereafter *through the 1987-88 school year. Following the complete testing and reporting cycle for 1987-88, requirements for administration, scoring and reporting of this test shall no longer be authorized without approval of the general assembly*; and

(d) Score or cause to be scored all tests specified in paragraph (c) of this subsection, compile and analyze results, and assist local school districts interpreting tests results and in developing programs to improve academic performance. *Students shall be classified as masters, partial masters and nonmasters of the essential skills.*

(2) The superintendent shall report to the *1988* [~~1986~~] general assembly on the [~~progress of the implementation of this section and make recommendations regarding the~~] feasibility *and advisability* of *administering the* [~~requiring successful mastery of~~] essential skills *test at the beginning of the school year* [~~a prerequisite for promotion at selected grade levels and graduation from high school~~].

(3) Pupils identified as exceptional children pursuant to KRS 157.200 may be exempt from the requirements of this section if such exemption is in compliance with state board of education regulations and is recommended by the admissions and release committee. Exemptions shall be included in the pupil's individual educational plan.

(4) (a) Based on the results of the essential skills test, the department of education shall determine the number and type of units needed for each district to provide a remedial instruction program for the pupils who *fail to meet* [~~achieve ten percent (10%) or more below the acceptable level of~~] mastery and notify the districts of their tentative allotment based on pupil need. In the event a greater number of units are needed than are appropriated in the biennial budget, the department of education shall adjust the allotment to districts in a manner which is proportionate to the need as indicated by the essential skills test results.

(b) Supplemental classroom units, to include only a salary allotment and current operating expense allotment, as defined in KRS 157.360, shall be allotted to local school districts to provide a remedial instruction program for each thirteen (13) pupils who at the end of their kindergarten, first, or second grade years *are nonmasters* [~~achieve twenty-six percent (26%) or more below the acceptable level of mastery~~] of the essential skills as determined by state board of education regulations.

(c) A salary allotment for a teacher aide as defined in KRS 161.010(5), shall be allotted for each twenty (20) pupils who at the end of their kindergarten, first, or second grade years *are partial masters* [~~achieve ten percent (10%) to twenty-five percent (25%) below the acceptable level of mastery~~] of the essential skills *as determined by state board of education regulations.* The supplemental classroom units allotted under this subsection shall not exceed the units provided in the biennial budget without approval of the governor.

The Committee Title Amendment No. 1 to SB 198 is as follows:

Amend printed copy of GA copy of SB 198:

By amending the title to read as follows:

"AN ACT relating to educational testing."

Senate Message

Announcing passage of SB 290, SB 337, SCR 97, HB 262 with Senate Committee Substitute, HB 323 with Senate Amendment, HB 347 with Senate Amendment, HB 399 with Senate Amendment, HB 428 with Senate Amendment, HB 431 with Senate Amendment, HB 490 with Senate Amendments, HB 500 with Senate Amendment, HB 583 with Senate Amendment, HB 765 with Senate Amendment, HB 60, HB 226, HB 245, HB 263, HB 283, HB 366, HB 381, HB 392, HB 427, HB 482, HB 485, HB 570, HB 592, HB 667, HB 670, HB 722, HB 794, and HB 825.

HJR 78 returned with the following message: The Senate has refused to recede from its Amendment No. 1 to HJR 78 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed.

Calendar

HB 982, HCR 147, SB 134, SB 343, SB 346, SCR 57, HB 441, HB 899, HB 976, SB 299, SCR 2, HB 201, HB 757, HB 768, HB 804, HB 809, HB 871, HB 898, SB 20, SB 22, SB 48, SB 225, SB 305, SJR 54, HB 905, SB 60, SB 110, SB 111, SB 154, HB 842, HB 978, SB 153, and SB 327 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bill has been posted for Committee consideration:

Banking and Insurance: SB 379.

Orders of the Day

HB 53, as amended by Committee Amendments No. 1, 2, and 3 and with Floor Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Bendl, moved that HB 53, as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 21, 1986, roll call on HB 53—Appendix A.)

HB 53, as amended, was passed.

Representative Bendl, moved the adoption of the Floor Title Amendment to HB 53. Agreed; and the title was agreed to.

Representative Bendl moved that the vote by which HB 53, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Hancock moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative Hancock moved the adoption of the following Legislative Citation No. 60:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and honors Dr. Sam Sears for his many years of distinguished and dedicated service to the citizens of the Commonwealth of Kentucky. During the Korean war, he served as a Sergeant 1st Class in the 63rd Army Field Artillery Unit from Glasgow, Kentucky. After serving his country proudly, he began a long career committed to quality education for Kentucky's children. This distinguished career includes: teaching and administration at the Glasgow, Marion, Clark and Jessamine school districts of Kentucky; research and teaching at the University of Kentucky; and administration within the Commonwealth's Department of Education. For Dr. Sears, the past ten years have been devoted to serving the needs of the Kentucky General Assembly, first as the education committee staff administrator of the Legislative Research Commission and, for the past five years, as director for the Committee for Program Review and Investigations. Dr. Sear's contributions for improving the quality of life of the people of this Commonwealth and for assuring a brighter, more progressive Kentucky shall long be enjoyed by his fellow citizens. The Kentucky General Assembly salutes and applauds Dr. Sam Sears on his many achievements and accomplishments. (Sponsored by Representative Hancock)

Agreed.

Recess

Representative Stumbo moved that the House recess for Democratic caucus. Agreed.

The Speaker resumed the Chair.

Report on Enrolled Bills

The Committee on Enrollment reported SB 99, SB 100, SB 159, SB 242, SB 265, and SB 284 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—11:54 a.m.)

Orders of the Day (Continued)

Representative Cyrus moved that the rules be suspended to introduce and act upon a resolution. Agreed.

HR 163, by Representative Cyrus, Holbrook, and Cline: A RESOLUTION honoring Russell High School coach Marvin F. Meredith.

Representative Cyrus moved the adoption of the following HR 163:

HR 163, A RESOLUTION honoring Russell High School coach Marvin F. Meredith.

WHEREAS, the victory of the Russell High School boys' basketball team over Greenup County on January 16, 1986, was a very special one for Coach Marvin Meredith, marking his 600th career win; and

WHEREAS, all of these victories were won for Russell High School, where Marvin Meredith has been a coach for 33 years, and a basketball coach for 28 years; and

WHEREAS, 600 victories make Coach Meredith the winningest high school coach in Kentucky; and

WHEREAS, *Sports Illustrated* has honored Coach Meredith with an article and a loving cup for this distinction;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes Marvin Meredith for his remarkable career and wishes him continued success and happiness.

Section 2. That when the House convenes this day, Friday, March 21, 1986, it does so in honor of Coach Marvin Meredith.

Section 3. That copies of this resolution be sent to Coach Meredith, Russell High School principal Jerry Blanchard, and athletic director Lafe Walter.

HR 163 was adopted by voice vote.

Representative Cyrus moved that a call of the roll be taken to show co-sponsors of HR 163. Agreed.

The following members requested that their names be added as co-sponsors of HR 163: Yeas 75—Allen, Arnold, Barrows, Bendl, Bennett, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Burch, Clapp, L. Clark, P. Clark, Cline, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, Head, Heleringer, Hines, Holloway, Jensen, Johnson, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Long, Lyne, Mack, Maggard, Mann, McBee, Moberly, Morris, Napier, Nett, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rattliff, Reinhardt, B. Richardson, P. Richardson, Riner, Scorsone, Siler, Smith, Stewart, Stone, Todd, Turner, Worthington, Yates. Nays 0.

Representative Johnson moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative Johnson moved the adoption of the following Legislative Citation No. 58:

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes All-American Rex Everett Chapman, fabulous basketball player and senior at Apollo High School, Owensboro, Kentucky, son of Wayne and Laura Chapman. Your superior rating is most creditable and impressive as you have been named to the 1985-86 National All-American Basketball Teams by: McDonald's, Parade Magazine, Gatorade, Street and Smith Magazine, as well as winning the Las Vegas "Slam Dunk" Contest. Perseverance, hardwork, dedication and school loyalty were evident and rewarding as you have received notoriety as a "Super Star." Your academic and scholastic achievements are most profound and noteworthy; and your record as the leading all time scorer and most points scored in a ball game at Apollo High School is exemplary of your goals and ambition. We are extremely proud that you have chosen to continue your education and basketball career at the University of Kentucky for you will make a great contribution to the famous and renown "Wildcat" Basketball Team. You have bestowed great honor and pride on your family, school, community and this Great Commonwealth. This prestigious body applauds and salutes you for the thrills and excitement you have given your fans because of your superior athletic talents and abilities. We extend to you our very best wishes for much success in your future endeavors. (Sponsored by Representative Johnson)

Agreed.

HB 867 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved that HB 867 be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 21, 1986, roll call on HB 867—Appendix A.)

HB 867 was passed and the title agreed to.

Representative Cyrus moved that the vote by which HB 867 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 970, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved the adoption of the Committee Substitute to HB 970. Agreed.

Representative Brinkley moved that HB 970, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 94, Nays 1. (See March 21, 1986, roll call on HB 970—Appendix A.)

HB 970, by way of Committee Substitute, was passed and the title agreed to.

Representative Brinkley moved that the vote by which HB 970, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 731 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved that HB 731 be passed.

On the roll call the vote was: Yeas 84, Nays 2. (See March 21, 1986, roll call on HB 731—Appendix A.)

HB 731 was passed and the title agreed to.

Representative Blevins moved that the vote by which HB 731 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 743, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 1 to HB 743. Agreed.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 2 to HB 743. Agreed.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 3 to HB 743. Agreed.

Representative Donnermeyer moved that HB 743, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 21, 1986, roll call on HB 743—Appendix A.)

HB 743, as amended, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 743, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 946, with Commmittee Amendments and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved the adoption of the Committee Amendment No. 1 to HB 946. Agreed.

Representative Donnermeyer moved the adoption of the Committee Amendment No. 2 to HB 946. Rejected.

Representative Stumbo moved that HB 946, as amended, be passed.

On the roll call the vote was: Yeas 84, Nays 6. (See March 21, 1986, roll call on HB 946—Appendix A.)

HB 946, as amended, was passed and the title agreed to.

HCR 145 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that HCR 145 be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See March 21, 1986, roll call on HCR 145—Appendix A.)

HCR 145 was passed and the title agreed to.

Representative Clarke moved that the vote by which HCR 145 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 239 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved that SB 239 be passed.

On the roll call the vote was: Yeas 99, Nays 0. (See March 21, 1986, roll call on SB 239—Appendix A.)

SB 239 was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 239 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 301 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative M. Brown moved that SB 301 be passed.

On the roll call the vote was: Yeas 92, Nays 2. (See March 21, 1986, roll call on SB 301—Appendix A.)

SB 301 was passed and the title agreed to.

Representative M. Brown moved that the vote by which SB 301 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 330, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative K. Harper moved the adoption of the Floor Amendment No. 1 to SB 330. Agreed.

Representative Richards moved that SB 330, as amended, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 21, 1986, roll call on SB 330—Appendix A.)

SB 330, as amended, was passed and the title agreed to.

HB 76, with Committee Substitute, Committee Amendment, and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved the adoption of the Committee Substitute to HB 76. Agreed.

Representative R. Jones moved the adoption of the Committee Amendment No. 1 to HB 76. Agreed.

Representative Priddy moved the adoption of the Floor Amendment No. 1 to HB 76. Agreed.

Representative Priddy moved that HB 76, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 2. (See March 21, 1986, roll call on HB 76—Appendix A.)

HB 76, as amended, was passed and the title agreed to.

Representative Priddy moved that the vote by which HB 76, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 60, HB 226, HB 245, HB 263, HB 283, HB 366, HB 381, HB 392, HB 427, HB 482, HB 485, HB 570, HB 592, HB 667, HB 670, HB 722, HB 794, and HB 825 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—11:40 a.m)

HB 60, HB 226, HB 245, HB 263, HB 283, HB 366, HB 381, HB 392, HB 427, HB 482, HB 485, HB 570, HB 592, HB 667, HB 670, HB 722, HB 794, and HB 825 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (Continued)

SB 236 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cline moved that SB 236 be passed.

On the roll call the vote was: Yeas 88, Nays 3. (See March 21, 1986, roll call on SB 236—Appendix A.)

SB 236 was passed and the title agreed to.

Representative Cline moved that the vote by which SB 236 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 237 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved that SB 237 be passed.

On the roll call the vote was: Yeas 88, Nays 3. (See March 21, 1986, roll call on SB 237—Appendix A.)

SB 237 was passed and the title agreed to.

Representative Cyrus moved that the vote by which SB 237 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 512 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that HB 512 be passed.

On the roll call the vote was: Yeas 42, Nays 44. (See March 21, 1986, roll call on HB 512—Appendix A.)

HB 512 was defeated.

HB 637, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Committee Amendment No. 1 to HB 637. Agreed.

Representative Cowan moved that HB 637, as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 21, 1986, roll call on HB 637—Appendix A.)

HB 637, as amended, was passed and the title agreed to.

Representative Cowan moved that the vote by which HB 637, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 779 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 779 be passed.

On the roll call the vote was: Yeas 74, Nays 10. (See March 21, 1986, roll call on HB 779—Appendix A.)

HB 779 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 779 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 787, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rattliff moved the adoption of the Committee Amendment No. 1 to HB 787. Agreed.

Representative Rattliff moved that HB 787, as amended, be passed.

On the roll call the vote was: Yeas 79, Nays 5. (See March 21, 1986, roll call on HB 787—Appendix A.)

HB 787, as amended, was passed and the title agreed to.

Representative Rattliff moved that the vote by which HB 787, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Speaker Pro Tempore Worthington presiding.

HB 805, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved the adoption of the Committee Amendment No. 1 to HB 805. Agreed.

Representative O'Brien moved that HB 805, as amended, be passed.

On the roll call the vote was: Yeas 91, Nays 1. (See March 21, 1986, roll call on HB 805—Appendix A.)

HB 805, as amended, was passed and the title agreed to.

Representative O'Brien moved that the vote by which HB 805, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 832 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved that HB 832 be passed.

Representative Farrow moved that HB 832 be laid on the Clerk's desk.

On the roll call the vote was yeas 85—Allen, Arnold, Barrows, Bendl, Bennett, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Burch, Burnette, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Hancock, Handy, J. Harper, K. Harper, Head, Hines, Jensen, Johnson, R. Jones, T. Jones, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, Meyer, Moberly, Morris, Napier, Nett, Noland, Overstreet, Pearman, Preston, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Turner, White, Williams, Worthington. Nays 7—Bruce, Donnermeyer, Guenthner, Heleringer, McNutt, Priddy, Yates.

The motion that HB 832 be laid on the Clerk's desk was adopted.

HB 894, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to HB 894. Agreed.

Representative Clarke moved the adoption of the Commonwealth Amendment No. 2 to HB 894. Agreed.

Representative Clarke moved the adoption of the Committee Amendment No. 3 to HB 894. Agreed.

Representative Clarke moved that HB 894, as amended, be passed.

On the roll call the vote was: Yeas 83, Nays 10. (See March 21, 1986, roll call on HB 894—Appendix A.)

HB 894, as amended, was passed.

Representative Clarke moved the adoption of the Committee Title Amendment No. 1 to HB 894. Agreed; and the title was agreed to.

Representative Clarke moved that the vote by which HB 894, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 84 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Long moved that SB 84 be passed.

On the roll call the vote was: Yeas 97, Nays 0. (See March 21, 1986, roll call on SB 84—Appendix A.)

SB 84 was passed and the title agreed to.

Representative Long moved that the vote by which SB 84 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 214, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Scorsone moved the adoption of the Committee Amendment No. 1 to SB 214. Agreed.

Representative Scorsone moved that SB 214, as amended, be passed.

On the roll call the vote was: Yeas 52, Nays 37. (See March 21, 1986, roll call on SB 214—Appendix A.)

SB 214, as amended, was passed and the title agreed to.

Representative Scorsone moved that the vote by which SB 214, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 669, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Substitute to HB 669. Agreed.

Representative Barrows moved that HB 669, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 21, 1986, roll call on HB 669—Appendix A.)

HB 669, by way of Committee Substitute, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 669, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 476, with Committee Substitute and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the Committee Substitute to HB 476. Agreed.

Representative Pearman moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to HB 476. Agreed.

Representative Pearman moved that HB 476, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 80, Nays 4. (See March 21, 1986, roll call on HB 476—Appendix A.)

HB 476, by way of Committee Substitute as amended, was passed.

Representative Pearman moved that the rules be suspended to consider Floor Title Amendment to HB 476. Agreed.

Representative Pearman moved the adoption of the Floor Title Amendment to HB 476. Agreed; and the title was agreed to.

Representative Pearman moved that the vote by which HB 476, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker resumed the Chair.

HB 681 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Head moved that HB 681 be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 21, 1986, roll call on HB 681—Appendix A.)

HB 681 was passed and the title agreed to.

Representative Head moved that the vote by which HB 681 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 810, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McElroy moved the adoption of the Committee Amendment No. 1 to HB 810. Agreed.

Representative Mann moved the adoption of the Floor Amendment No. 1 to HB 810. Rejected.

Representative McElroy moved that HB 810, as amended, be passed.

On the roll call the vote was: Yeas 62, Nays 22. (See March 21, 1986, roll call on HB 810—Appendix A.)

HB 810, as amended, was passed and the title agreed to.

Representative McElroy moved that the vote by which HB 810, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 869, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rose moved the adoption of the Floor Amendment No. 1 to HB 869. Agreed.

Representative Rose moved that HB 869, as amended, be passed.

On the roll call the vote was: Yeas 79, Nays 10. (See March 21, 1986, roll call on HB 869—Appendix A.)

HB 869, as amended, was passed and the title agreed to.

Representative Rose moved that the vote by which HB 869, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 885 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HB 885 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 21, 1986, roll call on HB 885—Appendix A.)

HB 885 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 885 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 908 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved that HB 908 be passed.

On the roll call the vote was: Yeas 36, Nays 50. (See March 21, 1986, roll call on HB 908—Appendix A.)

HB 908 was defeated.

HR 56 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reinhardt moved the adoption of HR 56.

HR 56 was adopted by voice vote.

Senate Message

Announcing passage of SB 116, SB 291, SB 318, SB 353, SB 393, HB 353 with Senate Amendment, HB 376 with Senate Committee Substitute, HB 398 with Senate Committee Substitute, HB 521 with Senate Amendment, HB 59, HB 78, HB 302.

Orders of the Day

HCR 74 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of HCR 74.

On the roll call the vote was: Yeas 80, Nays 0. (See March 21, 1986, roll call on HCR 74—Appendix A.)

HCR 74 was adopted.

Representative Barrows moved that the vote by which HCR 74 was adopted be reconsidered and said motion be placed on the table. Agreed.

SB 255 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that SB 255 be passed.

On the roll call the vote was: Yeas 34, Nays 38. (See March 21, 1986, roll call on SB 255—Appendix A.)

SB 255 was defeated.

HCR 121 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that HCR 121 be passed.

On the roll call the vote was: Yeas 74, Nays 0. (See March 21, 1986, roll call on HCR 121—Appendix A.)

HCR 121 was passed and the title agreed to.

Representative Burch moved that the vote by which HCR 121 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 139 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that SB 139 be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 21, 1986, roll call on SB 139—Appendix A.)

SB 139 was passed and the title agreed to.

Representative Rapier moved that the vote by which SB 139 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 210 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that SB 210 be passed.

On the roll call the vote was: Yeas 80, Nays 0. (See March 21, 1986, roll call on SB 210—Appendix A.)

SB 210 was passed and the title agreed to.

Representative Burch moved that the vote by which SB 210 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 837 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Scorsone moved that HB 837 be passed.

On the roll call the vote was: Yeas 45, Nays 22. (See March 21, 1986, roll call on HB 837—Appendix A.)

HB 837 was passed and the title agreed to.

Representative Scorsone moved that the vote by which HB 837 was passed be reconsidered and said motion be placed on the table. Agreed.

HJR 58 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved that HJR 58 be passed.

On the roll call the vote was: Yeas 79, Nays 0. (See March 21, 1986, roll call on HJR 58—Appendix A.)

HJR 58 was passed and the title agreed to.

Representative Gray moved that the vote by which HJR 58 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 37, with Senate Second Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Second Committee Substitute to HB 37 is as follows:

HB 37, AN ACT relating to alcoholic beverage control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 243.480 is amended to read as follows:

(1) Upon proceedings for the revocation of any license under KRS 243.520, the alcoholic beverage control board, or the local alcoholic beverage administrator, may in its or his discretion, as the case may be, order a

suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500; Provided, however, the licensee may have the alternative, subject to the approval of the alcoholic beverage control board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars ($1,000) per day; wholesale liquor licensees, four hundred dollars ($400) per day; wholesale beer licensees, one hundred dollars ($100) per day; *all* [~~retail drink~~] liquor *by the drink* licensees, twenty-five dollars ($25.00) per day; retail package liquor licensees, twenty-five dollars ($25.00) per day; retail beer licensees, ten dollars ($10.00) per day; all remaining licensees, ten dollars ($10.00) per day.

(2) Payments in lieu of suspension collected by the alcoholic beverage control board shall be deposited in the state treasury and credited to the general expenditure fund. Payments in lieu of suspension collected by local alcoholic beverage administrators shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.

(3) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in KRS 243.550 to 243.590.

Section 2. KRS 244.090 is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of *two (2) violations of the terms and provisions of KRS Chapters 241, 243, or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages within a period of two (2) consecutive years prior to application for employment, or if, within such period, has been twice convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor* [~~any felony, misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two (2) years~~].

(b) Is under the age of twenty (20) years, except in a bottling house or room of a licensed distiller, vintner or brewer or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory or as provided in KRS 244.087.

(c) Is not a citizen of the United States.

(d) Within two (2) years prior to the date of his employment, has had any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause.

(2) Violation of this section shall subject both employer and employe to penalties provided in this chapter, and shall be cause for revocation of license.

Section 3. KRS 244.310 is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding *one and seventy-five hundredths (1.75)* [~~3.5~~] liters each of distilled spirits or two hundred twenty (220) liters each of wine, and containing not less than seven hundred fifty (750) milliliters each of distilled spirits, and not less than one hundred (100) milliliters each of wine not exceeding fourteen per cent (14%) alcohol by volume, as received from the wholesaler, if the retail drink license is held by a restaurant or private club which receives a minimum of forty per cent (40%) of its income from the sale of food and has a minimum seating capacity of fifty (50) people at tables, except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than three hundred fifty-five (355) milliliters. If the licensee also holds a retail package license, the containers may contain as little as two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required federal revenue tax stamps.

Section 4. KRS 244.260 is amended to read as follows:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than *twenty-five (25)* [~~two hundred (200)~~] milliliters each of distilled spirits or one hundred (100) milliliters of wine, and not exceeding 1.75 liters each of distilled spirits or two hundred twenty (220) liters each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than six (6) liters nor more than twelve (12) liters of *distilled spirits or* wine.

SECTION 5. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

A special food caterer's distilled spirits and wine license may be issued for food caterers engaging in an annual business of two hundred fifty thousand dollars ($250,000) or more. This license shall authorize the licensee to purchase, receive, and possess distilled spirits and wine from a wholesaler. This license shall authorize the licensee to sell distilled spirits and wine by the drink. The issuance or refusal of a food caterer's distilled spirits and wine license and the exercise of the privilege granted by the license shall be subject to such regulations as the department may deem necessary.

SECTION 6. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

A special food caterer's malt beverage license may be issued for food caterers engaging in an annual business of two hundred fifty thousand dollars ($250,000) or more. This license shall authorize the licensee to purchase, receive, and possess malt beverages from a distributor. This license shall authorize the licensee to sell malt beverages by the drink. The issuance or refusal of a food caterer's malt beverage license and the exercise of the privilege granted by the license shall be subject to such regulation as the department may deem necessary.

Section 7. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the administrator of the distilled spirits unit, the fees for which shall be:

(1) Distiller's license, per annum	$1,500.00
(2) Rectifier's license, per annum	$1,500.00
(3) Blender's license, per annum	$1,500.00
(4) Vintner's license, per annum	$ 500.00
(5) Small winery license, per annum	$ 250.00
(6) Wholesaler's license, per annum	$1,500.00
(7) Retail package license, per annum:	
(a) In counties containing cities of the first class	$ 600.00
(b) In counties containing cities of the second class	$ 500.00
(c) In counties containing cities of the third class	$ 400.00
(d) In counties containing cities of the fourth class	$ 300.00
(e) In all other counties	$ 200.00
(8) Retail drink license, per annum:	
(a) In counties containing cities of the first class	$ 800.00

(b) In counties containing cities of the second class	$ 500.00
(c) In counties containing cities of the third class	$ 400.00
(d) In counties containing cities of the fourth class	$ 300.00
(9) Transporter's license, per annum	$ 25.00
(10) Dining car license, per annum	$ 50.00
(11) Special nonbeverage alcohol vendor's license, per annum	$ 25.00
(12) Special industrial alcohol license, per annum	$ 25.00
(13) Special nonindustrial alcohol license, per annum	$ 25.00
(14) Special agent's or solicitor's license, per annum	$ 20.00
(15) Special storage or warehouse license, per annum	$ 100.00

(16) Special temporary license, per month or part of month, one sixth (1/6) of the fees enumerated in subsection (7).

(17) Special private club license, per annum	$ 150.00
(18) Special Sunday retail drink license	$ 300.00
(19) Nonresident, special agent or solicitor's license, per annum	$ 20.00
(20) Transport permit, nonresident license, per annum	$ 25.00
(21) Through transporter's license, per annum	$ 25.00
(22) Freight forwarder's license, per annum	$ 25.00
(23) Supplemental bar license:	
(a) In counties containing cities of the first class	$ 800.00
(b) In counties containing cities of the second class	$ 500.00
(c) In counties containing cities of the third class	$ 400.00
(24) Restaurant wine license, per annum:	
(a) New applicants	$ 300.00
(b) Renewals	$ 200.00
(25) *Food caterer's distilled spirits and wine license, per annum*	*$ 500.00*

(26) Such other special license as the board may find necessary for the proper regulation and control of the traffic in distilled spirits and wine and may provide for by regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.

Section 8. KRS 243.040 is amended to read as follows:

The following kinds of malt beverage licenses may be issued by the administrator of the malt beverages unit, the fees for which shall be:

(1) Brewer's license, per annum	$1,500.00

(2) Microbrewery license, per annum	$ 250.00
(3) Distributor's license, per annum	$ 200.00
(4) Retailer's license per annum:	
(a) New applicants	$ 200.00
(b) Renewals	$ 75.00
(5) Dining car license, per annum	$ 100.00
(6) Transporter's license, per annum	$ 25.00
(7) Special temporary license, per month or part of month	$ 12.50
(8) Special off-premises storage license, per annum	$ 25.00
(9) Distributor's storage, per annum	$ 50.00
(10) Special beer transporter's license, per annum	$ 25.00
(11) *Food caterer's malt beverage license, per annum*	*$ 200.00*

(12) Such other special licenses as the state board finds to be necessary for the administration of KRS Chapters 241, 243 and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the state board.

Applicants for special licenses provided for under the authority granted in subsection (11) may be exempt from so much of the provisions of subsection (3) of KRS 243.100 and paragraph (c) of subsection (1) of KRS 244.090 as the board by regulation prescribes.

Representative Thomas moved that the House refuse to concur in the Senate second Committee Substitute to HB 37. Agreed.

HB 124, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 124 is as follows:

Amend printed copy of HB 124:

On page 5, line 8, after "4." by inserting the following:

A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

(1) Candidates for a presidential preference primary shall file their nomination papers with the secretary of state not less than sixty (60) days before the day fixed by law for holding the presidential preference primary.

(2) The order in which the names of candidates for a presidential preference primary are to be printed on the ballot shall be determined by lot at a public drawing in the office of the secretary of state at 2:00 p.m., standard time, forty-two (42) days before the presidential preference primary.

(3) Not less than forty-one (41) days before the presidential preference primary is to be held, and after the order of the names has been determined as provided by (2) of this section, the secretary of state shall certify to each county clerk the name, place of residence and party of each candidate, as specified in the notice of candidacy forms or petitions filed with him and shall designate the device with which the candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential elections, followed by the political party which received the second highest number of votes with the order of any other political parties and independents to be determined by lot.

Section 5."

And by renumbering the remaining sections to conform.

Representative Brinkley moved that the House refuse to concur in the Senate Amendment No. 1 to HB 124. Agreed.

HB 329, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment Nos. 2 and 3 to HB 329 are as follows:

Amend printed copy of HB 329:

On page 17, line 7, after "Court" add "*, or the circuit court in which the appellant resides,*"

On page 15, line 17, by deleting "*; or*"; and

On page 15, lines 18-20, by deleting the lines in their entirety.

Representative Johnson moved that the House concur in the Senate Amendments No. 2 and 3 to HB 329. Agreed.

Representative Johnson moved that HB 329, as amended by the Senate, be laid on the Clerk's desk.

On the roll call the vote was yeas 74—Arnold, Barrows, Bennett, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Burch, Caldwell, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Guenthner, Hancock, Handy, K. Harper, Head, Heleringer, Holbrook, Jensen, Johnson, T. Jones, Kerr, Layman, Lefevers, LeMaster, Little, Long, Lyne, Mack, Maggard, McBee, McElroy, Meyer, Moberly, Morris, Napier, Nett, Noland, Overstreet, Pearman, Preston, Priddy, Rapier, Rattliff, Reinhardt, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Siler, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Worthington, Yates. Nays 2—J. Harper, McNutt.

The motion that HB 329, as amended, be laid on the Clerk's desk was adopted.

Representative Stumbo moved that HB 329 be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

HB 329, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Johnson moved that the House concur in the Senate Amendment No. 2 to HB 329. Agreed.

Representative Johnson moved that the House concur in the Senate Amendment No. 3 to HB 329. Agreed.

Representative Johnson moved that HB 329, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 86, Nays 2. (See March 21, 1986, roll call on HB 329—Appendix A.)

HB 329, as amended by the Senate, was passed and the title agreed to.

Representative Johnson moved that the vote by which HB 329, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Recess

Representative Stumbo moved that the House recess for five minutes for a meeting of the Committee on Rules.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Stumbo moved that the rules be suspended to ratify the meeting of the Committee on Rules. Agreed.

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Postings of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Resolutions

HR 164, by Representative Rose: A RESOLUTION adjourning the House of Representatives in honor of the internationally popular "Alabama" (Randy Owen, Jeffery Cook, Teddy Gentry, and Mark Herndon).

HR 165, by Representative Cowan: A RESOLUTION honoring Ashar Tullis.

Report of Committees

The Committee on Rules reported HB 441, HB 757, HB 768, HB 804, HB 809, HB 842, HB 898, HB 899, HB 905, HB 976, HB 978, HB 982, HCR 147, SB 20, SB 60, SB 154, SB 225, SB 327, SB 346, SCR 57, SJR 54, HB 782, HB 845, HB 846, HB 852, HB 892, HB 916, SB 70, SB 220, SB 288, SB 302, SB 303, SB 304, SB 312, HB 811, SB 108, SB 244, SB 252, HB 450, HB 488, HB 935, HB 947 and HB 973 have been posted in Orders of the Day March 24, 1986.

The Committee on Rules reported the following Bills have been recommitted:

Judiciary-Civil: HB 828.

Appropriations and Revenue: HB 985.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Judiciary-Criminal: SB 315, SB 320, SB 322, SB 185, SB 387.

Judiciary-Civil: SB 224, SB 234.

Appropriations and Revenue: SB 373.

Report of Committees

The Committee on Banking and Insurance reported SB 273 and SB 281 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 273, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 304.17-317 TO 304.17-320 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "long-term health care" means the care and treatment provided in this state by long-term care facilities as defined in KRS 216.510(1).

(2) All insurers issuing individual health insurance policies in this state which provide coverage on an expense incurred basis shall develop an insurance policy to provide coverage for long-term health care in a long-term health care facility licensed by the Commonwealth of Kentucky.

(3) The coverage provided for long-term health care under this section shall:

(a) Be payable upon certification by an attending physician that admission to a long-term care facility as defined herein is required for the insured;

(b) Be subject to the same deductible and coinsurance provisions as other services covered by the insurers who are subject to this section;

(c) Include a maximum benefit limitation and a deductible clause. The deductible clause shall delay any payments under long-term health care insurance policies until the expiration of sixty (60) days from the date the insured entered a long-term care facility;

(d) Provide complete coverage on an expense incurred basis and pay at least seventy-five percent (75%) of the total cost of covered long-term health care;

(e) Make medicare beneficiaries eligible to receive benefits under the contract, provided that the contract shall pay only for those long-term health care services which are not paid by medicare and do not exceed the maximum benefit limitation of the policy;

(f) Inform the insureds under such policies, in writing, of the specific benefits which are covered, such written notice to be given at the time of issuance of the policy;

(g) Not require as a prerequisite to admission to an intermediate care facility a prior confinement in a hospital or a skilled nursing care facility; and

(h) Provide coverage for skilled, intermediate and custodial care.

(4) Insurers shall at least annually advertise to the general public the availability of long-term care insurance policies. Such advertising shall include the specific benefits which are covered by such policies.

SECTION 2. A NEW SECTION OF KRS 304.18-037 TO 304.18-040 IS CREATED TO READ AS FOLLOWS:

All insurers issuing group or blanket health insurance policies and certificates issued thereunder in this state providing coverage on an expense incurred basis shall make available to the master policyholder coverage for long-term health care as defined in Section 1 of this Act. Such coverage shall meet the minimum standards set forth in Section 1 of this Act.

SECTION 3. A NEW SECTION OF KRS 304.32-280 TO 304.32-300 IS CREATED TO READ AS FOLLOWS:

All non-profit hospital, medical-surgical, dental, and health service corporations issuing contracts in this state which provide hospital, medical, or surgical expense benefits shall make available benefits for long-term health care as defined in Section 1 of this Act. Under group contracts, the option for long-term health care benefits shall be made available to the master policyholder. The long-term health care coverage made available by non-profit hospital, medical-surgical, dental, and health service corporations shall meet the minimum standards set forth in Section 1 of this Act.

SECTION 4. A NEW SECTION OF SUBTITLE 38 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Health maintenance organizations issuing contracts in this state which provide hospital, medical, or surgical expense benefits shall make available benefits for long-term health care as defined in Section 1 of this Act. Under group contracts, the option for long-term health care benefits shall be made available to the master policyholder. Long-term health care coverage made available by health maintenance organizations shall meet the minimum standards set forth in Section 1 of this Act.

Section 5. This Act shall become effective on July 1, 1987.

SB 281, AN ACT relating to real estate brokers and salesmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 324.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Broker" means any person who for a fee, commission, compensation or other valuable consideration sells or offers for sale, buys or offers to buy, or otherwise deals in time sharing options, or negotiates the purchase or sale or exchange of real estate, *or engages in property management,* or who leases or offers to lease, or rents or offers for rent, or refers or offers to refer for the purpose of securing prospects, any real estate or the improvements thereon for others, but shall not apply to a person whose only compensation for negotiating the purchase, sale or lease of an interest or interests in mineral rights consists of an interest in the rights that are the subject of the purchase, sale or lease.

(b) "Commission" means the Kentucky real estate commission.

(c) "Principal broker" means a broker as defined in paragraph (a) of this subsection who, in addition to performing acts or transactions comprehended by that definition, is the single broker responsible for the operation of the office or offices.

(d) "Real estate" includes leaseholds and other interests less than leaseholds.

(e) "Sales associate" means any person associated with a Kentucky-licensed principal broker for performing acts or transactions comprehended by the definition of "broker" as defined in paragraph (a) of this subsection and licensed as per KRS 324.046(2).

(f) "Approved real estate school" means:

1. A school that has been given a certificate of approval by the state board of proprietary education in addition to a certificate of approval by the Kentucky real estate commission. The school must also be currently in good standing with both the state board of proprietary education and the commission; or

2. A National Association of Realtors recognized program which has been reviewed by the Kentucky real estate commission and deemed an approved real estate school.

(g) "Accredited real estate school" means a college or university accredited by appropriately recognized educational associations or chartered and licensed in Kentucky that grants credits toward an associate degree or a baccalaureate degree to those students successfully completing a course in real estate.

(h) "Property management" means the marketing, leasing, maintenance, and overall management of real property for others for a fee, commission, compensation, or other valuable consideration.

(2) One act for a fee, commission, compensation or other valuable consideration of buying or selling real estate of or for another, or offering for another to buy, sell or exchange real estate, or leasing, renting or offering to rent real estate, or referring or offering to refer real estate for the purpose of securing prospects, or otherwise dealing in options or time sharing shall constitute the person performing, offering or attempting to perform such act as a broker or sales associate.

Section 2. KRS 324.030 is amended to read as follows:

KRS 324.020 shall not apply to:

(1) Any person who as owner or lessor performs any of the acts defined in KRS 324.010 with reference to property owned or leased by him or to his regular employes, with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to the management of such property and the investment in it.

(2) Any person acting as attorney in fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate.

(3) Any attorney at law who is performing his duties as attorney at law.

(4) Any receiver, trustee in bankruptcy, administrator or executor or any person selling real estate under order of any court, or a trustee acting under a trust agreement, deed of trust or will, or the regular salaried employes thereof.

(5) A manager of an apartment or condominium building, provided that the manager:

(a) Is a regular employe of the owner;

(b) Is under the supervision of a principal broker; or

(c) Receives as his primary compensation the use of a rental unit.

Section 3. KRS 324.210 is amended to read as follows:

(1) Any party aggrieved by the action of the commission in refusing to grant a license or in suspending or revoking a license may, within thirty (30) days after the entry of such order of refusal, revocation, fine or suspension, file in the office of the clerk of the circuit court where the licensee has his principal place of business or where the applicant resides, an attested copy of the proceedings before the commission, provided the aggrieved party shall first post a bond to secure the costs of the action in such sum as may be approved by the clerk of the circuit court, with good and solvent surety. The commission shall be a necessary party to all such appeals. The circuit court clerk shall thereupon docket the case and shall immediately issue a summons for such commission. [~~No formal pleadings shall be required in such appeals and the case shall be set down by the court for a hearing, and after such hearing the court shall enter a judgment sustaining or setting aside the order of the commission.~~]

(2) The commission shall, within twenty (20) days of receiving proper service of the summons and petition, file a response setting forth its position and filing a certified transcript of the record containing all testimony, pleadings, exhibits and orders, including the order to be reviewed. The court shall, thereafter, establish a schedule for the filing of briefs and oral argument if oral argument is requested by either party. Upon consideration of the record, the briefs and oral argument, the court shall enter judgment either upholding or reversing the commission's order. In the event the commission's order is reversed, the court shall remand the case to the commission for further proceedings.

(3) Either party may appeal to the court of appeals from the judgment of the circuit court in the same manner as an appeal can be taken.

Section 4. KRS 324.283 is amended to read as follows:

Each member of the commission shall receive as compensation *twelve thousand dollars ($12,000)* [~~nine thousand dollars ($9,000)~~] per annum and actual and necessary expenses incurred in the performance of duties pertaining to the office.

Section 5. KRS 324.420 is amended to read as follows:

(1) An aggrieved party must commence an action which may result in collection from the recovery fund by first filing with the commission on a form prepared by the commission. The commission shall hold a hearing pursuant to the requirements set forth in KRS 324.170 through 324.200 to determine if a violation of this chapter has in fact occurred. If a violation of fraud is so found, the commission shall determine if the violation resulted in damages to complainant and in what amount. If damages cannot be accurately determined, then the amount of damages shall be determined by a circuit court in the county where the violation took place. In the event the question of damages is referred to the circuit court, the decision of the commission will not be final and appealable until the question of damages is certifiable.

(2) Upon final judgment by the commission or upon certification to the commission by the circuit court on the issue of damages, and after the licensee has refused to pay the claim within a period of twenty (20) days of entry of a final order, the aggrieved party or parties shall be paid the amount or amounts by the commission from the recovery fund.

(3) The license of the licensee against whom the claim was made by the aggrieved party shall be suspended or may be permanently revoked until such time as the licensee has reimbursed the recovery fund in full for all amounts paid, plus interest at the rate of ten percent (10%) per annum.

(4) Any party aggrieved by a final decision of the commission may appeal to the [~~Franklin Circuit~~] court *where the licensee has his prinicpal place of business or where the applicant resides* within thirty (30) days from the time the decision was rendered. The commission shall have the right to enter an appearance, intervene in, or defend the action and may also appeal from any judgment entered against a licensee in that initial appeal.

(5) Upon the final order of the court, and after the commission has paid from the real estate education, research and recovery fund any sum to the aggrieved party, the commission shall be subrogated to all of the rights of the aggrieved party to the extent of the payment. The aggrieved party shall to the extent of the payment assign his right, title and interest in the judgment to the commission. After such assignment, the commission may challenge in bankruptcy court any attempt by a former licensee to discharge the debt, if proper notice is given. Any funds recovered by the commission shall be deposited in the real estate education, research and recovery fund.

(6) No aggrieved party shall be entitled to recover compensation from the real estate education, research and recovery fund unless the action against the licensee is commenced within two (2) years from actual knowledge of the cause of action or from such time as circumstances should reasonably have put the aggrieved party on notice of such cause of action.

(7) For purposes of this section an "aggrieved party" shall mean either:

(a) A member of the consumer public who stands in a direct relationship to the licensee, i.e., one who demonstrates an interest in purchasing, leasing, renting, or otherwise securing an interest in real estate through a licensee; or

(b) One who directly engages the services of a licensee for purposes of selling, leasing, renting, or otherwise dealing in their own property.

(8) If at any time the money on deposit in the real estate education, research and recovery fund is insufficient to satisfy any duly authorized claim or portion thereof, the commission shall, when sufficient money has been deposited in the real estate education, research and recovery fund, satisfy such unpaid claim or portions thereof, in the order that such claims or portions were originally filed, plus accumulated interest at the rate of ten percent (10%) per annum.

(9) Any funds in excess of the four hundred thousand dollar ($400,000) level which are not being currently used, may be invested and reinvested as set forth in subsection (2) of KRS 324.410.

The Committee on Judiciary-Criminal reported SB 124, SB 141, SB 196, SB 311 with Committee Amendments attached thereto, and SB 317 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 124, AN ACT relating to military justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 35.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "National guard" means the Kentucky army national guard and the Kentucky air national guard;

(2) "Active militia" means a volunteer defense unit other than the national guard;

(3) "Officer" means a commissioned officer including a warrant officer;

(4) "Superior commissioned officer" means a commissioned officer superior in rank or command;

(5) "Enlisted person" means any person who is serving in an enlisted grade in any force of the national guard or active militia;

(6) "Active state service" means full-time military duty in the active service of the state under an order of the governor as defined in subsection (4) of KRS 38.010, including travel to and from such duty;

(7) "Military court" means a court-martial, a court of inquiry, a provost court, or a military commission;

(8) "Military judge" means an official of general and special courts-martial detailed in accordance with KRS 35.125;

(9) "Subject person" means person subject to this chapter;

(10) "Code" means this chapter;

(11) "Commissioned officer" includes a commissioned warrant officer;

(12) "Commanding officer" includes only commissioned officers;

(13) "Grade" means a step or degree in a graduated scale of office or military rank that is established by law or regulation;

(14) "Rank" means order of precedence among members of the national guard or active militia;

(15) "Duty status" includes active state duty and any other type of state military duty, including travel to and from such duty;

(16) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the national guard or active militia;

(17) "Accuser" means a person who signs and swears to charges, any person who directs that charges *normally* [~~nominally~~] be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused;

(18) "Military" refers to any or all of the armed forces;

(19) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being or a successor in command*;*

(20) "Peace officer" as used in this chapter means any sheriff, deputy sheriff, constable, deputy constable, sworn police officer, sworn enforcement officer of the Kentucky state police or other duly authorized state law enforcement agency and other persons with similar authority to make arrests under the provisions of the Kentucky Revised Statutes.

Section 2. KRS 35.035 is amended to read as follows:

(1) Apprehension is the taking into custody of a person.

(2) *Any officer, warrant officer or peace officer as defined in this chapter may apprehend subject persons upon having probable cause to believe that an offense has been committed and that the person apprehended committed it* [~~Any person authorized under regulations issued pursuant to this chapter to apprehend subject persons, any marshal of a court-martial appointed pursuant to the provisions of this chapter and any peace officer as defined in KRS 61.310 and 446.010 may apprehend subject persons upon reasonable belief that an offense has been committed and that the person apprehended committed it~~].

(3) *Any enlisted person as defined in this chapter may apprehend subject persons upon the direct verbal or written order of a commissioned officer or convening authority* [~~All officers, petty officers, and noncommissioned officers shall have authority to quell all quarrels, frays and disorders among subject persons and to apprehend such persons who take part in the same~~].

(4) [~~Except as otherwise provided in this chapter,~~] No peace officer, *jailer or other state officer* [~~or marshal of a court-martial~~] shall demand or require payment of any fee or charge of any nature for apprehending or placing in confinement any subject person. *However, such prohibition shall not apply to such fee or charge being assessed against the subject person as a court cost or jail fee.*

Section 3. KRS 35.050 is amended to read as follows:

(1) Any subject person charged with an offense under this code shall be ordered apprehended or into arrest or confinement, as circumstances may require. When any subject person is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused. *This notification may be done by serving the accused with a copy of the charge sheet or specifications attached to the warrant or order of arrest, confinement or detainment.*

(2) Upon apprehension, arrest or confinement and notification thereof to the convening authority or his authorized representative steps shall be taken within the shortest practicable period of time to try the accused or otherwise dispose of the charges.

(3) The convening authority shall, upon issuing a warrant or order for the confinement, arrest or apprehension of a subject person, subject to the exception set out in subsection (4) of this section, provide on the face of same for the admission of the accused to bail. The accused shall be admitted to bail by posting bond in the amount ordered by the convening authority, but not to exceed the maximum fine for the offense. Bail may be accepted by the jailer who has the accused in custody or by a clerk of the court of justice, in lieu of the presence of the convening authority or his authorized representative, but if accepted by an officer of the Commonwealth, said bail shall be transmitted to the convening authority or his authorized representative for disposition.

(4) If it is the determination of the convening authority that bail should not be allowed either because the convening authority has probable cause to believe that the accused would not appear for further proceedings or that if released the accused would present an immediate threat to the public safety and welfare or the good order and discipline of the military, such determination shall be noted on the face of the warrant or order for the detention of the subject person. In the event that such a determination has been made a hearing shall be held within two (2) working days of the apprehension, arrest or confinement of the accused to determine if the accused should be admitted to bail. In the absence of the convening authority or his authorized representative, such hearing may be held by a judge of the court of justice [~~, and to try him or to dismiss the charges and release him. The accused may be admitted to bail by posting bond in the amount ordered by the convening authority, but not to exceed the maximum fine for the offense~~].

Section 4. KRS 35.055 is amended to read as follows:

(1) Confinement and imprisonment other than in a guardhouse, whether prior to, during or after trial by a military court, shall be executed in jails, penitentiaries or prisons designated by the governor or by the adjutant general for that purpose.

(2) No provost marshal, commander of a guard, *sheriff or deputy sheriff or other peace officer,* warden, jailer or officer of any jail, penitentiary or prison, as designated in subsection (1) of this section, shall refuse to receive, [~~or~~] keep, *or transport* any prisoner committed to his charge when the committing person furnishes a statement, signed by him, of the offense charged against the prisoner.

(3) Every provost marshal, commander of a guard, warden, jailer or officer, as set out in subsection (2) of this section, to whose charge a prisoner is committed shall, within twenty-four (24) hours after such commitment or as soon as he is relieved from guard, report to the commanding officer of the prisoner the name of such prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

Section 5. KRS 35.070 is amended to read as follows:

(1) Under such regulations as may be issued pursuant to this chapter, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one (1) *or more* of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his command:

1. Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two (2) consecutive weeks; [~~or~~]

2. [~~If imposed by the governor or adjutant general,~~] A fine not exceeding *two hundred dollars ($200)* [~~$100~~].

(b) Upon other military personnel:

1. Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two (2) consecutive weeks;

2. Extra duties for a period not more than fourteen (14) days which need not be consecutive, and not to exceed two (2) hours per day, holidays included; [~~or~~]

3. [~~If imposed by an officer exercising special court-martial jurisdiction,~~] Forfeiture of pay and allowances not exceeding *one hundred dollars ($100)* [~~$50~~] or a fine of a like amount;

4. Reduction to next lower grade if the grade from which demoted was established by the command or an equivalent or lower command*; or*

5. A combination of these punishments.

(2) Prior to being informed of the disciplinary action to be taken under this section, the person to be punished shall have the right to demand a trial by court-martial for the offense.

(3) Under such regulations as may be issued pursuant to this chapter, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers authorized to exercise such powers, and the applicability of this section to an accused on active service who demands trial by a court-martial.

(4) An officer in charge may, for minor offenses, impose on enlisted persons assigned to the unit of which he is in charge such of the punishments authorized to be imposed by commanding officers as may be specifically prescribed by regulations issued pursuant to this chapter.

(5) Except where punishment has been imposed by the governor, a person punished under this section who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command and superior authority may suspend, set aside or remit any part or amount of the punishment and restore all rights, privileges and property affected.

(6) The imposition and enforcement of disciplinary punishment under authority of this section for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense *arising* [~~growing~~] out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the *amount* [~~measure~~] of punishment to be adjudged in the event of a finding of guilty.

(7) Whenever a punishment of forfeiture of pay and allowances is imposed as provided in this section, the forfeiture may apply to pay or allowances becoming due on or after the date such punishment is imposed and to pay allowances accrued before such a date.

Section 6. KRS 35.080 is amended to read as follows:

The national guard or active militia shall have court-martial jurisdiction over all subject persons. *The governor or adjutant general shall have the power to promulgate rules and regulations governing the conduct of court-martial proceedings.*

Section 7. KRS 35.085 is amended to read as follows:

General courts-martial shall have jurisdiction to try subject persons for any offense for which they may be punished by this code, and, in connection therewith, shall have the power to *impose* [~~fix~~] the following punishments:

(1) [~~Fines not exceeding two hundred dollars ($200), or in lieu of fines,~~] Confinement for not more than *six (6) months* [~~one (1) day for each dollar of fine authorized herein~~];

(2) *Fines or* forfeiture of pay and allowances, not exceeding two hundred dollars ($200);

(3) Dismissal, dishonorable or other punitive discharge;

(4) Reprimand;

(5) Reduction of enlisted personnel to the lowest enlisted grade; or

(6) A combination of these punishments.

Section 8. KRS 35.090 is amended to read as follows:

(1) Special courts-martial have jurisdiction to try persons subject to this code, except commissioned officers, for any offense for which they may be punished under this code, *and in connection therewith, shall have the power to impose the following punishments:*

(a) Confinement not to exceed ninety (90) days;

(b) Fines or forfeitures of pay and allowances not exceeding one hundred dollars ($100);

(c) Bad conduct discharge;

(d) Reprimand;

(e) Reduction of enlisted personnel to the lowest enlisted grade; or

(f) A combination of these punishments. [~~A special court-martial has the same powers of punishment as a general court-martial, except that for a single offense, no fine may be more than one hundred dollars ($100) or no confinement may be more than one hundred (100) days.~~]

(2) A bad conduct discharge shall not be adjudged unless a complete record of the proceedings and testimony before the court has been made, and counsel qualified pursuant to KRS 35.130 was detailed to represent the accused.

Section 9. KRS 35.095 is amended to read as follows:

(1) Summary courts-martial shall have jurisdiction to try subject persons, except officers, for any offense for which they may be punished by this code.

(2) No person shall be tried by a summary court-martial if, prior to trial, he objects thereto. If objection to trial by summary court-martial is made by such an accused, trial may be ordered by special or general court-martial as is appropriate.

(3) A summary court-martial shall have the power to *impose* [~~fix~~] the following punishments:

(a) *Confinement not exceeding twenty-five (25) days* [~~Fine not exceeding twenty-five dollars ($25.00)~~] for a single offense[~~, or in lieu of fine, confinement for not more than one (1) day for each dollar of fine authorized herein~~];

(b) *Fines or forfeitures* [~~Forfeiture~~] of pay and allowances *not to exceed twenty-five dollars ($25) for a single offense*;

(c) Reduction of enlisted personnel *in the pay grade of E-4 and below* to the lowest enlisted grade; *or*

(d) *A* [~~Any~~] combination of these punishments.

Section 10. KRS 35.475 is amended to read as follows:

Any *commissioned* officer *or warrant officer* who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

Section 11. The following KRS sections are repealed:

35.610 Improper use of countersign.

35.615 Forcing safeguard.

35.655 Dueling.

35.675 Unbecoming conduct.

SB 141, AN ACT relating to the possession of police radios.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 432.570 is amended to read as follows:

(1) It shall be unlawful for any person except a member of a police department or police force or an official with written authorization from the head of a department which regularly maintains a police radio system authorized or licensed by the federal communications commission, to have in his or her possession, or in an automobile or other vehicle, or to equip or install in or on any automobile or other vehicle, any mobile radio set or apparatus capable of either receiving or transmitting radio or other messages or signals within the wave length or channel now or which may hereafter be allocated by the federal communications commission, or its successor, for the purpose of police radios, or which may in any way intercept or interfere with the transmission of radio messages by any police or other peace officers and it shall be unlawful for any car, automobile or other vehicle other than one publicly owned and entitled to an official license plate issued by the state issuing a license for said car, to have, or be equipped with such sets or apparatus even though said car is owned by an officer. Provided, however, the provisions of this section shall not apply to any automobile or other vehicle owned or operated by a member of a sheriff's department authorized by the fiscal court to operate a radio communications system that is licensed by the federal communications commission or other federal agency having the authority to license same.

(2) Any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars ($50.00) and not exceeding five hundred dollars ($500), or imprisonment not exceeding twelve (12) months, or both so fined and imprisoned.

(3) It shall be the duty of any and all peace officers to seize and hold for evidence any and all equipment had or used in violation of the provisions of this section, and, upon conviction of the person having, equipping or using such equipment, it shall be the duty of the trial court to order such equipment or apparatus destroyed, forfeited or escheated to the Commonwealth of Kentucky, and said property may be ordered destroyed, forfeited or escheated as above provided without a conviction of the person charged with violating this section.

(4) Nothing contained in this section shall prohibit the possession of a radio by:

(a) An individual who is a retailer or wholesaler and in the ordinary course of his business offers such radios for sale or resale or by;

(b) A commercial or educational radio or television station, licensed by the federal communications commission, at its place of business or by;

(c) An individual who possesses such a radio, provided it is capable of receiving radio transmissions only and is not capable of sending or transmitting radio messages, at his place of residence; licensed commercial auto towing trucks; newspaper reporters and photographers, *disaster and emergency services personnel authorized in writing by the state director of disaster and emergency service (for state personnel) or chief executive of the city or county (for their respective personnel);* peace officers authorized in writing by the head of their law enforcement agency, commonwealth's attorneys and their assistants, county attorneys and their assistants, except that it shall be unlawful to use such radio to facilitate any criminal activity or to avoid apprehension by law enforcement officers. Violation of this section shall, in addition to any other penalty prescribed by law, result in a forfeiture to the local law enforcement agency of such radio.

(5) The secretary of the department of finance is hereby empowered by issuance of a secretary's order to exempt from the prohibitions and penalties of this section the possession and use of any and all radio communication equipment that he finds is necessary to be owned and used by members of the general public and other non-police persons for utilization in the N.O.A.A. weather radio system.

SB 196, AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

As used in this Act, unless the context otherwise requires:

(1) "Home" means the temporary or permanent residence of a defendant consisting of the actual living area. Where more than one (1) residence or family are located on a single piece of property "home" does not include the residence of any other person who is not part of the social unit formed by the defendant's immediate family. A hospital, nursing care facility, hospice, half-way house, group home, residential treatment facility or boarding house may serve as a "home" under this section;

(2) "Home incarceration" means use of a person's home for purposes of confinement;

(3) "Violent felony offense" means an offense defined in KRS 507.020 (murder), 507.030 (manslaughter in the first degree), 508.010 (assault in the first degree), 508.020 (assault in the second degree), 509.040 (kidnapping), 510.040 (rape in the first degree), 510.070 (sodomy in the first degree), 510.110 (sexual abuse in the first degree), 511.020 (burglary in the first degree), 513.020 (arson in the first degree), 513.020 (arson in the second degree), 513.030 (arson in the third degree), 515.020 (robbery in the first degree), 515.030 (robbery in the second degree), 520.020 (escape in the first degree), any criminal attempt to commit any such offense (KRS 506.010), or conviction as a persistent felony offender (KRS 532.080) when the offender has a felony conviction for any of the above listed offenses within the five (5) year period preceding the date of the latest conviction;

(4) "Terminal illness" is a medically recognized disease for which the prognosis is death within six (6) months to a reasonable degree of medical certainty; and

(5) "Approved monitoring device" means an electronic device approved by the corrections cabinet or apparatus which is limited in capability to recording or transmitting information as to the prisoner's presence or non-presence in the home. Such devices must be minimally intrusive. No monitoring device capable of recording or transmitting:

(a) Visual images;

(b) Oral or wire communications or any auditory sound; or

(c) Information as to the prisoner's activities while inside of the home;

shall be approved.

SECTION 2. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

(1) Any misdemeanant may petition the sentencing court for an order directing that all or a portion of a sentence of imprisonment in the county jail be served under conditions of home incarceration. Such petitions may be considered and ruled upon by the sentencing court prior to and throughout the term of the misdemeanant's sentence.

(2) The sentencing judge shall study the record of all persons petitioning for home incarceration and, in his discretion, may:

(a) Cause additional background or character information to be collected or reduced to writing by the county jailer or misdemeanor supervision department;

(b) Conduct hearings on the desirability of granting home incarceration;

(c) Impose on the home incarceree such conditions as are fit, including restitution;

(d) Order that all or a portion of a sentence of imprisonment in the county jail be served under conditions of home incarceration at whatever time or intervals, consecutive or non-consecutive, as the court shall determine. The time actually spent in home incarceration pursuant to this provision shall not exceed six (6) months or the maximum term of imprisonment assessed pursuant to this chapter whichever is the shorter;

(e) Issue warrants for persons when there is reason to believe they have violated the conditions of home incarceration, conduct hearings on such matters, and order reimprisonment in the county jail upon proof of violation; and

(f) Grant final discharge from incarceration.

(3) All home incarcerees shall execute a written agreement with the court setting forth all of the conditions of home incarceration. The order of home incarceration shall incorporate that agreement and order compliance with its terms. The order and agreement shall be transmitted to the supervising authority and to the appropriate jail official.

(4) Time spent in home incarceration under this subsection shall be credited against the maximum term of imprisonment assessed for the defendant pursuant to this chapter.

(5) Home incarcerees shall be under the supervision of the county jailer except in counties establishing misdemeanor supervision departments, wherein they shall be under the supervision of such departments. Home incarcerees shall be subject to the decisions of such authorities during the period of supervision. Fees for supervision or equipment usage shall be paid directly to the supervising authority.

SECTION 3. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

The conditions of home incarceration shall include the following:

(1) The home incarceree shall be confined to his home at all times except when:

(a) Working at approved employment or traveling directly to and from such employment;

(b) Seeking employment;

(c) Undergoing available medical, psychiatric, or mental health treatment or approved counseling and after care programs;

(d) Attending an approved educational institution or program;

(e) Attending a regularly scheduled religious service at a place of worship; and

(f) Participating in an approved community work service program;

(2) Violation of subsection (1) of this section may subject the home incarceree to prosecution under KRS 532.030 (escape);

(3) The home incarceree shall conform to a schedule prepared by a designated officer of the supervising authority specifically setting forth the times when he may be absent from the home and the locations where he may be during those times;

(4) The home incarceree shall not commit another offense during the period of time for which he is subject to the conditions of home incarceration;

(5) The home incarceree shall not change the place of home incarceration or the schedule without prior approval of the supervising authority;

(6) The home incarceree shall maintain a telephone or other approved monitoring device in the home or on his person at all times;

(7) Any other reasonable conditions set by the court or the supervising authority including:

(a) Restitution under KRS 533.030;

(b) Supervision fees under KRS 439.315; and

(c) Any of the conditions imposed on persons on probation or conditional discharge under KRS 533.030(2):

(8) A written and notarized consent agreement shall be filed with the court by every adult who will share the offender's home during the term of home incarceration.

SECTION 4. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

No person being held under a detainer, warrant, or process issued by some other jurisdiction shall be eligible for home incarceration. No person convicted of a violent felony offense shall be eligible for home incarceration.

SECTION 5. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

Any person serving his sentence under conditions of home incarceration shall be responsible for his food, housing, clothing, and medical care expenses, and shall be eligible for government benefits to the same extent as a person on probation, parole, or conditional discharge.

SECTION 6. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO READ AS FOLLOWS:

At least once every thirty (30) days, the supervising authority shall provide all local and county law enforcement agencies with a list of the offenders under home incarceration in their jurisdictions. This list shall include the following information:

(1) The prisoner's place of home incarceration;

(2) The crime for which the prisoner was convicted;

(3) The date that the sentence of home incarceration will be completed; and

(4) The name, address and phone number of the officer of the authority supervising the prisoner.

Section 7. KRS 533.030 is amended to read as follows:

(1) The conditions of probation and conditional discharge shall be such as the court, in its discretion, deems reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him to do so. The court shall provide as an explicit condition of every sentence to probation or conditional discharge that the defendant not commit another offense during the period for which the sentence remains subject to revocation.

(2) When imposing a sentence of probation or conditional discharge, the court may, in addition to any other reasonable condition, require that the defendant:

(a) Avoid injurious or vicious habits;

(b) Avoid persons or places of disreputable or harmful character;

(c) Work faithfully at suitable employment as far as possible;

(d) Undergo available medical or psychiatric treatment and remain in a specific institution as required for that purpose;

(e) Post a bond, without surety, conditioned on performance of any of the prescribed conditions;

(f) Support his dependents and meet other family responsibilities;

(g) Pay the cost of the proceeding as set by the court;

(h) Remain within a specified area;

(i) Report to the probation officer as directed;

(j) Permit the probation officer to visit him at his home or elsewhere; and

(k) Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment.

(3) When imposing a sentence of probation or conditional discharge in a case where a victim of a crime has suffered monetary damage as a result of the crime due to his property having been converted, stolen, or unlawfully obtained, or its value substantially decreased as a result of the crime, or where the victim suffered actual medical expenses, direct out of pocket losses, or loss of earning as a direct result of the crime, or if as a direct result of the crime the victim incurred medical expenses that were paid by the cabinet for human resources, the crime victim compensation board, or any other governmental entity, the court shall order the defendant to make restitution in addition to any other penalty provided for the commission of the offense. Payment of restitution to the victim shall have priority over payment of restitution to any government agency. Restitution shall be ordered in the full amount of the damages, unless the damages exceed one hundred thousand dollars ($100,000) or twice the amount of the gain from the commission of the offense, whichever is greater, in which case the higher of these two amounts shall be awarded. The court may, in lieu of ordering monetary restitution, order the defendant to make restitution by working for or on behalf of the victim. The court shall determine the number of hours of work necessary by applying the then prevailing federal minimum wage to the total amount of monetary damage caused by or incidental to the commission of the crime. The court may, with the consent of the agency, order the defendant to work for a public agency of the Commonwealth, a county, or a city for a period of time equal to that determined in the case of working for a victim. Any work ordered pursuant to this section shall not be deemed employment for any purpose, nor shall the person performing the work be deemed an employe for any purpose. Where there is more than one (1) defendant or more than one (1) victim, restitution may be apportioned. Restitution shall be subject to the following additional terms and conditions:

(a) Restitution by payment may be ordered in a lump sum or in specified payments;

(b) Restitution by payment may be ordered paid through the circuit clerk who shall disburse the monies as ordered by the court;

(c) Where property which is unlawfully in the possession of the defendant is in substantially undamaged condition from its condition at the time of the taking, return of the property shall be ordered in lieu of monetary restitution;

(d) Restitution by payment to governmental agencies shall be made through payments to and disbursement by the circuit clerk;

(e) The circuit clerk shall assess an additional fee of two percent (2%) to defray the administrative costs of collection of payments or property. This fee shall be paid by the defendant and shall enure to the general fund of the state treasury;

(f) When a defendant fails to make restitution ordered to be paid through the circuit clerk, the circuit clerk shall notify the court. The court shall hold a hearing to determine if the defendant is in contempt of the court or has violated the terms of his probation; *and*

(g) An order of restitution shall not preclude the owner of property or the victim who suffered personal physical or mental injury or out of pocket loss of earnings or support or other damages from proceeding in a civil action to recover damages from the defendant. A civil verdict shall be reduced by the amount paid under the criminal restitution order.

(4) When a defendant is sentenced to probation or conditional discharge, he shall be given a written statement explicitly setting forth the conditions under which he is being released.

(5) When imposing a sentence of probation or conditional discharge, the court, in addition to conditions imposed under this section, may require as a condition of the sentence that the defendant submit to a period of imprisonment in the county jail *or to a period of home incarceration* at whatever time or intervals, consecutive or nonconsecutive, the court shall determine. The time actually spent in confinement *or home incarceration* pursuant to this provision shall not exceed six (6) months or the maximum term of imprisonment assessed pursuant to KRS Chapter 532, whichever is the shorter. Time spent in *confinement or home incarceration* [~~custody~~] under this subsection shall be credited against the maximum term of imprisonment assessed for the defendant pursuant to KRS Chapter 532, if probation or conditional discharge is revoked and the defendant is sentenced to imprisonment. *Any prohibitions against probation, shock probation, or conditional discharge under KRS 533.060(2), or KRS 532.045 shall not apply to persons convicted of a misdemeanor or Class D felony and sentenced to a period of confinement or home incarceration under this section.*

SB 311, AN ACT relating to the Kentucky unified juvenile code.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 600 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) This Act shall be known as the Kentucky Unified Juvenile Code.

(2) This Act shall be interpreted to effectuate the following express legislative purposes:

(a) The Commonwealth shall direct its efforts to the strengthening and encouragement of family life for the protection and care of children; to strengthen and maintain the biological family unit; and to offer all available resources to any family in need of them.

(b) It also shall be declared to be the policy of this Commonwealth that all efforts shall be directed toward providing each child a safe and nurturing home.

(c) The court shall show that other less restrictive alternatives have been attempted or are not feasible in order to insure that children are not removed from families except when absolutely necessary.

(d) Any child brought before the court under this Act shall have a right to treatment reasonably calculated to bring about an improvement of his condition.

(e) It shall further be the policy of this Commonwealth to provide judicial procedures in which rights and interests of all parties, including the parents, are recognized and all parties are assured prompt and fair hearings. Unless otherwise provided, such protections belong to the child individually and may not be waived by any other party.

SECTION 2. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or other person exercising custodial control or supervision of the child: inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means; creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing his religious beliefs shall not be considered a negligent parent solely because he fails to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;

(2) "Cabinet" means the cabinet for human resources;

(3) "Child" means any person who has not reached his eighteenth (18th) birthday unless otherwise provided;

(4) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;

(5) "Community-based facility" means any non-secure, homelike facility licensed, operated, or permitted to operate, by the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;

(6) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;

(7) "Court" means the juvenile session of district court;

(8) "Court designated worker" means that organization or individual delegated by the administrative office of the courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into and supervising diversion agreements and performing such other functions as authorized by law or court order;

(9) "Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime, whether the same is a felony, misdemeanor, or violation;

(10) "Department" means the department for social services;

(11) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;

(12) "Diversion agreement" means an agreement entered into between a court-designated worker and a child charged with the commission of offenses set forth in KRS Chapters 630 and 635, the purpose of which is to serve the best interest of the child and to provide redress for those offenses without court action and without the creation of a formal court record;

(13) "Emergency shelter" is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;

(14) "Emotional harm" means harm to the mental or psychological capacity or emotional stability of a child as testified to by a qualified mental health professional. The age and development of the child shall be considered together with the child's culture or environment in the diagnosis and determination of emotional harm;

(15) "Emotional injury" means, except in Chapter 625 of this Act, an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in his ability to function within a normal range of performance and behavior with due regard to his age, development, culture and environment;

(16) "Family service worker" means any employe of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;

(17) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;

(18) "Habitual runaway" means any child who has been found by the court to have been absent from his place of lawful residence without the permission of his custodian for at least three (3) days during a one (1) year period;

(19) "Habitual truant" means any child who has been found by the court to have been absent from school without valid excuse for three (3) or more days or tardy for three (3) or more days on at least three (3) occasions during a one (1) year period;

(20) "Hospital" means, except for purposes of Chapter 645 of this Act, a licensed private or public institution, health care facility, or part thereof, which is approved by the cabinet to treat children;

(21) "Informal adjustment" means an agreement reached among the parties after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;

(22) "Intermittent holding facility" means a physically secure setting, which is entirely separated from sight and sound from all other portions of a jail containing adult prisoners, in which children are supervised and observed on a regular basis;

(23) "Least restrictive alternative" means, except for purposes of Chapter 645 of this Act, that the program

developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; and is conducted at the suitable available facility closest to the child's place of residence;

(24) "Non-secure facility" means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;

(25) "Parent" means the biological or adoptive mother or father of a child;

(26) "Person exercising similar custodial control or supervision" means a person who has assumed the role and responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child;

(27) "Physical injury" means substantial physical pain or any impairment of physical condition;

(28) "Public offense petition" means that document filed with the circuit clerk which incorporates the allegations of criminal conduct contained in the complaint and which states facts that establish the jurisdiction of the court for public offenses;

(29) "Qualified mental health professional" means:

(a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of his official duties;

(b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of his official duties, and who is certified or eligible to apply for certification by the American board of psychiatry and neurology, inc.;

(c) A licensed psychologist at the doctoral level or certified at the master's level under the provisions of KRS Chapter 319 who has been designated by the Kentucky board of examiners of psychology as competent to make examinations under this Act;

(d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center; or

(e) A certified clinical social worker licensed for the independent practice of clinical social work under the provisions of KRS Chapter 335, or a certified social worker licensed under the provisions of KRS Chapter 335 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work following certification and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a regional comprehensive care center;

(30) "Residential treatment facility" means a facility with more than eight (8) beds designated by the cabinet for the treatment of children;

(31) "School personnel" means those certified persons under the supervision of the local public or private education agency;

(32) "Secretary" means the secretary for the cabinet for human resources;

(33) "Secure detention facility" means any facility used for the secure detention of children other than a jail, police station, lock-up, intermittent holding facility, or any building which is a part of or attached to any facility in which adult prisoners are confined or which shares staff with a facility in which adult prisoners are confined;

(34) "Secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;

(35) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ;

(36) "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;

(37) "Status offense" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult would not be a crime. Such behavior shall not be termed criminal or delinquent; and such children shall not be considered delinquent. Status offenses do not include violations of state or local ordinances which may apply to children such as a violation of curfew or possession of alcoholic beverages;

(38) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed; and

(39) "Youthful offender" means any person regardless of age, transferred to circuit court under the provisions of KRS Chapter 640.

SECTION 3. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO READ AS FOLLOWS:

The cabinet shall not issue administrative regulations to implement the provisions of this Act unless the Act specifically authorizes their issuance. Regulations, when issued, shall not exceed the bounds of the specific authorization provided in the Act.

SECTION 4. KRS CHAPTER 605 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

In each judicial district there shall be a court designated worker or agency. The number of persons assigned as court designated workers shall be determined by the administrative office of the courts.

SECTION 5. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) Standards for the employment of court designated workers shall be set by the administrative office of the courts.

(2) If the administrative office of the courts contracts with a public agency for the provision of the court designated worker or workers the contract shall specify that it is for the services, in part or in whole, of named personnel of that agency and no others. Personnel of a public agency under contract to the administrative office of the courts selected as court designated workers shall be selected in the manner set forth in the contract by and between the public agency and the administrative office of the courts; shall be under the control of the administrative office of the courts and the court to which they are assigned; and shall be subject to the same powers, duties, and restrictions as are court designated workers employed by the administrative office of the courts.

(3) Court designated workers, whether employed by the administrative office of the courts or by a public agency under contract to the administrative office of the courts, may be disciplined or removed from the position of court designated worker in the manner specified in the:

(a) Personnel policies for employes of the administrative office of the courts or the personnel policies of the contract agencies as approved by the administrative office of the courts;

(b) Contract by and between the public agency and the administrative office of the courts.

(4) The administrative office of the courts shall not contract with private corporations, persons, or agencies for the services of court designated workers.

SECTION 6. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

A court designated worker may:

(1) Receive complaints;

(2) Investigate complaints except neglect, abuse, and dependency;

(3) Recommend disposition of complaints;

(4) Make advisory dispositional recommendations and provide, within forty-eight (48) hours, exclusive of weekends and holidays, information concerning a child who has chosen to waive the investigation pursuant to Section 29 of this Act for the use of the cabinet in placing the child;

(5) Administer oaths;

(6) Issue summonses;

(7) Issue subpoenas;

(8) Perform such duties as required by KRS Chapter 645;

(9) Make such other determinations as authorized or directed by the courts; and

(10) Perform such other functions related to activities of children as may be authorized or directed by the court.

SECTION 7. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

A court designated worker shall not:

(1) Issue arrest or search warrants;

(2) Supervise a child following his adjudication when the child is committed to the cabinet or placed on probation under the supervision of the cabinet;

(3) Perform any clerical work not directly related to required juvenile activities; or

(4) Investigate child abuse, neglect, or dependency complaints but shall refer such actions to the cabinet.

SECTION 8. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) In counties containing a city of the first or second class, the county judge/executive may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge/executive but shall be subject to the direction and control of the judges of the district court in the performance of their duties. The officers shall be peace officers, with all the powers of the sheriff in making arrests and carrying out the purposes of this chapter. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his or her probation, and may detain such child for appropriate action by the court.

(2) In counties containing an urban-county government, the mayor shall appoint a chief probation officer of the juvenile session of the district court and such number of assistant probation officers, professional and clerical personnel as are reasonably necessary for the operation of the juvenile session of the district court. Such officers shall receive reasonable salaries to be fixed by the urban-county council, and shall be allowed

their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the urban-county treasury. The officers shall serve at the pleasure of the mayor but shall be subject to the direction and control of the judges of the district court in the performance of their duties. The officers shall be peace officers, with all the powers of the sheriff in making arrests and carrying out the purposes of this chapter. A probation officer may take into custody any child that he has reasonable grounds to believe is in violation of conditions of his or her probation, and detain such child for appropriate action by the court.

(3) In any county, the chief district judge may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers or court appointed special advocates of the juvenile session. Such volunteer probation officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court or the urban-county council, as appropriate, may authorize the payment of compensation and reasonable expenses out of the county or urban-county treasury of any such officers. No court appointed special advocate shall receive compensation from state or county funds but reasonable expenses may be paid.

SECTION 9. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

Probation officers of the court shall:

(1) Except as otherwise provided in KRS Chapter 645, make investigations as provided in this Act.

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required; advise with the court as to the proper disposition of the case and take such charge of the child before and after the hearings as may be ordered.

(3) Visit and supervise children placed on probation and as far as practicable, aid and encourage such children, by friendly advice and admonition, to keep terms of their probation, and provide for their rehabilitation.

(4) Make such reports and records as may be required by the court.

(5) Supervise the transfer of children to and from homes or institutions as directed by the court.

(6) Work in cooperation with the representatives of the department.

SECTION 10. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

Court appointed special advocates of the juvenile session of district court shall:

(1) Make investigations as provided in KRS Chapter 610.

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required and advise the court of their recommendations regarding the case;

(3) Visit the children they have been appointed to serve, as well as their families and advocate for services for these children;

(4) Make such reports and records as may be required by the court; and

(5) Work in cooperation with the cabinet for human resources.

SECTION 11. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the cabinet shall be allowed an amount prescribed by regulation adopted by the finance and administration cabinet calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the district court and certified by the circuit clerk to the cabinet, for payment out of funds appropriated to the cabinet for this purpose. The child's presence shall be necessary at a post-

dispositional proceeding only as required by court order. Expenses for transportation of a child to such a proceeding from an institution or facility operated by the cabinet shall be paid out of the state treasury.

(2) No child shall be transported to any institution, pursuant to order of any court or direction of the cabinet, unless accompanied by an attendant of the same gender, or, when authorized in writing by the court or cabinet, by a parent, grandparent, or adult brother or sister.

(3) The agent of any institution who receives a child transported to the institution shall report any violation of subsection (2) of this section to the commonwealth's attorney of the judicial circuit in which the institution is located.

SECTION 12. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) Any child committed to the cabinet may by the decision of the cabinet or its designee, at any time during the period of his commitment, be:

(a) Upon fourteen (14) days prior written notice to the court, discharged from commitment. Written notice of discharge must be given to the committing court and to any other parties as may be required by law;

(b) Placed in the home of his parents, or in a suitable foster home, family home or boarding home, upon such conditions as the cabinet may prescribe and subject to visitation and supervision by a family service worker;

(c) Placed in one (1) of the facilities or programs operated by the cabinet, except that no child committed under the provisions of Section 20(1)(b)(c) or (d) of this Act or any child ten (10) years of age or under shall be placed in an institution operated by the cabinet for children committed to the cabinet as delinquents;

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child, upon such conditions as the cabinet may prescribe;

(e) Treated as provided in KRS Chapter 645.

(f) Following the transfer or placement of a child pursuant to subsections (b), (c), (d), or (e) of this section the cabinet shall, within fourteen (14) days (weekends and holidays, excluded) give written notice to the court of the transfer, the placement, and the reasons therefor.

(2) The cabinet shall notify the juvenile court of the county of placement with the conditions of supervised placement of each child placed in that county from one of the residential treatment facilities operated by the cabinet. Notice of the conditions of such placement may be made available by the court to any law enforcement agency.

(3) The person in charge of any home to which a child is probated, and the governing authority of any private institution or agency to which a child is committed, shall make such reports to the court as the court may require, and such reports as the cabinet may require in the performance of its functions under the law. The cabinet shall have the power to make such visitations and inspections of the homes, institutions and agencies in which children who have committed public offenses have been placed as it deems necessary to carry out its functions under the law.

(4) The cabinet may assist the courts in placing children who have committed public offenses in family homes or boarding homes, and, under agreements with the individual courts, may assume responsibility for making such placements. Counties may pay or contribute towards the expenses of maintaining such children in family homes or boarding homes and, to the extent authorized by the fiscal court, the cabinet may incur obligations chargeable to the county for such expenses.

SECTION 13. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet shall arrange for a program of care, treatment and rehabilitation of the children committed to it, which program shall be designed to provide for classification, segregation and specialized treatment of children according to their respective problems, needs and characteristics, and to provide a coordinated system of probation and parole services.

(2) The cabinet shall be responsible for the operation, management and development of the existing state institutional physical facilities for the custodial care and rehabilitation of children committed to the cabinet under provisions of this Act. The cabinet shall further be responsible for the development of such institutional physical facilities and other physical facilities as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of such children.

(3) The facilities and programs under the control of the cabinet shall be designed and operated in such a manner as to rehabilitate, train, develop and educate the children to become good citizens and useful members of society.

(4) Suitable programs of vocational education and training shall be carried on in the facilities and programs, with the view of preparing the children for future self-support.

(5) The children in each facility and program shall be employed so far as practicable in labor incident to the maintenance and operation of the facility and program, and in suitable industries conducted by the facilities and programs as a part of the vocational training program.

(6) The superintendent or managing officer of each institution may use, for the maintenance of the institution, the products of farms, dairies, and other departments and industries of the institution, or may sell or exchange such products for the benefit of the institution.

SECTION 14. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) Unless provided otherwise, when any child committed to the cabinet requires medical or surgical care or treatment, the cabinet may provide the same or arrange for the furnishing thereof by other public or private agencies, and may give consent to such medical or surgical treatment. For this purpose, the services and facilities of local health officers and departments shall be made available to the cabinet, and as far as practicable any publicly-owned hospital shall provide hospitalization without charge for any such child who is a resident of the political subdivision by which the hospital is owned or operated. This section does not authorize nor shall permission be granted for abortion or sterilization.

(2) Any child placed in a foster family home by an agency duly authorized in KRS Chapter 620 to place a child in a foster family home shall receive a complete medical, visual, and dental examination by a professional authorized by the Kentucky Revised Statutes to conduct such examinations. Any child placed in a foster family home shall receive such examinations within two (2) weeks of being placed in a foster family home and not less than every twelve (12) months thereafter.

(3) Children maintained in any of the facilities and programs operated by the cabinet shall so far as possible receive a common school education. Those children requiring segregation, restraint or specialized treatment shall be provided supplemental or special education. The department of education, to the extent of available facilities shall assist and cooperate with the department in the educational programs for the facilities and programs. Administrative regulations shall be promulgated by the cabinet in cooperation with the Kentucky department of education regarding the education of children in state agency programs operated or contracted by the cabinet for children requiring services in day treatment, residential facilities, mental retardation facilities and clinical programs. Administrative regulations shall include but not be limited to certification of teachers, curriculum offerings, accreditation, transfer of credits, affected eligibility for sports programs and extra curricular activities, transition to and from local education agencies, use of state agency children's funds, implementation of P.L. 94-142, as amended, in-service training of teachers, supervision and evaluation of teachers, discipline of children, educational assessment which includes testing for Kentucky essential skills, library services, provision and use of state adopted text books, and administrative structure of individual programs.

SECTION 15. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

The cabinet is authorized to expend available funds to provide for the board, lodging and care of children placed by the cabinet in a family home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The cabinet may accept any gift, devise or bequest made to it for its purposes. The cabinet may pay the necessary traveling expenses of children committed to it for care and treatment from their homes to the institutions or homes to which they are committed, and the traveling expenses of such children from the institutions to their homes when discharged.

SECTION 16. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

In addition to the other duties, functions, and responsibilities imposed by law, the cabinet, through its authorized representatives, shall have general supervision and management of all matters contained in Sections 12, 76 and 78 of this Act and shall, wherever possible:

(1) Locate and plan for all children who are dependent, neglected, abused, or abandoned;

(2) Cooperate with and assist the courts of the various counties;

(3) Assist circuit courts through services to children whenever requested by the court. The cabinet may charge a reasonable fee for such services to be taxed as costs by the court; and

(4) Perform such other services as may be deemed necessary for the protection of children.

SECTION 17. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) The chief district judge may appoint a board of not less than six (6) nor more than ten (10) reputable inhabitants to be called the advisory board of the juvenile court. The members of the board shall hold office during the pleasure of the judge, and shall serve without compensation.

(2) The board shall visit at least once a year all institutions in the county receiving children under this Act, and may visit any family home or boarding home in the county receiving children under this Act. At least two (2) of the members of the board shall go together on the visits, and shall make a report to the board. The board shall report to the juvenile court from time to time the condition of the children in the institutions or homes and shall make an annual report to the juvenile court.

(3) The board shall advise and cooperate with the chief district court judge upon all matters affecting the workings of this Act, and shall recommend to the court any needful measures for the purpose of carrying out the provisions of this Act. The appointment and utilization of such advisory boards by each district court judge is recommended by the general assembly as a matter of policy.

SECTION 18. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

The cabinet may promulgate administrative regulations to implement the provisions of this chapter.

SECTION 19. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates any provision of this chapter, other than subsection (3) of Section 11 of this Act shall be guilty of a Class B misdemeanor.

(2) Any person who violates subsection (3) of Section 11 of this Act shall be guilty of a violation.

SECTION 20. KRS CHAPTER 610 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) Unless otherwise exempted by this Act, the juvenile session of the district court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county who has not reached his eighteenth (18th) birthday or of any person who at the time of committing a public offense was under the age of eighteen (18) years, who:

(a) Has committed a public offense, except a moving motor vehicle offense involving a child sixteen (16) years of age or older. The court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of or convicted of or pleading guilty to moving motor vehicle offenses, shall, if detention is required, be placed in a jail or other place of detention for adults, except in a room or ward entirely separate from adult prisoners; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony; or

(b) Does not subject himself to the reasonable control of his parents, teacher, guardian or other person exercising custodial control or supervision, by reason of being wayward or habitually disobedient; or

(c) Is an habitual truant from school; or

(d) Has been an habitual runaway from his parent or person exercising custodial control or supervision of the child;

(e) Is found by the court to be dependent, neglected, or abused; or

(f) Is found by the court to be mentally ill.

(2) Actions brought under subsection (1)(a) of this section shall be considered to be delinquency actions.

(3) Actions brought under subsection (1)(b), (c), and (d) of this section shall be considered to be status actions.

(4) Actions brought under subsection (1)(e) of this section shall be considered to be dependency actions.

(5) Actions brought under subsection (1)(f) of this section shall be considered to be mental health actions.

(6) In addition to informal adjustment, the court shall have the discretion to amend the complaint to reflect jurisdiction pursuant to the proper chapter of this Act. Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and proceedings for termination of parental rights. The court shall have no jurisdiction to make permanent awards of custody of a child, but if the court finds an emergency to exist affecting the welfare of a child, it may make temporary orders for his custody however, if the case involves allegations of dependency, neglect or abuse, no emergency removal or temporary custody orders shall be effective unless the provisions of KRS Chapter 620 are followed. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child, and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the circuit court awarding custody of such child, all prior orders of the juvenile session of the district court in conflict therewith shall be deemed cancelled. This section shall not work to deprive the circuit court of jurisdiction over cases filed in circuit court.

(7) The court of each county wherein a public offense, as defined in paragraph (a) of subsection (1) of this section, is committed by a child who is a resident of another county of this state, shall have concurrent jurisdiction over such child with the court of the county wherein the child resides, or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of his case, or, in its discretion may make an order transferring the case to the court of the county of his residence, or the county wherein the offense was committed, as the case may be.

(8) The court shall have exclusive jurisdiction of persons charged with violations of KRS 530.060 and 530.070. Any person over whom the court has jurisdiction under this subsection shall be entitled to a trial by jury.

(9) In the event a child who has not reached his eighteenth (18th) birthday commits a new offense while under the jurisdiction of the court or during the period of commitment the court shall have exclusive, original jurisdiction of the new offense.

(10) Nothing in this chapter shall confer upon the district court jurisdiction over the actions of the cabinet in the placement, care, or treatment of a child committed to the cabinet; or to require the cabinet to perform, or to refrain from performing, any specific act in the placement, care or treatment of any child committed to the cabinet, provided the district court shall have jurisdiction to review a dispositional order as provided in KRS Chapters 620, 630, 635 and 645 and to make orders pursuant to Section 132 of this Act.

SECTION 21. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Except as otherwise provided in this Act:

(1) The complaint and all subsequent court documents shall be entitled: "In the interest of ...., a child." The complaint shall be verified and may be upon information and belief. It shall set forth plainly:

(a) The facts which bring the child within the purview of this Act;

(b) The name, age and residence of the child;

(c) The name and residence of each parent;

(d) If the child has a legal guardian or is in the custody of or under the supervision of an adult other than a parent, the name and residence of such person;

(e) If no parent, guardian or other such person is known or can be found, the name and residence of the nearest known adult relative of the child;

(f) If the child is in the custody or control of a person other than the parent, guardian or nearest adult relative, the name and residence of such person.

(2) If any of the facts required to be stated in the complaint are not known by the complainant, it shall so state.

SECTION 22. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Except as otherwise provided in this Act:

(1) Whenever any person files a complaint with the court alleging that a child, except a neglected, abused, or dependent child, subject to the jurisdiction of the court, may be within the purview of this Act, a preliminary inquiry shall be conducted by the court designated worker to determine the validity of the complaint, and, if valid, whether the interests of the child or the public require that further action be taken.

The court designated worker after conducting the preliminary inquiry shall:

(1) With notice to complainant:

(a) Determine that no further action be taken;

(b) Refer to an appropriate individual or social service agency for proper action;

(c) Enter into diversionary agreement;

(d) Refer to court for informal adjustment; or

(e) Refer to court for formal hearing.

(2) If the court designated worker determines that the complaint should be referred to the court for either informal adjustment or for formal hearing under subsections (1)(d) or (e) above, the complaint and findings of the court designated worker's preliminary inquiry shall be submitted to the court for the court to determine whether process should issue.

At any stage in the proceedings described in this section, the court or the county attorney may review any decision of the court designated worker. The court upon its own motion or upon written request of the county attorney may refer any complaint for a formal hearing.

SECTION 23. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) After a complaint has been filed and after such further investigation as the court may direct, unless the parties appear voluntarily, the court shall issue a summons briefly reciting the substance of the complaint and requiring the person who has the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is other than a parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the proceeding and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(2) The summons and notice provided for in subsection (1) of this section shall be served personally by the delivery of a copy thereof to the person summoned, unless the judge is satisfied that personal service would be impracticable, in which event the judge may order service by mail addressed to the last known address. Service by mail shall be deemed to be effected upon mailing. Notice by mail shall be presumed sufficient if mailed at least forty-eight (48) hours before the time for appearance specified in the summons or notice.

(3) Unless otherwise provided, service of summons or notice may be made by any suitable person, other than an employe of the cabinet, under the direction of the court, and upon request of the court shall be made by any peace officer.

(4) Any person summoned who, without reasonable cause, fails to appear, may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to appear, or in any case when it appears to the judge that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith before the court, a warrant may be issued for the parent, guardian, person having custodial control or supervision of the child, or the child.

SECTION 24. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

If it appears to the court, by affidavit or by sworn testimony, that the child is a danger to himself or the community, or is in such condition or surroundings that his welfare is being harmed or threatened with harm to such a degree that his best interest requires that his custody be immediately changed by the court from the original custodian to another, the judge may sign an order giving temporary custody of the child to a suitable custodian. However, if this case involves allegations of dependency, neglect or abuse, no emergency removal or temporary custody orders shall be effective unless the provisions of KRS Chapter 620 are followed; and if the case involves allegations of mental illness, the provisions of KRS Chapter 645 shall be followed. As a part of such order, the court may direct that the child shall be taken into custody by the peace officer serving the summons or by any other peace officer and placed as directed by the court. In any event, a copy of the temporary custody order shall be served on the parent, guardian or other person exercising custodial control or supervision of the child when the summons is served. The temporary custody order shall be effective until the case is heard on its merits, or until modified by the court. As a result of such order, the child shall be placed in custody and care in a family home or other suitable facility.

SECTION 25. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

If the court determines that a formal proceeding is required in the interest of the child or to determine the truth or falsity of the allegations against the child, a complaint, sworn to by the complainant, shall be required pursuant to Section 21 of this Act, and the court shall, when the child is brought before the court:

(1) Explain to the child and his parents, guardian, or person exercising custodial control their respective rights to counsel and, if the child and his parents, guardian, or person exercising custodial control are unable to obtain counsel, shall appoint counsel for the child and, unless specified to the contrary by other provisions of this Act, may appoint counsel for the parents, guardian, or person exercising custodial control;

(2) Explain the right against self-incrimination by saying that the child, parents, relative, guardian, or custodian may remain silent concerning the charges against the child, and that anything said may be used against the child;

(3) Unless limited by statute, explain the right to confront anyone who has accused the child and to cross-examine that person on the allegations made against the child;

(4) Advise the child and his parents, guardian, or person exercising custodial control of the right to appeal from a determination of the court;

(5) Advise the child that these rights belong to him and may not be waived by his parents, guardian, or person exercising custodial control;

(6) Unless otherwise exempted in this Act, a child and its parents or person exercising custodial control shall have a right to attend the hearing if such attendance will not unnecessarily delay the hearing;

(7) The court may order parents to pay for counsel for the child if the court determines that the parent has the ability to pay for such counsel.

SECTION 26. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) All cases involving children brought before the court shall be granted a speedy hearing and shall be dealt with by the court without a jury except that a trial by jury may be had in accordance with the provisions of subsection (8) of Section 20 of this Act.

(2) The hearings shall be conducted in a formal manner, unless specified to the contrary by other provisions of this Act.

(3) The general public shall be excluded and only the immediate families or guardians of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation worker with direct interest in the case, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his attorney may be admitted to the hearing. Witnesses shall be admitted to the hearing only for the duration of their testimony.

SECTION 27. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Juvenile proceedings shall consist of two (2) distinct hearings, an adjudication and a disposition, which may, upon motion of the child, be held on separate days.

(1) The adjudication shall determine the truth or falsity of the allegations in the complaint and shall be made on the basis of an admission or confession of the child, parent, or person exercising custodial control or supervision to the court or by the taking of evidence.

(2) Unless otherwise exempted, upon motion by any child brought before the court on a complaint under subsection (1)(a), (b), (c), or (d) of Section 20 of this Act, the rules of criminal procedure shall apply. All adjudications shall be supported by evidence beyond a reasonable doubt, unless specified to the contrary by other provisions of this Act. For actions under subsection (1)(e) of Section 20 of this Act the Kentucky rules of civil procedure shall apply.

SECTION 28. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Unless the child is proceeded against in accordance with the law governing crimes as provided in KRS Chapter 640, the disposition of any child under the provisions of this Act, or any evidence given in the case, shall not be lawful evidence against the child for any purpose, except in subsequent cases involving the same child under this Act.

SECTION 29. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Unless there is a suitable prior disposition investigation report or unless waived by the child, before making disposition of the case of a child brought before the court under the provisions of KRS Chapters 630 or 635, whether by complaint pursuant to Section 21 of this Act, or by reason of having been taken into custody pursuant to Section 38 of this Act, the judge shall cause an investigation to be made, concerning the nature of the specific act complained of, and any surrounding circumstances which suggest the future care and guidance which should be given the child. The investigation shall include an inquiry into the child's age, habits, school record, general reputation and everything that may pertain to his life and character. The investigation shall also include an inquiry into the home conditions, life and character of the person having custody of the child. The investigation shall also include an assessment of the parent or guardian's ability to pay all or part of the cost of the child's care and treatment should the child be ordered into a treatment program or placed on supervised probation. The result of the investigation shall be reported in writing to the judge five (5) days prior to the child's dispositional hearing, and shall become a part of the record of the proceedings. Objections by counsel at the dispositional hearing to portions of the dispositional report shall be noted in the record.

(2) The investigation shall be conducted by volunteer or salaried probation officers of the juvenile court or by a suitable public or private agency. The cabinet may furnish investigation services under agreements with the individual juvenile courts. For this purpose, any county judge/executive or chief executive officer of an urban-county government may enter into a contract on behalf of his county with the cabinet for the furnishings of such services.

(3) Upon the court's motion or the motion of any party, an informal adjustment may be made at any time during the proceedings.

SECTION 30. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child under the provisions of KRS Chapters 630 or 635.

(2) At the disposition all information helpful in making a proper disposition, including oral and written reports, shall be received by the court in compliance with subsection (1) of this section and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and controvert the reports.

(3) The court shall notify the law enforcement agency of the child's county of residence and the law enforcement agencies where any offense was committed of the disposition of each case and of each child committed by the court who is placed in a residential treatment facility by the department.

(4) Whenever any court commits a child to the cabinet or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the cabinet, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. A certified copy of the court order shall be proof of the authority of the cabinet, institution or agency to hold the child. Such certified order shall be sufficient authority for any law enforcement officer to take into custody any person named therein and deliver him to such a place as shall be directed by the cabinet, institution or agency given custody of him in the order.

(5) In placing a child on probation in a family home or boarding home, or in committing a child to a private institution or agency, the court shall as far as practicable select a home, institution or agency operated or governed by persons of a similar religious faith as the parents of the child.

SECTION 31. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided by KRS Chapter 635, an order of commitment or an order of protective supervision or probation made by the court in the case of a child may be reviewed, continued, or terminated at any time prior to expiration on the court's own initiative or on motion by:

(a) A child who is affected by an order of juvenile session of district court;

(b) The family, custodian, guardian, or legal representative of such a child;

(c) The county attorney of the county in which the committing court presides; or

(d) Any other person having an interest in the welfare of the child.

(2) Grounds for such action may include but are not limited to allegations that there has been a substantial change of material circumstances, there exists new evidence affecting the disposition of the child, the child is no longer in need of commitment, probation, or placement, the child has not responded to or benefited from treatment or the child has not received adequate and proper treatment, the original proceedings were not conducted in the manner required by law or the public interest requires termination of the order. Upon review of the child's case, the cabinet, any agency, institution or individual responsible for the supervision, care or treatment of the child, shall divulge and communicate such information regarding the child as the court may require.

SECTION 32. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Unless otherwise exempted, an appeal to the circuit court may be taken as a matter of right from the juvenile session of the district court from dispositional orders under Section 30 of this Act. The appeal shall be taken in the manner provided in the Rules of Civil Procedure, and the circuit court shall, in the best interest of the child, hear such cases expeditiously.

SECTION 33. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Any party aggrieved by a proceeding under subsection (1)(e) of Section 20 of this Act, may appeal from the juvenile court to the circuit court as a matter of right in the manner provided in the Kentucky Rules of Civil Procedure. The circuit court may order that the child may be removed to a suitable place, pending the appeal, *if it appears by affidavit or sworn testimony that the child would be in imminent danger if left with or returned to his parents, guardian, or other person party to the appeal.*

SECTION 34. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Upon the entry of a dispositional order and an appeal being filed, all issues relating to detention, custody, or participation in court ordered programs may be reviewed by the circuit court upon motion being filed by the child with notice to the county and commonwealth's attorney.

SECTION 35. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

Upon recommendation of the cabinet or upon its own initiative the court may order any parent, guardian, or person exercising similar custodial control or supervision of a child referred to the court to cooperate and actively participate in such treatment or social service programs which might reasonably be expected to meet the goal of enhancing the best interests of the child and family unity. When it appears to the court that the parents have failed to cooperate and actively participate in said programs, the court may issue a summons for the parents of the child which shall require them to attend a hearing in which they may rebut any evidence which may allege that they have violated a court order. The court may exercise its powers of contempt in addition to any other remedy provided by law to compel obedience of the parents, guardian, or person exercising custodial control or supervision of the child to the court's orders.

SECTION 36. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

If it appears from the investigation required in Section 29 of this Act or otherwise that the parent or other person exercising custodial control or supervision of any child, or the estate of any child, who has been found to fall within the purview of this Act and who has been left in his own home or in the home of a relative, placed on probation or placed in a foster home or boarding home, or in the care of a public or private institution or agency, or the cabinet, is able to contribute to the support of the child, the court shall enter an order requiring the parent or estate to pay a reasonable sum for the support, maintenance or education of the child. The order shall direct that the money be paid to the circuit clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or department to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may issue such orders necessary to compel payment of the sum due. The enforcement of a sentence imposed on a parent who fails to comply with the order of the court may be suspended at the discretion of the court, but the suspension may be revoked at the discretion of the court upon the failure of the parent to obey further orders of the court.

SECTION 37. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

A parent or other person exercising custodial control or supervision of a child is charged with the control of such child and shall have the power to exercise parental control and authority over such child. In any case where a child is found delinquent and placed on probation, if the court finds at the hearing that the person having custody of such child has failed or neglected to subject him to reasonable parental control and authority, and that such failure or neglect is the proximate cause of the act or acts of the child upon which the finding of delinquency is based, the court may require such parent to enter into a recognizance with sufficient surety, in an amount of not more than five hundred dollars ($500), conditioned upon the faithful discharge of the conditions of probation of such child. If the child thereafter commits a second act and is by reason thereof found delinquent, or violates the conditions of probation, and the court finds at the hearing that the failure or neglect of such parent to subject him to reasonable parental control and authority or to faithfully discharge the conditions of probation of such child on the part of such parent, is the proximate cause of the act of the child upon which such second finding of delinquency is based, or upon which such child is found to have violated the conditions of his probation, the court may declare all or a part of the recognizance forfeited and the amount of such forfeited recognizance shall be applied in payment of any damages which may have been caused by such child, if there be such damages, otherwise, the proceeds therefrom, or part remaining after the payment of damages as aforesaid, shall be retained by the court to apply to any future damages resulting from the act or acts of said child before he reaches his eighteenth (18th) birthday, at which date the remaining proceeds shall be returned to the parent or guardian. The provisions of this section as it relates to failure or neglect of parents to subject a child to reasonable parental control and authority shall be in addition to and not in substitution for any other sections of this chapter relating to failure or neglect to exercise such parental control or authority. The provisions of this section shall not apply to foster parents.

SECTION 38. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest. The law relating to bail shall not be applicable to children detained in accordance with this chapter.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

SECTION 39. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

When a peace officer has taken or received a child into custody on a charge of committing an offense, the officer shall immediately inform the child of his constitutional rights and afford him the protections required thereunder, notify the parent, or if the parent is not available, then a relative, guardian, or person exercising custodial control or supervision of the child, that the child has been taken into custody, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for the detention, and state the time and place of the detention hearing. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may order. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a petition, warrant, or both may be issued for the apprehension of the person or of the child, or both.

SECTION 40. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

The peace officer may, in lieu of the placements set forth in Section 39 of this Act, take a child to a court-approved center offering voluntary services to children and release the child without formal charges being filed, provided that the offense the child has allegedly committed under the provisions of subsection (1)(a) of Section 20 of this Act:

(1) Is not a felony offense; and

(2) The peace officer has received the permission of the parent or other responsible adult; and

(3) The peace officer has followed guidelines which the court has established for such release.

SECTION 41. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) A child may be detained at a police station, secure detention facility, intermittent holding facility, the offices of the court designated worker, or, as necessary, in a hospital or clinic for the following purposes:

(a) Identification and booking;

(b) Attempting to notify the parents or person exercising custodial control of the child;

(c) Photographing;

(d) Fingerprinting;

(e) Physical examinations, including examinations for evidence;

(f) Evidence collection, including scientific tests;

(g) Records checks; and

(h) Other inquiries of a preliminary nature.

(2) Detention pursuant to this section shall not exceed two (2) hours, unless specified to the contrary in other provisions of this Act, without permission for extension of detention time. Permission for extension of

detention time may be granted by the court or trial commissioner upon good cause shown as to the necessity therefor.

SECTION 42. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) No child who is accused of committing acts, which if committed by an adult, would not be a crime and no child who has been found to be in contempt of court shall be detained in any jail, police station, lock-up, intermittent holding facility, or any building which is part of or attached to any facility in which adult prisoners are confined or which shares staff with a facility in which adult prisoners are confined.

(2) No child under eighteen (18) who is accused of committing acts, which if committed by an adult would be a crime, shall at any time be detained in any intermittent holding facility, police station, lockup, or jail, except that, on the basis of a hearing for that purpose, by the judge of the juvenile session of district court, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners.

SECTION 43. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

A peace officer who has detained a child shall comply with the following sequence of action if the detention exceeds the period authorized by Section 41 of this Act:

(1) If he has not done so, he may release the child to his parents or person exercising custody and control of the child;

(2) If he releases the child he shall notify the court designated worker of having taken custody of the child and the reasons therefor, the release of the child, the person to whom the child was released, and the reasons for the release;

(3) The release of a child pursuant to this section shall not preclude a police officer from proceeding with a complaint against a child or any other person;

(4) If the child is not released the peace officer shall contact the court designated worker who may:

(a) Release the child to his parents;

(b) Release the child to such other persons or organizations as are authorized by law;

(c) Release the child to either of the above subject to stated conditions; or

(d) Authorize the detention of the child for an additional period not to exceed twelve (12) hours. If the child is detained, notice shall be given to the child's parents or person exercising custody and control of the fact of the child's detention;

(5) Any detention determination made by a court designated worker prior to the detention hearing authorized by Section 47 of this Act shall be subject to review and modification by the court.

SECTION 44. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

If a decision is made by a court designated worker or by the court to release a child subject to certain conditions prior to his detention hearing as authorized by Section 47 of this Act, the child may be retained in custody until the conditions for release, which shall be set forth in writing and shall become a part of the record in the case, have been met.

SECTION 45. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

If a child is to be detained for longer than the period authorized by Section 41 of this Act, the detention shall be authorized in writing by the court. The court, prior to the expiration of the time authorized above, may review the detention and may:

(1) Release the child to his parents;

(2) Release the child to such other persons or organizations as are authorized by law;

(3) Release the child to either of the above subject to stated conditions; or

(4) Continue the child in custody until the custody hearing or until the conditions of release have been met.

SECTION 46. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

If the child is not released as provided in Section 39 of this Act, the peace officer shall take the child without delay to the court or to the secure detention facility provided for under Section 42 of this Act. In either case the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent or other responsible adult. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention.

SECTION 47. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) When a child is detained for the alleged commission of an offense as provided in subsection (1)(a) of Section 20 of this Act and not released, a hearing shall be held as soon as practical, but not to exceed seventy-two (72) hours, exclusive of weekends, and holidays, of the commencement of detention.

(2) The hearing shall address the following issues:

(a) If there is probable cause to believe that an offense has been committed and that the accused child committed that offense. Probable cause may be established in the same manner as a preliminary hearing in cases involving adults accused of felonies. The child shall be afforded the right to confront and cross-examine witnesses. The Commonwealth shall bear the burden of proof and it shall be by a preponderance of the evidence, and if it should fail to establish such probable cause, the child shall be released and the complaint dismissed unless the court determines further detention is necessary to assure the safety of the child, protection of the community, or the appearance of the child in court;

(b) In determining detention for offenses provided in subsection (1)(a) of Section 20 of this Act, the court shall consider the seriousness of the alleged offense; the possibility that the child would commit an offense dangerous to himself or the community pending disposition of the original offense; the child's prior record, if any; and whether there are charges pending against the child in another jurisdiction;

(3) If, after completion of the detention hearing, the court is of the opinion that detention is necessary, the order shall state on the record the specific reasons for detention and the nature of the detention.

SECTION 48. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Unless a hearing is held and the necessity for detention properly established, the child shall be released to the custody of his parents or other responsible adult pending further disposition of the case. A child shall have a right to counsel at his detention hearing determining his right to freedom pending the disposition of his case, and his parents or other responsible person shall have a right to attend the hearing if such attendance will not necessarily delay the hearing. Any person aggrieved by a proceeding under this subsection may proceed by habeas corpus to the circuit court.

(2) Whether the child is released before or after a hearing, or is detained as a result of such hearing, the child and his parents, guardian, or other person exercising custodial control or supervision shall be given written notice of the time and place of the adjudicative hearing concerning the child and an account of the specific charges against the child, including the specific statute alleged to have been violated. Such notice shall be given at least seventy-two (72) hours prior to the initial hearing on the case.

SECTION 49. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Physical evidence shall be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults.

(2) All records and physical evidence so obtained shall be surrendered to the court upon motion for good cause shown or upon elimination of the child as a suspect in the case.

(3) The court shall upon receipt of physical evidence, return any evidence, which is not contraband or is not needed for further prosecution, to its lawful owner.

SECTION 50. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) When the health or physical condition of any child before the juvenile court requires it, the court may order the child to be placed in a public or private hospital or institution for treatment or care. In order to ascertain the physical condition of a child, the court may cause the child to be examined by a health officer or children's clinic or any reputable physician who will conduct the examination.

(2) The court may order or consent to necessary medical treatment, including surgical procedures, except for the purpose of abortion, electroshock therapy or psychosurgery as provided in KRS Chapter 645, or sterilization, after a hearing conducted to determine the necessity of such treatment or procedure. Reasonable notice, taking into account any emergency circumstances, shall be provided to the parents, guardian or custodian of the child to enable them to attend the hearing.

SECTION 51. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) A special record book shall be kept by the court for all cases, to be known as the "juvenile record," and the docket or calendar of such cases shall be called the "juvenile docket."

(2) No probation officer, nor employe of a probation officer, shall, without the consent of the district judge sitting in juvenile session divulge or communicate to any persons other than the court, an officer of the court interested in the case, a member of the advisory board of the court, or a representative of the cabinet, any information obtained pursuant to the discharge of his duties, nor shall any record of the action of the probation officer be made public except by leave of the district judge; provided, that nothing in this subsection shall prohibit the probation officer from divulging or communicating such information to the court, to his colleagues or superiors in his own department, to another probation officer having a direct interest in the record or social history of the child, or to a representative of any public or private social agency, institution, hospital or church having a direct interest in the record or social history of the child.

(3) All police records regarding children who have not reached their eighteenth (18th) birthday shall not be opened to scrutiny by the public. However, such police records shall be made available to the child, family, guardian or legal representative of the child involved. Such records shall also be made available to the court, probation officers, representatives of the cabinet, or to a representative of any public or private social agency, institution, hospital or church having a direct interest in the record or social history of the child.

(4) This section shall not relieve the probation officer or police officer from divulging such facts as a witness in a trial or hearing involving any cases falling under this Act or the production of such records for use in such trial or proceedings.

SECTION 52. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Any child who has been adjudicated as coming within the purview of KRS Chapters 630, 635, or 645, but not KRS Chapter 620 or 640, may petition the court for the expungement of his juvenile court record. He shall be informed of such right at the time of adjudication. The court on its own motion, or on the motion of a probation officer of the court or of a representative of the cabinet or any other interested person, may initiate expungement proceedings concerning the record of any child who has been under the jurisdiction of the court. Such petition shall be filed or such court order entered no sooner than two (2) years after the date of termination of the court's jurisdiction over the person, or two (2) years after his unconditional release from commitment to the cabinet for human resources or a public or private agency, except that the two-year period may be waived if the court finds that such extraordinary circumstances exist with regard to the petitioner as to make the waiver advisable.

(2) Upon the filing of a petition or entering of a court order, the court shall set a date for a hearing and shall notify the county attorney and anyone else whom the court or the child, his parents, relatives, guardian, or custodian has reason to believe may have relevant information related to the expungement of the record.

(3) The court shall order sealed all records in the petitioner's case in the custody of the court and any such records in the custody of any other agency or official, including police records, if at the hearing the court finds that:

(a) Since the termination of the court's jurisdiction or his unconditional release from commitment to the cabinet or a public or private agency, the person whose record is in question has not been convicted of a felony, and has not been adjudicated under subsection (1)(a) of Section 20 of this Act;

(b) No proceeding concerning a felony and no petition under subsection (1)(a) of Section 20 of this Act is pending or being instituted against him.

(4) Upon the entry of an order to seal the records, the proceedings in the case shall be deemed never to have occurred, and all index references shall be deleted and the person and court may properly reply that no record exists with respect to such person upon any inquiry in the matter.

(5) Copies of the order shall be sent to each agency or official named therein.

(6) Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person who is the subject of such records, and only to those persons named in such petition.

SECTION 53. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Unless a specific provision of this Act specifies otherwise, all juvenile court records of any nature generated pursuant to this Act by any agency or instrumentality, public or private, shall be deemed to be confidential and shall not be disclosed except to the child or parent unless ordered by the court for good cause.

(2) The provisions of this section shall not apply to public officers or employes engaged in the prosecution of cases under this Act or other portions of the Kentucky Revised Statutes provided that the inspection of the records and the disclosure of the information contained therein is limited to that required in the investigation and the prosecution of the case.

(3) The provisions of this section shall not apply to employes of the cabinet or its designees responsible for any services under this Act or to attorneys for parties involved in actions relating to this Act or other prosecutions authorized by the Kentucky revised statutes provided that the inspection of the records and the disclosure of the information contained therein is limited to that required in the investigation and the representation of the client in the case.

(4) No person shall disclose any record or any information contained therein except as permitted by this section or other specific section of this Act, or except as permitted by specific order of the court.

(5) No person authorized to obtain records pursuant to this Act shall obtain or attempt to obtain records to which he is not entitled or for purposes for which he is not permitted to obtain them pursuant to this Act.

(6) No person not authorized to obtain records pursuant to this Act shall obtain or attempt to obtain records which are made confidential pursuant to this Act except upon proper motion to a court of competent jurisdiction.

(7) No person shall destroy or attempt to destroy any record required to be kept pursuant to this Act unless the destruction is permitted pursuant to this Act and is authorized by the court upon proper motion and good cause for the destruction being shown.

(8) As used in this section the term "this Act," includes any regulations which are lawfully promulgated pursuant to this Act.

SECTION 54. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) In proceedings in the juvenile session of the district court, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No public officer shall be entitled to receive any fee from the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid, for service of process and attendance as witnesses. The payments for fees provided by law for like services in civil cases in the circuit court are to be made out of the county treasury. The county or state may compensate any officer or person in the amount prescribed by law for the detention or return of any person to the jurisdiction of the court, and funds for this purpose may be appropriated and paid by the fiscal court.

(2) For the purpose of paying salaries and expenses necessary to carry out the purposes of this Act the fiscal court of any county, or urban county council of an urban county government, may levy taxes and make appropriations, within constitutional limitations. The legislative body of any city also is authorized to appropriate funds to assist the county in carrying out the purposes of this Act, including providing facilities for custody and care of children coming within the purview of this Act.

SECTION 55. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates any of the provisions of this chapter, other than Section 42 of this Act, shall be guilty of a Class B misdemeanor.

(2) Any person who violates Section 42 of this Act shall be guilty of a Class A misdemeanor.

SECTION 56. KRS CHAPTER 615 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein and, upon the enactment of this section, the Commonwealth of Kentucky shall be deemed a party to the Interstate Compact on Juveniles and shall be deemed to have contracted with each state joining therein, the compact being substantially as follows:

The contracting states solemnly agree:

ARTICLE I Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III Definitions

That, for the purpose of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The

petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letter of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purpose of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation cost of such return.

(c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate

court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provision of Article IV (a) or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall *cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.*

ARTICLE VII Cooperative Supervision of Probationers and Parolees

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII Responsibility for Costs

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

ARTICLE IX Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present article.

ARTICLE XV Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SECTION 57. A NEW SECTION OF KRS CHAPTER 615 IS CREATED TO READ AS FOLLOWS:

The following provisions apply to the compact described in Section 56 of this Act:

(1) Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

(2) The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

(3) The compact administrator, subject to the approval of the secretary of the finance and administration cabinet, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

(4) The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

(5) In addition to any procedure provided in articles IV and VI of Section 56 of this Act for the return of any runaway juvenile, the particular states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this state and the other respective party states for the return of any such runaway juvenile.

(6) The governor is further authorized and directed to execute, with any other state or states legally joining in the same, an additional article to said compact in the form substantially as follows and upon enactment of Section 56 of this Act, the Commonwealth of Kentucky shall be deemed a party to the interstate compact on juveniles and shall be deemed to have contracted with each state joining therein:

That this article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five (5) days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

(7) The governor is further authorized and directed to execute, with any other state or states legally joining in the same, and upon enactment of Section 56 of this Act, the Commonwealth of Kentucky shall be deemed a party to the interstate compact on juveniles and shall be deemed to have contracted with each state joining therein, an amendment to said compact in the form substantially as follows:

Amendment to the Interstate Compact on Juveniles,

Concerning Interstate Rendition of Juveniles

Alleged to be Delinquent

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of article V and VI of the interstate compact on juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

SECTION 58. A NEW SECTION OF KRS CHAPTER 615 IS CREATED TO READ AS FOLLOWS:

The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joined therein in form substantially as follows:

ARTICLE I Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employe thereof; a subdivision of a party state, or officer or employe thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public

authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV Penalty For Illegal Placement

This sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

ARTICLE V Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one (1) or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII Limitations

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, The Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two (2) years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the states affected as to all severable matters.

SECTION 59. A NEW SECTION OF KRS CHAPTER 615 IS CREATED TO READ AS FOLLOWS:

The following provisions apply to the compact described in Section 58 of this Act:

(1) The following definitions apply to Section 58 of this Act:

(a) As used in paragraph (a) of article V of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the cabinet for human resources.

(b) The "appropriate public authorities" as used in article III of the interstate compact on the placement of children shall, with reference to this state, mean the cabinet for human resources and said cabinet shall receive and act with reference to notices required by said article III.

(c) As used in article VII of the interstate compact on the placement of children, the term "executive head" means the governor. The governor is hereby authorized to appoint a compact administrator in accordance with the terms of said article VII.

(2) Financial responsibility for any child placed pursuant to the provisions of the interstate compact on the placement of children:

(a) Shall be determined in accordance with the provisions of article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of KRS 405.020 shall apply.

(b) The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in another party state pursuant to paragraph (b) of article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the secretary of the department of finance in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

(3) Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to article VI of the interstate compact on the placement of children and shall retain jurisdiction as provided in article V of Section 58 of this Act thereof.

(4) No person or institution shall bring or send, or cause to be brought or sent, a dependent child into this state from another state for the purpose of placing him in a family home, either with or without indenture or for adoption, without first filing a ten thousand dollar ($10,000) bond with the county judge/executive of the county in which the child is to be placed.

(5) The bond shall be conditioned as follows:

(a) That they will not bring or send, or cause to be brought or sent, into this state any child that is incorrigible or of unsound mind or body or who has any contagious or incurable disease;

(b) That they will immediately, upon placing the child, report to the department the name and age of the child, and the name and residence of the person with whom he is placed;

(c) That if the child becomes a public charge before reaching his majority, they will, within thirty (30) days after receiving written notice of such fact from the department, remove the child from the state;

(d) That if the child is convicted of a crime or misdemeanor and is imprisoned, within five (5) years of the time of his arrival, they will remove the child from the state immediately upon his release;

(e) That they will place each dependent child by written contract with a person who will furnish the child a proper home, and will make the person receiving the child responsible for its proper care, education and training;

(f) That they will properly supervise the care and training of the child, and visit each child at least once a year;

(g) That they will make such reports to the department as the department requires.

(6) The provisions of Section 58 of this Act shall not apply to a parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt going to any other state or country and bringing a child into this state for the purpose of giving it a home in his own family, and may be waived by the department for any child brought into the state under the supervision of the division or licensed child-caring or child-placing institution or agency by written agreement with the responsible agency of the other state or country, or under special circumstances agreed to in writing by the cabinet and the persons wishing to import a child.

(7) The provisions of subsections (4) and (5) of this section shall not apply to placements made pursuant to the interstate compact on the placement of children.

SECTION 60. A NEW SECTION OF KRS CHAPTER 615 IS CREATED TO READ AS FOLLOWS:

The cabinet may promulgate administrative regulations to implement the provisions of this chapter.

SECTION 61. A NEW SECTION OF KRS CHAPTER 615 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates subsection (4) of Section 59 of this Act shall be imprisoned in the county jail not less than ten (10) nor more than sixty (60) days, or fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200), or both.

(2) Any person who upon thirty (30) days' notice fails to remove a child from the state when required to do so under a bond as provided in paragraph (c) or (d) of subsection (5) of Section 59 of this Act shall forfeit one thousand dollars ($1,000), to be recovered upon the bond by a suit in the name of the county in which the bond is filed.

SECTION 62. KRS CHAPTER 620 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

In addition to the purposes set forth in Section 1 of this Act, this chapter shall be interpreted to effectuate the following express legislative purposes regarding the treatment of dependent, neglected and abused children. Children have certain fundamental rights which must be protected and preserved, including but not limited to, the rights to adequate food, clothing and shelter; the right to be free from physical, sexual or emotional injury or exploitation; the right to develop physically, mentally, and emotionally to their potential; and the right to educational instruction and the right to a secure, stable family. It is further recognized that upon some occasions, in order to protect and preserve the rights and needs of children, it is necessary to remove a child from his or her parents.

SECTION 63. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

The definitions in Chapter 600 of this Act shall apply to Chapter 620 of this Act. In addition, as used in Chapter 620 of this Act, unless the context requires otherwise:

(1) "Case permanency plan" means a document identifying decisions made by the cabinet, for both the natural family and the child, concerning action which needs to be taken to assure that the child in foster care expeditiously obtains a permanent home;

(2) "Case progress report" means a written record of goals that have been achieved in the case of a child;

(3) "Case record" means a cabinet file of specific documents and a running record of activities pertaining to the child;

(4) "Foster care" means the provision of temporary twenty-four (24) hour care for a child for a planned period of time when the child is:

(a) Removed from his parents or person exercising custodial control or supervision and subsequently committed to the cabinet; and

(b) Placed in a foster family home or private child-caring or child-placing facility but remains under the supervision of the cabinet;

(5) "Local citizen review board" means a board which provides periodic permanency reviews of children committed to the cabinet and in foster care;

(6) "Permanence" means a relationship between a child and an adult which will last a lifetime, providing commitment and continuity in the child's relationships and having a sense of belonging;

(7) "Preventive services" means those services which are designed to help maintain and strengthen the family unit by preventing or eliminating the need for removal of children from the family;

(8) "Reunification services" means remedial and preventive services which are designed to strengthen the family unit, to secure reunification of the family and child where appropriate, as quickly as practicable, and to prevent the future removal of the child from the family; and

(9) "State citizen review board" means a board created by Section 92 of this Act.

SECTION 64. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency, or the Kentucky state police, the cabinet or its designated representative, the commonwealth's attorney or the county attorney, by telephone or otherwise.

(2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected or abused or who has attended such child as a part of his professional duties shall, if requested, in addition to the report required in subsection (1) of this section, file with the local law enforcement agency or the Kentucky state police or the commonwealth or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing:

(a) The names and addresses of the child and his parents or other persons exercising custodial control or supervision;

(b) The child's age;

(c) The nature and extent of the child's alleged dependency, neglect or abuse (including any previous charges of dependency, neglect or abuse) to this child or his siblings:

(d) The name and address of the person allegedly responsible for the abuse or neglect; and

(e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.

SECTION 65. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Upon receipt of a report pursuant to subsection (1) or (2) of Section 64 of this Act, the county attorney, the commonwealth's attorney, the local law enforcement agency or Kentucky state police, if they are the recipients of the report, shall forthwith notify the cabinet or its designated representative and the commonwealth or county attorney of the receipt of the report and its contents and, if the report alleges abuse, they shall investigate the matter and within forty-eight (48) hours make a written report to the cabinet or its designated representative and the commonwealth or county attorney concerning the action which has been taken on the matter.

(2) Upon the receipt of a report of alleged abuse pursuant to subsection (1) or (2) of Section 64 of this Act the cabinet or its designated representative, if it is the recipient of the report, shall forthwith notify the local law enforcement agency or Kentucky state police and the commonwealth or county attorney of the receipt of the report and its contents and shall investigate the matter and within forty-eight (48) hours make a written report to the local law enforcement agency or the Kentucky state police and the county or commonwealth's attorney concerning the action which has been taken on the matter. The cabinet also shall investigate reports of alleged dependency and neglect but need not notify the local law enforcement agency or Kentucky state police or county attorney or commonwealth's attorney of such reports.

(3) (a) If, after receiving the report, the law enforcement officer, the cabinet or its designated representative cannot gain admission to the location of the child, a search warrant shall be issued by the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected or abused. If, pursuant to a search under a warrant a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer;

(b) In the event a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he is returned to the persons having custody of him, the physician or hospital administrator may hold a child without court order provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours;

(c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision, if the officer has reasonable cause to believe that there exists an imminent danger. The officer

shall, within twelve (12) hours of taking the child into such protective custody, request the court to issue an emergency custody order;

(d) When a law enforcement officer, hospital administrator, or physician takes a child into custody without the consent of the parent or other person exercising custodial control or supervision, he shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.

SECTION 66. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Anyone acting upon reasonable cause in the making of a report or acting under Sections 64 to 66 of this Act in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(2) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in district or circuit court regarding a dependent, neglected or abused child.

(3) Upon receipt of a report of an abused or neglected child pursuant to this section, the cabinet as the designated agency or its delegated representative shall initiate a prompt investigation, take necessary action and shall offer protective services toward safeguarding the welfare of the child. The cabinet shall work toward preventing further dependency, neglect or abuse of the child or any other child under the same care, and preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.

(4) All information obtained by the cabinet or its delegated representative, as a result of an investigation made pursuant to this section, shall not be divulged to anyone except:

(a) Persons suspected of causing dependency, neglect or abuse, provided that in such cases names of informants shall be withheld unless ordered by the court;

(b) The custodial parent of the child alleged to be dependent, neglected or abused;

(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;

(d) Other medical, psychological, educational, or social service agencies, corrections personnel or law enforcement agencies, including the county attorney's office, that have a legitimate interest in the case;

(e) A non-custodial parent when the dependency, neglect or abuse is substantiated; or

(f) Those persons so authorized by court order.

(5) As a result of any report of suspected child abuse or neglect, photographs and X-rays or other appropriate medical diagnostic procedures may be taken or caused to be taken, without the consent of the parent or other person exercising custodial control or supervision of the child, as a part of the medical evaluation or investigation of such reports. Such photographs and X-rays or results of other medical diagnostic procedures may be introduced into evidence in any subsequent judicial proceedings. The person performing the diagnostic procedures or taking such photographs or X-rays shall be immune from criminal or civil liability for having performed the act. Nothing herein shall limit liability for negligence.

SECTION 67. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) The court for the county where the child is present may issue an ex parte emergency custody order when it appears to the court that there are reasonable grounds to believe, as supported by affidavit or by recorded sworn testimony that the child will be dependent, neglected or abused if returned, to, or left in the custody of, his parent or other person exercising custodial control or supervision. Custody may be placed with a relative taking into account the wishes of the custodial parent or any other appropriate person or agency including the cabinet

(2) A finding of jurisdiction under Chapter 620 of this Act shall not necessarily preclude a finding of jurisdiction under KRS Chapter 625, 630, or 635; however, jurisdiction under Chapter 620 of this Act shall take precedence. No child shall be released from the jurisdiction of the court under this chapter if concurrent complaints under KRS Chapter 630 or 635 are pending.

(3) An emergency custody order shall be effective no longer than seventy-two (72) hours, exclusive of weekends and holidays, unless there is a temporary removal hearing with oral or other notice to the county attorney and the parent or other person exercising custodial control or supervision of the child, to determine if the child should be held for a longer period. The seventy-two (72) hour period also may be extended or delayed upon the waiver or request of the child's parent or other person exercising custodial control or supervision.

(4) Any person authorized to serve process shall serve the parent or other person exercising custodial control or supervision with a copy of the emergency custody order. If such person cannot be found, the sheriff shall make a good faith effort to notify the nearest known relative, neighbor, or other person familiar with the child.

(5) Within twenty-four (24) hours of the issuance of an emergency custody order or the taking of a child into custody without the consent of his parent or other person exercising custodial control or supervision, a complaint shall be filed pursuant to this chapter.

(6) Nothing herein shall preclude the issuance of arrest warrants pursuant to the rules of criminal procedure.

SECTION 68. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) A dependency, neglect or abuse action may be commenced by the filing of a complaint by any interested person in the juvenile session of the district court.

(2) After a complaint has been filed, the clerk of the court shall issue and the sheriff or other authorized agent shall serve a copy of the complaint and a summons to the parent or other person exercising custodial control or supervision, unless their identity or location is unknown, in which case the petition and summons shall be issued to the nearest known adult relative.

(3) The summons shall include an explanation of the importance of the complaint and an explanation of the rights of the parent or other person exercising custodial control in any subsequent proceedings. The summons shall emphasize the importance of immediately contacting the court about legal representation and to be advised of the date, time and place when the parent or other person exercising custodial control or supervision is to appear before the court.

SECTION 69. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Unless waived by the child and his parent or other person exercising custodial control or supervision, a temporary removal hearing shall be held:

(a) Within seventy-two (72) hours, excluding weekends and holidays, of the time when an emergency custody order is issued or when a child is taken into custody without the consent of his parent or other person exercising custodial control or supervision; and

(b) In cases commenced by the filing of a complaint, within ten (10) days of the date of filing.

(2) At a temporary removal hearing, the court shall determine whether there are reasonable grounds to believe that the child would be dependent, neglected or abused if returned to or left in the custody of his parent or other person exercising custodial control or supervision even though it is not proved conclusively who has perpetrated the dependency, neglect or abuse. For good cause, the court may allow hearsay evidence. The Commonwealth shall bear the burden of proof by a preponderance of the evidence and if the Commonwealth should fail to establish same, the child shall be released to or retained in the custody of his parent or other person exercising custodial control or supervision.

SECTION 70. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) If, after completion of the temporary removal hearing, the court finds there is reasonable grounds to believe the child is dependent, neglected or abused, the court shall issue an order for temporary removal and shall grant temporary custody to the cabinet or other appropriate person or agency. The order shall state the

specific reasons for removal and show that alternative less restrictive placements and services have been considered. The court may recommend a placement for the child.

(2) In placing a child following a temporary removal, the cabinet or its designee shall use the least restrictive appropriate placement available. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision if known. The child may also be placed in a facility or program operated or approved by the cabinet, including a foster home; or any other appropriate available placement.

(3) If the court finds there are not reasonable grounds to believe the child is dependent, neglected or abused, or if no action is taken within seventy-two (72) hours, the emergency custody order shall be dissolved automatically and the cabinet or its designee shall return the child to the parent or other person exercising custodial control or supervision. A request for a continuance of the hearing by the parent or other person exercising custodial control or supervision shall constitute action precluding automatic dissolution of the emergency custody order.

(4) When the court issues a temporary order for the custody of a child, the court may cause a child to receive a thorough medical, visual, and dental examination, within two (2) weeks by a professional authorized by the Kentucky Revised Statutes to conduct such examinations. The costs of the examination shall be paid by the cabinet.

(5) No temporary custody order shall be effective for more than twenty-one (21) days unless an adjudicatory hearing on the merits of the case is begun within the twenty-one (21) day period. The twenty-one (21) day period may be waived by the parent or other person exercising custodial control or supervision of the child or their attorney or the attorney for the child.

SECTION 71. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) If the court determines, as a result of a temporary removal hearing, that further proceedings are required, the court shall advise the child and his parent or other person exercising custodial control or supervision of their right to appointment of separate counsel:

(a) The court shall appoint local private counsel for the child to be paid for by the cabinet for finance and administration. The fee to be fixed by the court, shall not exceed $500 provided, however, if the action has final disposition in the district court, the fee shall not exceed $250;

(b) The court shall appoint separate counsel for the parent who exercises custodial control or supervision, if the parent is unable to afford counsel pursuant to KRS Chapter 31. The parent's counsel shall be provided by, or paid for, by the cabinet for finance and administration. The fee to be fixed by the court, shall not exceed $500 provided, however, if the action has final disposition in the district court, the fee shall not exceed $250;

(c) The court may, in the interest of justice, appoint separate counsel for a non-parent who exercises custodial control or supervision of the child, if such person is unable to afford counsel, pursuant to KRS Chapter 31. Counsel for such person shall be provided by, or paid for, by the cabinet for finance and administration. The fee to be fixed by the court, shall not exceed $500 provided, however, if the action has final disposition in the district court, the fee shall not exceed $250.

(2) If the court determines that further proceedings are required, the court also shall advise the child and his parent or other person exercising custodial control or supervision that they have a right to not incriminate themselves, and a right to a full adjudicatory hearing at which they may confront and cross-examine all adverse witnesses, present evidence on their own behalf and to an appeal. The full adjudicatory hearing shall be held within twenty-one (21) days of the temporary custody order unless the parent or other person exercising custodial control or supervision specifically waives the twenty-one (21) day limit.

(3) The adjudication shall determine the truth or falsity of the allegations in the complaint. The burden of proof shall be upon the complainant, and a determination of dependency, neglect and abuse shall be made by a preponderance of the evidence. The Kentucky rules of civil procedure shall apply.

(4) The disposition shall determine the action to be taken by the court on behalf of the child and his parent or other person exercising custodial control or supervision.

SECTION 72. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Any person aggrieved by the issuance of a temporary removal order may file a petition in circuit court for immediate entitlement to custody and a hearing shall be expeditiously held according to the rules of civil procedure. During the pendency of the petition for immediate entitlement the orders of the district court shall remain in effect.

SECTION 73. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

In cases where criminal charges arising out of the same transaction or occurrence are filed against an adult alleged to be the perpetrator of child abuse or neglect, such charges shall be tried separately from the adjudicatory hearing held pursuant to Chapter 620 of this Act.

SECTION 74. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) In any proceeding under this chapter, when the court is petitioned to remove or continue the removal of a child from the custody of his parent or other person exercising custodial control or supervision, the court shall first consider whether the child may be reasonably protected against the alleged dependency, neglect or abuse, by alternatives less restrictive than removal. Such alternatives may include, but shall not be limited to, the provision of medical, educational, psychiatric, psychological, social work, counseling, day care, or homemaking services with monitoring wherever necessary by the cabinet or other appropriate agency. Where the court specifically finds that such alternatives are adequate to reasonably protect the child against the alleged dependency, neglect or abuse, the court shall not order the removal or continued removal of the child.

(2) If the court orders the removal or continues the removal of the child, services provided to the parent and the child shall be designed to promote the return of the child to his home as soon as possible. The cabinet shall develop a treatment plan for each child designed to meet the needs of the child. The cabinet may change the child's placement or treatment plan as the cabinet may require. The cabinet shall notify the committing court of the change, in writing, within fourteen (14) days after the change has been implemented.

SECTION 75. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

In determining the disposition of all cases brought on behalf of dependent, neglected or abused children, the juvenile session of the district court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives:

(1) Informal adjustment of the case;

(2) Protective orders, such as the following:

(a) Requiring the parent or any other person to abstain from any conduct abusing, neglecting or making the child dependent;

(b) That the child be placed in his own home under supervision of the cabinet or its designee with services as determined to be appropriate by the cabinet;

(c) Orders authorized by KRS 403.740 and 403.750.

(3) Removal of the child to the custody of an adult relative, other person, or child caring or placing facility, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child.

(4) Commitment of the child to the custody of the cabinet for placement for an indeterminate period of time not to exceed his attainment of the age eighteen (18). The court, in its discretion, upon motion of the child, may authorize an extension of commitment up to age twenty-one (21) for the purpose of the child's participating in state or federal educational programs.

SECTION 76. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Following an order that a child shall be removed from his home, the cabinet shall establish such terms and conditions of visitation with the child after consultation with the parent or other person exercising custodial control or supervision of the child. If the parent or other person is dissatisfied with the visitation schedule, they may petition the court for review of the visitation schedule. The court, after reviewing all of the circumstances surrounding the case, may alter the visitation schedule if it finds the schedule set up by the cabinet has been arbitrary or unreasonable.

SECTION 77. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Upon attaining majority or becoming emancipated, a child may make a motion for the sealing of records relating to a complaint filed under this chapter. In its discretion, the court may order the record unsealed for good cause shown.

SECTION 78. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet may accept custody of a child who is voluntarily committed to the cabinet by the child's parent. However, the cabinet shall refuse to accept any child on a voluntary commitment unless adequate facilities, funds, and resources are available to care for the child, and the secretary finds that commitment would be in the best interest of the child.

(2) As a condition of any voluntary commitment, the cabinet may enter into an agreement with the parent or person exercising custodial control or supervision of the child consenting to the commitment to pay an agreed sum for the care and treatment of the child. The sum shall be determined by the needs of the child and by the ability of the parent or other person exercising custodial control or supervision to pay.

(3) In the case of voluntary commitment, the cabinet may expend funds necessary to give the child all services available to any committed child including, but not limited to, diagnosis, treatment, foster care, day care, institutional care and treatment, and necessary medical, psychological and psychiatric care.

(4) Any person who has consented to a child's voluntary commitment may request the release of the child in writing addressed to the cabinet. The cabinet shall within ten (10) days release the child, or, if in the opinion of the cabinet it would be in the best interest of the child to remain in the custody of the cabinet, a complaint shall be filed in the court of the county of residence of the child as provided in Sections 64 through 66 of this Act.

(5) If, following a hearing on the matter, the court determines that the child can no longer benefit from those services offered by the cabinet, or that the parent or person exercising custodial control or supervision is capable of providing proper care, the child may be returned at once to the care of his parent or other person exercising custodial control or supervision, or to a third person mutually agreed upon.

SECTION 79. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet may promulgate administrative regulations to implement the provisions of this chapter. The cabinet may also promulgate administrative regulations pursuant to the requirements of PL 96-272 as to the maximum number of children who at any time during a fiscal year, will remain in foster care after having been in such care for a period in excess of twenty-four (24) months, together with the steps to be taken to achieve such goal.

(2) The cabinet shall promulgate administrative regulations to provide the following:

(a) The method used to periodically review the status of children placed in foster family homes which shall include, but not be limited to, the following:

1. Within one (1) week of the temporary removal hearing provided for in this chapter, a case conference shall be held on all children placed with the cabinet for the purpose of establishing a specific treatment plan which may include preventive and reunification services for the child and his parent or other person exercising custodial control or supervision. Additional case conferences and reviews shall be held as appropriate, but shall be held at least every six (6) months. The parent or other person exercising custodial control or supervision and his counsel, if any, shall have the right to be present at and participate in such conferences. Notice of such conferences shall be given to the parent or other person exercising custodial control or supervision and his attorney of record, if any. The county attorney may attend but shall not be required to participate in conference and reviews under this section.

2. On-going case work and supportive services shall be provided as indicated to best meet the needs of the child as established by the review and planning process.

3. There may be procedures for providing for appropriate visitation between the parents and the child based on the needs of the child.

(b) The procedures for reporting to a committing court the status and plans for children committed to the cabinet as dependent, neglected or abused and placed in foster family homes.

SECTION 80. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) There shall be established within each judicial district court region a foster care citizen review board to be appointed by the chief regional district judge. The chief regional district judge may authorize the creation of additional local citizen review boards as needed.

(2) Where established, members of local citizen review boards shall be appointed by the chief regional district judges of the districts involved.

(3) Where established, each local citizen review board shall consist of not less than three (3) nor more than five (5) members and shall be appointed according to the following guidelines:

(a) At least two (2) members of each local citizen review board shall be chosen from among the following professions: law, medicine, psychology, social work, and education, and shall have a demonstrated interest in foster care or child welfare. At least one (1) member shall have demonstrated interest in foster care or child welfare.

(b) All members of each local citizen review board shall, as far as practicable, be representative of the socioeconomic, racial and ethnic composition of the area served.

(c) Employes of the cabinet shall be prohibited from serving on the local citizen review board.

(d) Of the initial appointees to each local citizen review board, the chief regional district judges shall designate one (1) member to serve a term of one (1) year, not less than one (1) nor more than two (2) members to serve a term of two (2) years, and not less than one (1) nor more than two (2) members to serve a term of three (3) years. All subsequent board members shall serve a term of three (3) years, except that if a vacancy occurs, a successor shall be appointed to serve the unexpired term. The term of each member shall expire on August first of the appropriate year. Members may be reappointed and shall continue to serve until a successor is appointed.

(4) Local citizen review board members may be removed for nonparticipation or other cause.

(5) Where established, each local citizen review board shall annually elect a chairman and vice-chairman to serve in the absence of the chairman.

(6) Where established, each local citizen review board shall meet, at a place designated by the chief regional district judge, as often as is deemed necessary to carry out the duties of the board. The local citizen review board shall meet no less than four (4) times annually.

SECTION 81. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Secretarial and support services for each local citizen review board may be provided by the district court, or circuit clerk, or both, as ordered by the chief district judges.

(2) Local citizen review boards may receive state and federal funding to insure total or partial funding of the board's activities.

SECTION 82. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Training shall be established and approved by the state citizen review board or its staff as provided by Section 88 of this Act.

(2) During the training session, each local citizen review board member shall promise by oath given by the chief regional district judge or a member of the court of justice to keep confidential the information reviewed by the board and its actions and recommendations in individual cases pursuant to the authority mandated to other officers of the court in KRS Chapter 522. Members of the local citizen review boards shall be subject to the same penalties as officers of the court pursuant to KRS Chapter 522.

SECTION 83. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) The clerk of the court shall forward to the local citizen review board, with jurisdiction for the county from which the child was committed, a copy of each order committing the child to the cabinet within fourteen (14) days of the commitment date.

(2) When a child is voluntarily committed to the cabinet, the cabinet shall forward a copy of the placement agreement to the local citizen review board with jurisdiction for the county from which the child was committed within fourteen (14) days of the time the child is placed.

SECTION 84. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Within thirty (30) days after the commitment date of the child, the cabinet shall file a case permanency plan for the child with the court and the local citizen review board where established with jurisdiction for the county from which the child was committed.

(2) The case permanency plan shall include, but need not be limited to:

(a) A concise statement of the reasons why the child is in foster care;

(b) A statement of the actions which have been taken with regard to the child to the date of the plan;

(c) A statement of the proposed actions which may be taken or are contemplated with regard to the child during the next six (6) months; and during the entire duration of the time the child is under the commitment to the cabinet;

(d) Contemplated placements for the child;

(e) If the child is placed outside of the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;

(f) If the child is placed outside of the home, the steps that the cabinet will take to minimize the harm to the child as a result of the action, both at the time of removal and on a long term basis;

(g) A description of the type of home, child-caring facility, or child-placing agency or institution in which the child is to be placed or has been placed and a statement why the placement is appropriate for the child, including but not limited to:

1. Age;

2. Educational needs;

3. Medical needs;

4. Emotional needs; and

5. Relationship with parents;

(h) If the placement is outside the child's original county of residence, documentation that no closer placement is appropriate or available, and the reasons why the placement made was chosen;

(i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement;

(j) A list of objectives and specific tasks, together with specific time frames for each task, for which the parents have agreed to assume responsibility, including a schedule of regular visits with the child; and

(k) A projected schedule of time intervals by which each of the services, objectives, and tasks outlined in the case permanency plan should be accomplished and a schedule of time intervals which have already been accomplished or are in the process of accomplishment.

(l) If the child is to remain at home, a description of the potential harm which could befall the child and measures that are being taken to prevent or minimize such harm;

(m) If the child is to remain at home, reasons why he cannot be placed in foster care or why such care is not needed;

SECTION 85. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

The cabinet shall file for each child a case progress report at least once every six (6) months with the court and the local citizen review board where established with jurisdiction for the county from which the child was committed. The case progress report shall include but is not limited to:

(1) The length of time the child has been committed to the cabinet;

(2) The number, location and date for each placement during his total period of commitment;

(3) A description of the services and assistance provided or arranged by the cabinet to the parents since the last case permanency plan or case progress report, and results achieved;

(4) A description of the efforts and progress of the parents since the last case permanency plan and case progress report, including the number and dates of parental visits and the extent, quality, and frequency of the parents' communication with the child;

(5) The barriers, familial and institutional, if any, to returning the child home or ending the commitment of the child to the cabinet and services that are not currently available in the community;

(6) An evaluation of the child's current placement and services provided to the child;

(7) Recommendations for necessary services required to terminate commitment of the child to the cabinet, to return the child home, or to facilitate another permanent placement;

(8) A timetable for the child's return home or other permanent placement; and

(9) Where return home is not recommended, a specific recommendation for a permanent placement, including termination of parental rights if appropriate. If continued foster care is recommended, an explanation as to why another permanent placement is not appropriate.

SECTION 86. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Each local citizen review board shall have access to any information and records of the cabinet pertinent to the parents or person exercising custodial control or supervision of the child assigned to the local board for review.

(2) Each local citizen review board shall have access to any information and records of the court, the cabinet, and public and private child-caring facilities when pertinent to the child assigned to the local board for review.

(3) All requested information or records, or both, not already before the local citizen review board at the time of the six (6) months review shall be submitted by the agency or organization in possession of the information or records, or both, no later than five (5) working days after the receipt of the request.

(4) Should the local citizen review board be denied access to any public or private information or records, or both, it may request the court to hold a hearing, at which time the court may require the agency or organization in whose possession the information or records, or both, are held to show cause as to the reasons why the information or records, or both, should not be ordered surrendered pursuant to its authority.

SECTION 87. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Local citizen review board members who have a conflict of interest shall not participate in such review.

SECTION 88. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) The local citizen review board shall review each child committed to the cabinet who was committed from the county or counties which the board serves. The review shall occur once every six (6) months until the child is no longer committed to the cabinet or until an adoption proceeding becomes final.

(2) During each six (6) month review, the local citizen review board shall review:

(a) The past, current, and future status of the child and his placement as shown through the case permanency plan, case record, and case progress reports submitted by the cabinet and such other information as the board may require;

(b) The efforts or adjustment the parent has made in his circumstances, conduct or conditions to make it in the child's best interest to return him to his home within a reasonable period of time considering the age of the child;

(c) The efforts of the cabinet to locate and provide services to the biological parents of the child.

(d) The efforts of the cabinet and other agencies to facilitate the return of the child to the home or to find an alternative permanent placement if reunion with the parent or previous custodian is not feasible. The cabinet shall report to the board all factors which either favor or mitigate against any decision or alternative with regard to these matters; and

(e) Any problems, solutions, or alternatives which may be capable of exploration, or other matters with regard to the child as the cabinet or the board may feel should be explored with regard to the best interests of the state or of the child.

SECTION 89. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Each local citizen review board may request in writing employes of the cabinet or other agencies or organizations, on five (5) working days' notice, to appear at local board meetings when necessary to determine the progress made in placing the child in a permanent home. Should an employe fail to appear at such a meeting, the local citizen review board may request that the court hold a hearing at which time the court, if the request for the hearing is granted, shall require the employe to show cause as to why he should not be compelled to appear.

SECTION 90. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

The local citizen review board shall submit to the court within ten (10) days of the six (6) month review its findings and recommendations. The findings and recommendations for each child under review shall include but need not be limited to:

(1) Whether there is a plan for permanence;

(2) Whether the plan is progressing; and

(3) The appropriateness of the current placement or plan for permanence.

SECTION 91. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Upon completion of the six (6) month review of each child, each local citizen review board shall send a notice to the following parties that it has reviewed the case permanency plan and case progress report and that the review has become part of the court record:

(1) The parents of the child, unless their rights have been terminated under the laws of the Commonwealth, or the person exercising custodial control or supervision of the child; and

(2) The cabinet; and

(3) The attorney for the parent or person exercising custodial control or supervision and the child's guardian ad litem, if any.

SECTION 92. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established a state citizen review board. The state citizen review board shall consist of all chairmen of the local citizen review boards.

(2) The state citizen review board shall annually elect a chairman and vice-chairman to serve in the absence of the chairman.

(3) The state citizen review board shall meet at least twice annually, and more frequently upon the call of the chairman, or as the board shall determine.

(4) Members of the state citizen review board may only receive compensation for travel mileage cost and overnight lodging at a rate consistent with that provided to state employes as provided under the law of the Commonwealth.

SECTION 93. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

The duties of the state citizen review board shall be to:

(1) Establish and approve training programs for local citizen review board members;

(2) Review and coordinate the activities of local citizen review boards;

(3) Establish reporting procedures to be followed by the local citizen review boards and to provide information on the effectiveness of such local citizen review boards; and

(4) Evaluate and make annual recommendations to the supreme court, governor, and the legislative research commission regarding:

(a) Laws of the Commonwealth and practices, policies and procedures within the Commonwealth affecting permanence for children in out-of-home placement; and

(b) The effectiveness or lack thereof and reasons therefor of local citizen review of children in foster care in bringing about permanence for the Commonwealth's children.

SECTION 94. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Secretarial and support services for the state citizen review board may be provided by the administrative office of the courts.

(2) The state citizen review board may receive state and federal funds to insure total or partial funding of the board's activities.

SECTION 95. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

Each local citizen review board shall forward annually to the state citizen review board a report and any recommendations regarding:

(1) The policies and practices of the cabinet, the court and other child-caring facilities and child-placing agencies which affect permanence for children in out-of-home placement.

(2) The process of local citizen review.

SECTION 96. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) Any person knowingly and wilfully violating the provisions of this chapter or any person knowingly and

wilfully permitting, assisting, or encouraging the violation of the provisions of this chapter shall be guilty of a Class B misdemeanor.

(2) The use of information by public officers and by defense counsel for purposes of investigation and trial of cases or other proceedings under the provisions of this Act or in any criminal prosecution or appeal shall not constitute a violation of this chapter.

SECTION 97. KRS CHAPTER 625 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The definition in Chapter 600 of the Act shall apply to Chapter 625 of this Act except that:

"Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in his ability to function within a normal range of performance and behavior with due regard to this culture, which injury may be directly attributable to the failure, refusal or incapacity of the parent or other person responsible for the supervision of the child to exercise a minimum degree of parental care and supervision toward the child. Emotional abuse or neglect shall constitute, but not be limited to, situations in which a child's mental, emotional or physical health is damaged as evidenced by severe anxiety, depression or withdrawal.

SECTION 98. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

The circuit court shall have jurisdiction of proceedings under this chapter.

SECTION 99. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) The putative father of a child shall be made a party and brought before the circuit court in the same manner as any other party to an involuntary termination action if one (1) of the following conditions exist:

(a) He is known and voluntarily identified by the mother by affidavit; or

(b) Prior to the entry of a final order in any of the above proceedings, he shall have acknowledged the child as his own by affirmatively asserting paternity in the action or to the custodial agency or the party bringing the action within sixty (60) days after the birth of the child; or

(c) He has caused his name to be affixed to the birth certificate of the child; or

(d) He has commenced a judicial proceeding claiming parental right; or

(e) He has contributed financially to the support of the child either by paying the medical or hospital bills associated with the birth of the child or financially contributed to the child's support; or

(f) He has married the mother of the child or has or is openly living with the child or the person designated on the birth certificate as the natural mother of said child.

(2) Any person to whom none of the above conditions apply shall be deemed to have no parental rights to the child in question.

SECTION 100. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) A petition for the voluntary termination of parental rights shall be entitled "In the interest of ..., a child." The petition may be filed by a parent.

(2) No petition may be filed under this chapter prior to five (5) days after the birth of the child.

(3) The petition for the voluntary termination of parental rights under this section may be filed in any circuit court in any county where a party to the action resides or is found and shall be verified and contain the following:

(a) Name and place of residence of each petitioner;

(b) Name, sex and date of birth and place of residence of the child;

(c) Name and relationship of each petitioner to the child;

(d) A concise statement of the factual basis for the termination of parental rights;

(e) Name and address of the person or of the cabinet or authorized agency to which parental rights are sought to be transferred; and

(f) A statement that the person, cabinet or authorized agency to whom custody is to be given has facilities available and is willing to receive the custody of the child.

(4) Within three (3) days after a petition for the voluntary termination of parental rights is filed, the circuit court shall set a date for a hearing. The circuit court shall require notice to be served upon the cabinet in any case where a statement from the cabinet of willingness to accept custody of the child has not been filed with the petition, or custody of the child is to be placed with an individual and not the cabinet or a licensed agency.

(5) All hearings shall be held before the circuit court, privately for the purpose of determining the facts.

(6) The best interest of the child shall be considered paramount.

(7) At the time of the hearing, the circuit court, after full and complete inquiry, shall determine whether each petitioner is fully aware of the purpose of the proceedings and the consequences of the provisions of this chapter.

SECTION 101. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) A petition for involuntary termination of parental rights shall be entitled "In the interest of ..., a child." The petition may be filed in the circuit court for any of the following counties:

(a) The county in which either parent resides or may be found;

(b) The county in which juvenile court actions, if any, concerning the child have commenced; or

(c) The county in which the child involved resides or is present.

(2) Proceedings for involuntary termination of parental rights may be instituted upon petition by the cabinet, any child-placing agency licensed by the cabinet, any county or commonwealth attorney or parent.

(3) The petition for involuntary termination of parental rights shall be verified and contain the following:

(a) Name and identity of each petitioner;

(b) Name, sex and date of birth of the child or children;

(c) Name and address of the living parents of the child;

(d) Name, date of death and cause of death, if known, of any deceased parent;

(e) Name and address of the putative father, if known by the petitioner, of the child if not the same person as the legal father;

(f) Name and address of person or agency having custody of the child;

(g) Name and identity of the person or authorized agency to whom custody is sought to be transferred;

(h) Statement that the agency to whom custody is to be given has facilities available and is willing to receive the custody of the child;

(i) All pertinent information concerning termination or disclaimers of parenthood or voluntary consent to termination;

(j) Information as to the legal status of the child and the court so adjudicating; and

(k) A concise statement of the factual basis for the termination of parental rights.

(4) No petition may be filed under this section prior to five (5) days after the birth of the child.

SECTION 102. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) In addition to the child, the following shall be the parties in an action for termination of parental rights:

(a) The petitioner;

(b) The cabinet, if not the petitioner; and

(c) The biological parents, if known and if their rights have not been previously terminated.

(2) Any party who is not the petitioner shall be a defendant.

SECTION 103. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) In any action for termination of parental rights, service upon the parties shall be accomplished by personal service where possible or constructive service where personal service is not possible, pursuant to the Kentucky rules of civil procedure.

(2) No service shall be necessary if a disclaimer of paternity or a petition for voluntary termination of parental rights has been executed by a parent or alleged parent and has been filed with the petition for termination of parental rights, or an order terminating parental rights has been entered by a circuit court of competent jurisdiction.

SECTION 104. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

In any voluntary or involuntary action for termination of parental rights:

(1) The circuit court shall conduct a private hearing. An official stenographic record shall be made of the proceedings. The court will make findings of fact and conclusions of law to support its judgment.

(2) Any child to whom an involuntary action directly relates shall be made a party to the action and a guardian ad litem shall be appointed as to represent the best interest of the child. The person appointed as a guardian ad litem shall be paid a fee not to exceed five hundred dollars ($500), to be paid by the cabinet for finance and administration. Upon motion of any party, the child may be permitted to be present during the proceedings and to testify if the court finds such to be in the best interest of the child. In its discretion, the circuit court may interview the child in private, but a record of the interview will be made, which, in the discretion of the court, may be sealed to be used only by an appellate court.

(3) The parents have the right to legal representation. If the court finds that a parent who is a party in an action for involuntary termination of parental rights does not have legal representation, the circuit court shall determine if said parent is indigent and, therefore, entitled to counsel pursuant to KRS Chapter 31. If the circuit court so finds, the circuit court shall inform the parent, if notification is possible, of his right to counsel. Upon request or if it appears reasonably necessary in the interest of justice, the circuit court shall appoint an attorney to represent the parent pursuant to KRS Chapter 31 to be provided by, or paid for, by the cabinet for finance and administration to be set by the court and not to exceed five hundred dollars ($500).

(4) The circuit court may be convened at any time wherever the judge thereof may be found within the circuit, respective of the regular term for the purpose of terminating parental rights and the proceedings shall be expedited and completed as soon as practicable.

(5) Notwithstanding the provisions of the Kentucky Rules of Civil Procedure, the boarding home or foster parent shall not be served with summons on behalf of the child.

(6) If the parental rights of all living parents of the child are terminated, the circuit court shall declare the child to be a ward of the state, and vest the care, custody and control of the child in the cabinet, or in any

licensed child-caring or child-placing agency or institution. If the child has a parent or parents whose rights have not been terminated by the proceedings, the child shall not be declared a ward of the state, unless the voluntary consent of the other parent or parents has been obtained or unless in the same proceeding the circuit court shall find that the other parent has filed a disclaimer of paternity or has voluntary petitioned the court to terminate his parental rights.

SECTION 105. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) The circuit court may involuntarily terminate all parental rights of a parent of a child, if the circuit court finds from the pleadings and by clear and convincing evidence that the child has been adjudged to be an abused or neglected child by a court of competent jurisdiction or is found to be an abused and neglected child by the circuit court in this proceeding and that termination would be in the best interest of the child; provided, however, that no termination of parental rights shall be ordered unless the circuit court also finds by clear and convincing evidence the existence of one (1) or more of the following grounds:

(a) That the parent has abandoned the child for a period of not less than six (6) months;

(b) That the parent has inflicted or allowed to be inflicted upon the child by other than accidental means, serious physical injury;

(c) That the parent has continuously or repeatedly inflicted or allowed to be inflicted upon the child, by other than accidental means, physical injury or emotional harm;

(d) That the parent, for a period of not less than six (6) months, has continuously or repeatedly failed or refused to provide or has been substantially incapable of providing essential parental care and protection for the child and that there is no reasonable expectation of improvement in parental care and protection, considering the age of the child;

(e) That the parent has caused or allowed the child to be sexually abused or exploited; or

(f) That the parent, for reasons other than poverty alone, has continuously or repeatedly failed to provide or is incapable of providing essential food, clothing, shelter, medical care or education reasonably necessary and available for the child's well-being and that there is no reasonable expectation of significant improvement in the parent's conduct in the immediately foreseeable future, considering the age of the child.

(2) In determining the best interest of the child and the existence of a ground for termination, the circuit court shall consider all relevant factors including:

(a) Emotional illness, mental illness or mental deficiency of the parent as certified by a qualified mental health professional, which renders the parent consistently unable to care for the immediate and ongoing physical or psychological needs of the child for extended periods of time;

(b) Acts of abuse or neglect toward any child in the family;

(c) If the child has been placed with the cabinet or a child-placing or child-caring agency, whether the cabinet has rendered or attempted to render all reasonable services to the parent which reasonably might be expected to bring about a reunion of the family, including the parent's testimony concerning such services and whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within a reasonable period of time, considering the age of the child;

(d) The efforts and adjustments the parent has made in his circumstances, conduct or conditions to make it in the child's best interest to return him to his home within a reasonable period of time, considering the age of the child;

(e) The physical, emotional and mental health of the child and the prospects for the improvement of the child's welfare if termination is ordered; and

(f) The payment or the failure to pay a reasonable portion of substitute physical care and maintenance if financially able to do so.

(3) If the parent proves the following to the satisfaction of the court, the court in its discretion may determine not to terminate parental rights:

(a) That serious physical injury to the child will not occur in the future;

(b) That continuous or repeated physical injury or emotional harm to the child will not occur in the future; or

(c) That sexual abuse or exploitation will not occur in the future.

SECTION 106. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) If the circuit court determines that all parties with parental rights to the child under the law have either petitioned the court to have their parental rights terminated voluntarily or have had their rights terminated involuntarily by an order entered by a court of competent jurisdiction, and that the termination of parental rights and their transfer of custody are in the best interest of the child, and that each petitioner is fully aware of the purpose of the proceedings and the consequences of the provisions of this chapter, it shall make an order terminating all parental rights and obligations in the parent in whom they have existed, and releasing the child from all legal obligations to his parents, and transferring such custody to some other person or authorized agency or cabinet as may, in the opinion of the court, be best qualified to receive custody, except that the child shall retain the right to inherit from his parents under the laws of descent and distribution until the child is adopted. Such order may contain the power for the cabinet, or authorized agency to consent to the adoption of such child.

(2) Any order resulting from the voluntary termination of parental rights of any person under the provisions of this chapter, including the caption of the order, shall contain only the name of the child, without any reference whatsoever to the names of the parents whose rights have been terminated. Such order shall be duly recorded in the order book of the circuit court and a certified copy of the order given to the petitioner and to the cabinet upon request if the cabinet is not a petitioner. Such order may contain a statement of authority to place the child for adoption.

(3) Where parental rights have been terminated pursuant to this section all legal relationships between the parents and child shall cease to exist, the same as if the relationship of parent and child had never existed, except that the child shall retain the right to inherit from his parents under the laws of descent and distribution until the child is adopted.

(4) The files and records of the circuit court during proceedings for termination of parental rights shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the cabinet except under order of the court expressly permitting inspection. Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court; provided, that the representatives of the cabinet shall have access to the papers and records of the case without a written order of the court. No person having charge of any termination records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of termination; however, this provision is not meant to prohibit the disclosure of facts necessary in order for a person to secure a court order for a copy of the termination order to be used in an adoption proceeding. The clerk of the circuit court shall set up a separate docket and order book for termination cases and these files and records shall be kept locked.

SECTION 107. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

(1) Any order for the involuntary termination of parental rights shall be conclusive and binding on all parties, except that an appeal may be taken from a judgment or order of the circuit court involuntarily terminating parental rights in accordance with the Kentucky rules of civil procedure and Kentucky Supreme Court rules.

(2) Any order entered as a result of the voluntary termination of parental rights shall be conclusive and binding on all parties and no appeal may be taken from a judgment of voluntary termination.

SECTION 108. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

The cabinet shall promulgate regulations to implement the provisions of this chapter.

SECTION 109. KRS CHAPTER 630 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

In addition to those purposes set forth in Section 1 of this Act, this chapter shall be interpreted and construed to effectuate the following purposes regarding status offenders:

(1) The Commonwealth's courts shall utilize a separate and distinct set of guidelines for status offenders which reflect their individual needs;

(2) It shall be declared to be the policy of this Commonwealth that all its efforts and resources be directed at involving the child and the family in remedying the problem for which they have been referred; and

(3) Detention of status offenders in secure detention facilities should only be used for very specific and constructive purposes, when all other less restrictive alternatives to detention have been attempted and are not feasible.

SECTION 110. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

The court shall have exclusive jurisdiction in proceedings concerning any child living, or found within the district, who allegedly:

(1) Has been a runaway from his parent or person exercising custodial control or supervision of the child;

(2) Has not subjected himself to the reasonable control of his parent or guardian or school personnel or person exercising custodial control or supervision of the child; or

(3) Has been a habitual truant from school.

SECTION 111. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

Under the provisions of this chapter a child may be taken into custody by any peace officer:

(1) Pursuant to an order of the court for failure to appear before the court for a previous status offense; or

(2) If there are reasonable grounds to believe that the child has been an habitual runaway from his parent or person exercising custodial control or supervision of the child.

SECTION 112. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

Any person taking a child into custody, with all reasonable speed, shall in this sequence:

(1) Deliver the child suffering from a physical condition or illness which requires prompt medical treatment to a medical facility or physician. Children suspected of having a mental or emotional illness shall be placed for evaluation in accordance with the provisions of KRS Chapter 645;

(2) Contact a court-designated worker who will have the responsibility for determining appropriate placement, including a parent, relative, other responsible adult, or emergency shelter; and who shall:

(a) Release the child, upon the written promise of the parent or person exercising custodial control or supervision of the child to bring the child before the court or its court-designated worker at a stated time;

(b) Release the child to an adult relative or other responsible adult, if the parent refuses to accept the child or the parent cannot be found, upon the adult's written promise to bring the child before the court, or its court-designated worker;

(c) If a placement is available, deliver the child to an emergency shelter; or

(d) If there is an existing commitment release the child to the custody of the cabinet;

(3) Only when the court-designated worker determines that the placements designated in subsections (1) through (2)(d) in this section have been exhausted, may a child be delivered to a secure detention facility;

(4) When the child has not been released to his parents or person exercising custodial control or supervision, the person taking the child into custody shall make a reasonable effort promptly to give oral notice to the parent or person exercising custodial control or supervision of the child;

(5) In all instances the peace officer taking a child into custody shall provide a written statement to the court-designated worker of the reasons for taking the child into custody;

(6) If the child is placed in an emergency shelter or medical facility, during the adjudication and disposition of his case, the court may order his parents to be responsible for the expense of his care; and

(7) The peace officer taking the child into custody shall within three (3) hours of taking a child into custody file a complaint with the court, stating the status offense charged by KRS number and the reason why the child was not released to the parent or other adult exercising custodial control or supervision of the child, relative or other responsible adult, a court-designated agency, an emergency shelter or medical facility. Pending further disposition of the case, the court or the court-designated worker may release the child to the custody of any responsible adult who can provide adequate care and supervision.

SECTION 113. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

Before commencing any judicial proceedings on any complaint alleging the commission of a status offense, the party or parties seeking such court action shall meet for a conference with a court-designated worker for the express purpose of determining whether or not:

(1) To refer the matter to the court by assisting in the filing of a complaint under Section 21 of this Act; or

(2) To refer the child and his family to a public or private social service agency.

SECTION 114. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

(1) Information from the child pertaining to the alleged offense or offenses obtained during this process shall not be divulged during any adjudicatory proceeding except as to a question of exhaustion of available remedies as provided by this Act or to the jurisdiction of the court.

(2) No child shall be brought before the court for truancy unless an adequate assessment of the child has been performed pursuant to KRS 159.140(3), (4) and (6), unless it can be shown that the assessment could not be performed due to the child's failure to participate.

SECTION 115. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

No child shall be placed in a secure detention facility as a means or form of punishment. When a child is detained as provided in Section 112 of this Act for the alleged commission of an offense as provided in Section 110 of this Act and not released, a detention hearing shall be held as soon as is practical, but within forty-eight (48) hours of the detention exclusive of weekends and holidays.

SECTION 116. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

In order for the court to detain the child in a secure detention facility after the forty-eight (48) hour period, the Commonwealth shall establish probable cause at the detention hearing that:

(1) A status offense has been committed and that the child committed the offense. If the Commonwealth fails to establish these grounds, the complaint shall be dismissed and the child shall be released. If the grounds are established, the child may be held in secure detention as provided in subsection (3) of Section 112 of this Act pending an adjudicatory hearing only if the Commonwealth shows probable cause to believe that:

(a) All alternatives to secure detention have been exhausted; and

(b) The child has, within the last year, failed to appear at court hearings and requires detention to assure his presence at subsequent hearings; or

(c) The child has run away from a secure or non-secure facility; or

(d) The child has run away from his home and his parents, guardian, or person exercising similar custodial control or supervision of the child has orally agreed to assume physical custody or pay for his transportation within forty-eight (48) hours. The child may on his own motion present to the court reasons why he should not be returned to his parents or person exercising similar custodial control or supervision of the child. Upon consideration of such motion the court may in its discretion place the youth in a non-secure facility and concurrently order that a protective services investigation be commenced as allowed by KRS Chapter 620; or

(e) The cabinet has initiated or intends to initiate transfer of the youth by competent document under the provisions of the interstate compact pursuant to Chapter 615 of this Act; or

(f) The child is a danger to himself or others, unless he is suspected of having a mental or emotional illness and requires medical attention in which case the child shall be placed for evaluation in a facility in accordance with KRS Chapter 645.

SECTION 117. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

No alleged status offender shall be held in a secure detention facility as provided in subsection (3) of Section 112 of this Act pending adjudication for a period exceeding ten (10) days after the detention hearing pursuant to Section 115 of this Act, unless waived by the child, and the court considers this waiver in his best interest. Under no circumstances shall a child be held in a secure detention more than ten (10) days after the exercise of this waiver.

SECTION 118. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

No adjudicated status offender shall be held in a secure detention facility as provided in Section 112 of this Act pending disposition for a period exceeding ten (10) days after the adjudication hearing, unless waived by the child and the court considers it in the child's best interest. Under no circumstances shall a child be held in secure detention more than ten (10) days after the exercise of this waiver.

SECTION 119. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

The general conduct of the adjudication hearings under this section relating to status offenders shall follow the procedures established in Section 26 of this Act.

SECTION 120. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

The general conduct of the dispositional hearings under this section relating to status offenders shall follow the procedures pursuant to Section 26 of this Act and:

(1) The court shall consider all appropriate local remedies to aid the child and his family subject to the following conditions:

(a) Residential and nonresidential treatment programs for status offenders shall be community-based and non-secure;

(b) With the approval of the education agency, the court may place the child in a non-secure public or private education agency accredited by the department of education.

(2) At the disposition of a child adjudicated on a petition brought pursuant to this chapter, all information helpful in making a proper disposition, including oral and written reports may be received by the court provided that the parents, their counsel, the prosecuting attorney, the child's counsel, or other interested parties as determined by the judge shall be afforded an opportunity to examine and controvert the reports. For good cause the court may allow the admission of hearsay evidence.

(3) The court shall first determine that all appropriate remedies have been considered and exhausted to assure that the least restrictive alternative method of treatment is utilized.

(4) The court may order the child and his family to participate in any programs which are necessary to effectuate a change in the child and the family.

(5) When all appropriate resources have been reviewed and considered insufficient to adequately address the

needs of the child and his family, the court may commit the child to the cabinet for such services as may be necessary. The cabinet shall consider all appropriate local remedies to aid the youth and his family subject to the following conditions:

(a) Treatment programs for status offenders shall be, unless excepted by federal law, community-based and non-secure;

(b) The cabinet may place the child in a non-secure public or private education agency accredited by the department of education;

(c) The cabinet may initiate proceedings pursuant to Section 35 of this Act when the parents fail to participate in the cabinet's treatment programs; and

(d) The cabinet may discharge the child from commitment after providing ten (10) days' prior written notice to the committing court who may object to such discharge by holding court review of the commitment under Section 31 of this Act.

SECTION 121. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

No status offender shall be held in a secure detention facility after disposition for a period exceeding twenty-four (24) hours.

SECTION 122. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

The cabinet may promulgate administrative regulations to implement the provisions of this chapter.

SECTION 123. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

Any person who violates any provision of this chapter shall be guilty of a Class B misdemeanor.

SECTION 124. KRS CHAPTER 635 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) In each district court the court-designated worker shall receive complaints alleging that a public offense has been committed. All cases governed by KRS Chapter 640 shall be set for arraignment. All other public offenses shall be proceeded against in accordance with the following:

(a) The county attorney shall cause a review to be made of each complaint. The purpose of this review shall be to determine from the available evidence whether there are reasonable grounds to believe that the alleged facts would constitute a public offense and are sufficiently serious to warrant court action. The county attorney may elect not to proceed with the complaint and shall retire the complaint.

(b) In the event the county attorney elects to proceed, the court-designated worker shall make a preliminary determination as to whether the complaint is complete, consulting with the county attorney or designee as may be necessary. In any case where the court-designated worker finds that the complaint is incomplete, the court-designated worker shall return the complaint without delay to the person or agency originating the complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request, and the complainant shall promptly thereafter furnish, additional information in order to complete the complaint. If the court-designated worker determines that the complaint is complete, he shall conduct a preliminary intake inquiry concerning such complaint to determine whether in the interest of justice the complaint can be resolved informally without the filing of a petition. The court-designated worker may recommend that a petition be filed. Prior to conducting a preliminary intake inquiry, the court-designated worker shall notify the child and the child's parent, guardian or other person exercising custodial control or supervision of the child in writing:

1. Of their opportunity to be present at the preliminary intake inquiry;

2. Of their right to have counsel present during the preliminary intake inquiry as well as the formal conference thereafter;

3. That their participation in the preliminary intake inquiry or any resulting plan of diversion is voluntary;

4. That all information gained by virtue of participation in the preliminary intake inquiry is privileged and that said privilege can be waived only with the consent of the child; and

5. That the child has the right to deny the charge and demand a formal court hearing.

(c) Upon the completion of the preliminary intake inquiry, the court-designated worker shall conduct a formal conference at which time he shall present information obtained at the preliminary intake inquiry to the child and the child's parents or other person exercising custodial control or supervision. The court-designated worker shall set forth in writing alternative referral programs available to the child and the criteria the court-designated worker used to determine whether to proceed with a diversionary agreement or whether to refer the matter for the filing of a public offense petition. If the court-designated worker determines that, in his judgment, the interests of the child and the public will be thereby best served, he may recommend that a public offense petition not be filed. If such a recommendation is made, the court-designated worker shall advise in writing the complainant, the victim if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor and that the complainant may submit within ten (10) days from receipt of such notice a complaint to the county attorney or designee for special review.

(d) The county attorney or designee upon receipt of a request for special review shall consider the facts presented by the complainant and by the court-designated worker who made the recommendation that no petition be filed, before such county attorney or designee makes a final decision as to whether a public offense petition shall or shall not be filed. In all cases in which the child is alleged to have committed a delinquent act and is not detained, the court-designated worker shall submit his written recommendation to the county attorney or designee within twenty (20) days, exclusive of weekends and holidays, from the date the child was taken into custody or the complaint was filed. In cases where the child is in detention, the court-designated worker's report shall be submitted within seventy-two (72) hours of the detention.

(e) In cases where the court-designated worker has recommended that a public offense petition not be filed and the complainant or victim, if any, or law enforcement agency having investigative jurisdiction of the offense has not called for a special review, said worker and the child may enter into a diversionary agreement. Such agreement may include the following: an informal plan of services provided by the court or its staff; referral of the child to a public or private organization, agency or person to assist the child and the child's family to resolve the problems presented in the complaint; referral to a community service program in accordance with the provisions of subsection (1) of Section 129 of this Act; restitution, limited to the amount of actual property or pecuniary loss incurred by the victim, provided that the youth has the means or could acquire the means to make restitution; other such programs or efforts which might reasonably benefit the community and the child. In assessing periods of community service to be performed and restitution to be paid by the youth who has entered into a diversion agreement, the court-designated worker shall to the extent possible involve members of the community. Such members of the community shall meet with the youth and advise the court-designated worker as to the terms of the diversion agreement and shall supervise the youth in carrying out its terms. The diversionary agreement shall not cover a period in excess of six (6) months.

(f) If the terms of the agreement are successfully completed, the court-designated worker shall retire the complaint, the charges shall be considered dismissed and further prosecution is prohibited. In the event the child fails to comply with the terms of the agreement, the court-designated worker shall provide ten (10) days' written notice to the child and the child's parent or other person exercising custodial control or supervision and counsel of his intent to file a public offense petition based upon the original complaint, whereupon the court-designated worker shall meet and confer with the child and the child's parent or other person exercising custodial control and supervision and counsel to consider from the child's viewpoint why a petition should not be filed.

(g) In the event that a complaint is not retired as a result of an agreement or in the event that the child fails to comply with the terms of an agreement and a petition is filed, the court shall proceed with the petition in accordance with the provisions of KRS Chapter 610 as if the agreement had never been formulated. In the event that petition is filed based upon the court-designated worker's determination that the child has failed to comply with the terms of an agreement, the child may upon arraignment of said petition move for dismissal of the petition on the basis that the agreement was substantially complied with.

(2) In the event a public offense petition is filed, it shall be verified by information and belief and contain the information listed in Section 21 of this Act.

SECTION 125. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

(1) If, prior to an adjudicatory hearing, there is a reasonable cause to believe that a child before the court has committed a felony other than those described in subsections (2) and (3) of this section, a misdemeanor, or a violation, the court shall initially proceed in accordance with the provisions of this chapter.

(2) If a child over fourteen (14) before the court has been charged with a capital offense, Class A felony or Class B felony, the court shall initially proceed in accordance with the provisions of Section 134 of this Act.

(3) If a child over sixteen (16) before the court has been charged with a Class C or Class D felony and has on two (2) prior separate occasions been adjudicated delinquent of a felony offense, the court shall initially proceed in accordance with the provisions of Section 134 of this Act.

(4) If a child under eighteen (18), previously convicted as a youthful offender under the provisions of KRS Chapter 640 is charged with the commission of a felony the court shall initially proceed in accordance with the provisions of Section 134 of this Act.

(5) A child who is charged as is provided in subsection (2) of this section and is also charged with a Class C or D felony arising from the same course of conduct shall have all charges included in the same proceedings and the court shall initially proceed in accordance with the provisions of Section 134 of this Act.

(6) All offenses arising out of the same course of conduct shall be tried with the felony arising from that course of conduct.

SECTION 126. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

When a child before the court, whether by the complaint provided for in Section 21 of this Act, or by reason of having been taken into custody pursuant to Sections 38, 39 and 40 of this Act, is found by the court to come within the purview of subsection (1)(a) of Section 20 of this Act, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the child. If the court finds that the child does not come within the purview of subsection (1)(a) of Section 20 of this Act, the child shall be discharged and the proceedings dismissed.

SECTION 127. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

No adjudication by a juvenile session of district court shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

SECTION 128. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

(1) After adjudication, a determination by the court that detention pending disposition is necessary shall be based on a finding of the court by a preponderance of the evidence that the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community.

(2) After the adjudication, the court may order public offenders to be evaluated pursuant to KRS Chapter 645.

SECTION 129. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

If in its decree the juvenile court finds that the child comes within the purview of KRS Chapter 635, the court, at the dispositional hearing may:

(1) Order the child to make restitution or reparation to any injured person to such extent, in such sum and upon such conditions as the court determines.

(2) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. A child so placed on probation or supervision shall be subject to the visitation and supervision of a probation officer or an employe of the cabinet. A child so placed on probation or supervision shall remain subject to the jurisdiction of the court until he becomes eighteen (18) years of age, unless he is discharged prior thereto by the court, except that if a person is placed on probation or supervision after he reaches the age of seventeen (17) years and six (6) months, such probation or supervision shall be for a period not to exceed one (1) year.

(3) Commit the child to the custody or guardianship of the cabinet or of a private institution or public agency authorized to care for such children, or place the child under the custody and the supervision of a suitable person. All orders of commitment may include such advisory recommendations as the court may deem proper in the best interests of the child and of the public. Such commitment or placement shall be until the age of eighteen (18) subject to the power of the court to terminate the order and discharge the child prior thereto, except that if such commitment or placement is after a person has reached the age of seventeen (17) years and six (6) months such commitment or placement shall be for an indeterminate period not to exceed one (1) year; or

(4) If the child is sixteen (16) years of age or older, order that the child be confined in an approved secure detention facility in accordance with Section 172 of this Act for a period of time not to exceed thirty (30) days.

SECTION 130. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

The governing authorities of said cabinet, agency or institution may discharge the child unless the court directs otherwise. Prior to said discharge two (2) weeks' written notice must be given to the committing court, to the legal representative of the child and to the county attorney of the county in which the committing court presides. During the period of commitment or placement, the court may review a dispositional order and may continue or terminate such order as the court deems essential to the best interests of the child. In committing a child to a private institution or agency the court shall select one that is approved by the cabinet and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or family service worker.

SECTION 131. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

(1) In the event a child who has not reached his eighteenth birthday commits a new offense while under the jurisdiction of the court or during the period of commitment, the court shall have exclusive, original jurisdiction of the new offense. If a child fourteen (14) or older has been adjudicated delinquent the court in its discretion may order participation in a community services work program. If the child is committed to the cabinet on a previous offense, the child shall be released from commitment if ordered to a work program. The work program shall be of a constructive nature designed to promote the rehabilitation of the child. The program shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a probation officer or other responsible person. The work program shall not be scheduled during such times that would interfere with educational, occupational, or religious obligations of the child. Assignment to a community services work program shall be made to a governmental or nonprofit community organization for a specified period of time, not to exceed one hundred twenty (120) hours. A child may be directed to participate in a community services work program as provided in this subsection for the purposes of restitution.

(2) In lieu of commitment to the cabinet, if a child is sixteen (16) years or older and is adjudicated delinquent, the court may in its discretion impose a fine. The imposition of a fine for an offense committed by a child shall be based upon a determination that such disposition is in the best interest of the child and to aid in his rehabilitation. Any such order shall include a finding that the child is financially able to pay such fine. Fines shall be levied consistent with the schedule set forth below:

(a) For a felony, not to exceed five hundred dollars ($500);

(b) For a misdemeanor, not to exceed two hundred fifty dollars ($250);

(c) For a violation, not to exceed one hundred dollars ($100).

(3) When a child is directed by the court to pay a fine, the court may provide for payment to be made within a specified period of time or in specified installments. If such provision is not made a part of the court's disposition, the fine shall be payable immediately. Nothing contained herein shall be construed as limiting the court's exercising its inherent contempt powers.

(4) Any detention imposed for failure to comply with the court order shall not be scheduled for a time that would interfere with the educational, occupational, or religious obligations of the child, and shall be in a secure detention facility. Any portion of a day spent in detention pursuant to the court's exercising of its contempt powers shall be deemed as one (1) day for purposes of serving a detention term.

SECTION 132. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

(1) If the court chooses to treat the child as other than a youthful offender or if the Commonwealth fails to prove the criteria bringing a case under KRS Chapter 640 of this Act, the court may:

(a) If a child is fourteen (14) years of age or older, and is adjudicated delinquent in the commission of a capital offense, Class A felony or Class B felony, the court in its discretion may commit the child to the cabinet for purposes of treatment or placement in a facility or program for an indeterminate period of time not exceeding twelve (12) months; or

(b) If a child is sixteen (16) years of age or older, and is adjudicated delinquent in the commission of a felony offense and has previously been adjudicated delinquent of a felony offense in two (2) or more separate adjudications, the court in its discretion may commit the child to the cabinet for purposes of placement in a facility or other treatment program for an indeterminate period of time not exceeding twelve (12) months.

(2) The cabinet shall maintain jurisdiction over the child during the period of the commitment. The committing court may, upon motion of the cabinet, order the child released from the facility or program operated by the cabinet.

(3) The cabinet shall notify the committing court prior to the termination of treatment or placement as to the future intentions of the cabinet as they relate to continued treatment of the child.

(4) The committing court may, upon motion of the child, grant shock probation to any child committed under this section after the child has been committed for a minimum of thirty (30) days.

(5) After a child has been committed to the cabinet as provided in this section he may not then be transferred to the circuit court as provided for in Section 135 of this Act.

SECTION 133. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO READ AS FOLLOWS:

(1) Any child committed to the cabinet who is placed on supervised placement from a residential treatment facility by the cabinet and who violates the terms or conditions of supervised placement may be taken into custody and returned to active custody of the cabinet by any probation officer or by any peace officer on direction of the cabinet.

(2) Such child may be taken into custody and detained in one of the cabinet's treatment facilities prior to the administrative hearing, provided a preliminary hearing is held by a person designated by the cabinet within forty-eight (48) hours of such detention to determine if there is probable cause to believe that the child violated his supervised placement conditions and, if so, to determine if the best interest of the child requires that the child be held in custody pending an administrative hearing pursuant to subsection (3) of this section.

(3) Whether or not the child is returned to the cabinet's active custody pending a hearing, before readmitting the child to a treatment program pursuant to this section, except as provided in subsection (2) of this section, an administrative hearing shall be held within ten (10) working days of the request to readmit the child to a treatment program unless the child and his representative request or agree to a longer period of time. The hearing shall be held by a three-member board designated by the cabinet to hear such matters at which time the child and his parent or other person exercising custodial control or supervision shall be given an opportunity to be heard and be represented by counsel.

(4) The cabinet may promulgate administrative regulations to implement the provisions of this chapter.

SECTION 134. KRS CHAPTER 640 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) For children who are alleged to be youthful offenders by falling in the purview of subsections (2), (3), (4), (5) or (6) of Section 125 of this Act, the court shall hold a preliminary hearing during which counsel paid for, or provided by, the department of public advocacy is appointed for the child, if the child has not retained private counsel. The Commonwealth shall establish probable cause that the child committed the offense charged and in addition shall prove the existence of at least one (1) of the following factors:

(a) The child has been adjudicated delinquent of a felony within one (1) year prior to the commission of the charged offense; or

(b) The child has failed to comply with the conditions of a dispositional order imposed following an adjudication of delinquency for a felony offense during the year immediately preceding the bringing of this action.

(2) If the Commonwealth establishes probable cause that the child committed the offense charged and sustains its burden of proving the existence of at least one (1) of the factors set forth above, the charges against the child shall be transferred to the circuit court to be tried as a youthful offender, except that the child may present to the court reasons why he should not be transferred to the circuit court.

(3) If the Commonwealth fails to prove the existence of at least one (1) of the factors listed in subsection (1) of this section or if the court determines the child's case should be dealt with in the juvenile court, the child shall not be transferred to the circuit court but shall be dealt with as provided in Chapter 635.

SECTION 135. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

Any person proceeded against as a youthful offender under the provisions of this chapter shall, regardless of his age, be transferred to a facility meeting the requirements of Section 42 of this Act, if he is unable to meet the conditions of release or bail established pursuant to KRS Chapter 431 and the Kentucky rules of criminal procedure.

SECTION 136. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

A youthful offender, if convicted of, or pleads guilty to, a felony offense in circuit court, shall be subject to the same type of sentencing procedures and duration of sentence, including probation and conditional discharge, as an adult convicted of a felony offense, except that:

(1) The presentence investigation required by KRS 532.050 shall be prepared by the cabinet for human resources or by its designated representative.

(2) Any sentence imposed upon the youthful offender shall be served in a facility or program operated by the cabinet for human resources until: the expiration of the sentence; the youthful offender is paroled; the youthful offender is probated; or the youthful offender reaches the age of eighteen (18), whichever first occurs. If an individual sentenced as a youthful offender attains the age of eighteen (18) prior to the expiration of his sentence, and has not been probated or released on parole, that individual shall be returned to the sentencing court. At that time the sentencing court shall make one of the following determinations:

(a) Whether the youthful offender shall be placed on probation or conditional discharge;

(b) Whether the youthful offender shall be returned to the cabinet for human resources to complete a treatment program, which treatment program shall not exceed a period in excess of six (6) months. At the conclusion of the treatment program or at the expiration of six (6) months, whichever first occurs, the individual shall be finally discharged; or

(c) Whether the youthful offender shall be incarcerated in an institution operated by the corrections cabinet.

(3) If a child has attained the age of eighteen (18) prior to sentencing, he shall be returned to the sentencing court at the end of a six (6) month period if he has been sentenced to a period of placement or treatment in a cabinet for human resources facility or program. The court shall have the same dispositional options as currently provided in subsection (2) of this section, except that youthful offenders shall not remain in the care of the cabinet for human resources after the age of nineteen (19).

SECTION 137. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

(1) No youthful offender shall be subject to persistent felony offender sentencing under the provisions of KRS 532.080 for offenses committed before the age of eighteen (18) years.

(2) No youthful offender shall be subject to limitations on probation, parole or conditional discharge as provided for in KRS 533.060.

(3) Any youthful offender convicted of a misdemeanor or any felony offense which would exempt him from

subsections (2), (3), (4), (5) or (6) of Section 125 of this Act shall be disposed of by the circuit court in accordance with the provisions of Section 129 of this Act.

SECTION 138. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

(1) Any period of probation or conditional discharge required by the sentencing court to be served shall be supervised, as the court may determine by written order, by:

(a) The cabinet for human resources;

(b) The corrections cabinet; or

(c) The designated representative of either of the above.

(2) The cabinet for human resources may make recommendations to the circuit court concerning the disposition of the youthful offender.

(3) The court may order any of the above alternatives without regard to the age of the youthful offender.

SECTION 139. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

It shall be the duty of the commonwealth's attorney after the imposition of youthful offender sentence, unless the defendant is granted probation, to cause to be forthwith transmitted to the facility or program with the commitment papers, a concise statement of the facts adduced at the trial or at the hearing of a plea of guilty.

SECTION 140. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

(1) Upon motion of the cabinet for human resources, the sentencing circuit court may after notice and hearing, order a youthful offender committed to the corrections cabinet if it is established by a preponderance of the evidence that the youthful offender has:

(a) By his violent behavior, injured or endangered the life or health of another youthful offender or staff members in the facility or program; or

(b) Escaped from the facility or program from which he is being held on more than one (1) occasion; or

(c) By his actions, caused disruption in the facility or program by encouraging other residents to engage in violent behavior which has injured or endangered the life or health of other residents or staff of the facility or program; or

(d) By his actions, caused disruption in the facility or program, smuggled contraband into the facility or program; caused contraband to be smuggled into the facility or program, or engaged in other types of behavior which have endangered the life or health of other residents or staff of the facility or program; or

(e) By his actions has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.

(2) Such hearing shall be held in the sentencing circuit court within five (5) days of the filing of the motion provided for in subsection (1) of this section.

(3) Upon admission to a facility or program operated by the cabinet for human resources, the cabinet shall advise the youthful offender of the provisions of this section.

(4) Upon motion of the cabinet for human resources, the sentencing circuit court may after notice and hearing, order a youthful offender committed to the corrections cabinet if it is established by a preponderance of the evidence that the youthful offender is mentally ill and is dangerous to himself or others, cannot be adequately treated in the youthful offender program. It shall be presumed that a youthful offender is mentally ill if he has pled guilty to or has been convicted of a felony and has been found by the court or jury to be guilty but mentally ill.

SECTION 141. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

Youthful offenders shall be subject to the jurisdiction of the Kentucky parole board. The parole board may, with regard to a youthful offender, exercise any of the powers which it possesses pursuant to KRS Chapter 439, except as provided in this Act.

SECTION 142. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

Upon the determination that a person is a youthful offender the cabinet for human resources and all other public agencies possessing records relating to the youthful offender shall, upon request, provide copies of such records to the Kentucky parole board and to the corrections cabinet. No record relating to the child, except records maintained by the youthful offender's defense attorney (or the department of public advocacy, if he was defended by that department) shall be deemed privileged from disclosure to the parole board.

SECTION 143. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

All officials of the cabinet for human resources and the corrections cabinet shall furnish members of the board, or its properly accredited representatives:

(1) Access at all reasonable times to any youthful offender over whom the board has jurisdiction under this chapter;

(2) Facilities for communicating with and observing such youthful offender;

(3) Such reports as the board shall require concerning the conduct and character of any youthful offender in its custody; and

(4) Any other facts deemed pertinent by the board in determining whether such youthful offender shall be paroled.

SECTION 144. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

When a youthful offender is transferred to the corrections cabinet in accordance with this chapter, the cabinet for human resources shall transfer a copy of all records relating to the youthful offender to the corrections cabinet.

SECTION 145. A NEW SECTION OF KRS CHAPTER 640 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet for human resources may promulgate administrative regulations to implement the provisions of this chapter.

(2) The corrections cabinet may promulgate administrative regulations to implement the provisions of this chapter.

(3) The Kentucky parole board may promulgate administrative regulations to implement the provisions of this chapter.

(4) The agencies permitted to make administrative regulations under this section shall make administrative regulations which do not conflict.

SECTION 146. KRS CHAPTER 645 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

This chapter may be cited as the Mental Health Act of The Unified Juvenile Code.

SECTION 147. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

The definitions in Chapter 600 of this Act shall apply to Chapter 645 of this Act. In addition, unless the context requires otherwise:

(1) "Convalescent leave" means an authorized release not to exceed ninety (90) days of a child admitted to a hospital under Chapter 645 of this Act;

(2) "Danger to himself or others" means that it is shown by substantial proof that in the near future the child may attempt suicide or may cause substantial physical harm or threat of substantial physical harm to himself or others, as evidenced by recent threats or overt acts, including acts by which he deprives himself or others of the basic means of survival, including reasonable shelter, food or clothing. In determining whether a child presents a danger to himself, factors to be considered shall include, but shall not be limited to, an established pattern of past dangerous behavior;

(3) "Hospital" means a licensed private or public institution, health care facility, or part thereof, approved by the cabinet to treat children who are mentally ill;

(4) "Least restrictive alternative" means the treatment and conditions of treatment for a child which, separately and in combination:

(a) Are no more harsh, hazardous or intrusive than necessary to achieve acceptable treatment objectives for the child; and

(b) Involve no inpatient care restrictions on physical movement except as reasonably necessary for the administration of treatment or for the protection of the child or others from physical injury.

In determining the least restrictive alternative, factors to be considered shall include, but not be limited to, the likelihood, based on his prior outpatient treatment, that he will benefit from outpatient treatment;

(5) "Mental health care program" means a nonresidential service providing children psychological or psychiatric treatment for emotional, mental, or behavorial problems;

(6) "Mental health group home" means a community-based facility established to serve not less than four (4) nor more than eight (8) mentally ill children with a treatment program developed and supervised by a qualified mental health professional. Mental health group homes shall not be adjacent to or part of an institutional campus; and

(7) "Mentally ill child" means that considering the child's age and development, he has a substantially impaired capacity to use self-control, judgment or discretion in the conduct of his affairs and social relations, his behavior is maladaptive or he exhibits recognized emotional symptoms which can be related to physiological, psychological or social factors.

SECTION 148. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

An authorized staff physician may admit for observation, diagnosis, and treatment at a hospital any child who is mentally ill or has symptoms of mental illness:

(1) Upon written application of a parent or other person exercising custodial control or supervision, if the child is under sixteen (16) years of age. At or before the child's admission, the parent or other person shall be informed of his rights under Sections 168 and 169 of this Act. Any child admitted under this paragraph who reaches his sixteenth (16th) birthday while hospitalized shall consent to his continued hospitalization, or shall request his release. If the child fails to choose, the hospital shall advise the court designated worker and the parent or other person exercising custodial control or supervision;

(2) Upon written application by a child who is at least sixteen (16) years of age and one of his parents or a person exercising custodial control or supervision. At or before admission, the child shall be informed of his right to give notice of his intent to leave under Section 164 of this Act and his right to consult an attorney or his court designated worker under Section 158 of this Act. The child may consult an attorney prior to his admission; or

(3) Upon written application by a child who is at least sixteen (16) years of age. At or before admission, the child shall be informed of his rights under Section 164 of this Act and his parents' rights under Sections 167, 168 and 169 of this Act.

SECTION 149. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

A parent or other person exercising custodial control or supervision of a child, including a hospital or the *state, may seek to hospitalize a child who is mentally ill or has symptoms of mental illness by filing a petition for certification with the court.*

SECTION 150. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

The petition for certification and all subsequent court documents shall be entitled "In the interest of ..., a child." The petition for certification shall state:

(1) The petitioner's relationship to the child;

(2) The child's name, age, address and present location;

(3) The name and address of the child's parents or legal guardian or other person exercising custodial control or supervision;

(4) The name and address of the person having custody of the child;

(5) The name and address of the child's spouse, if any;

(6) The petitioner's belief, including its factual basis, that the child is mentally ill and is dangerous to himself or others; and

(7) The petitioner's belief, including its factual basis, that the child can benefit from treatment available only at a hospital and that no less restrictive alternative is available which will be effective in treating the child.

SECTION 151. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) Upon receipt of a petition for certification, the court shall appoint counsel from the department of public advocacy to represent the child at every stage of the proceedings.

(2) Counsel shall advance the express wishes and shall advance the best interest of the child at all pre-adjudicatory and adjudicatory proceedings. During dispositional proceedings, he may advance the best interest of the child.

(3) Within seven (7) days, exclusive of weekends and holidays, of the filing of a petition, counsel shall advise the court in writing whether the child wishes to contest the petition.

(a) If the child does not wish to contest the petition, the court may order the child hospitalized for a period not to exceed sixty (60) days.

(b) If the child wishes to contest the petition, a certification hearing shall be held within seven (7) days, exclusive of weekends and holidays, of the filing of the child's wishes. Pending the certification hearing, the child's placement shall remain unchanged unless the court finds a change would promote the best interest of the child.

(4) The court may order the parents to pay for the child's counsel.

SECTION 152. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) All hearings under Chapter 645 of this Act shall be conducted in accordance with the Kentucky rules of criminal procedure unless otherwise provided.

(2) Hearings under this Act may be conducted in an informal manner, consistent with orderly procedures, and in a physical setting not likely to have a harmful effect on the child's physical or mental health. Hearings may be held in chambers, the hospital, or any other suitable place.

(3) The child shall have the right to be present at any hearing under this Act unless:

(a) He and his counsel have waived this right; or

(b) On motion of any interested party, the court determines the child's presence at all or part of the hearing would be seriously detrimental to the child's medical condition or treatment.

(4) The child and his counsel shall have the right to cross-examine witnesses and to present testimony and evidence in opposition to certification, including the testimony of a qualified mental health professional.

(5) The child's parents shall have a right to participate in the hearing.

(6) The court may, on its own motion, subpoena and question relevant witnesses.

SECTION 153. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) Disclosures made by a child during observation, diagnosis, or treatment shall be admissible during the certification hearing under this chapter.

(2) No disclosure made by the child under this chapter shall be admissible in any delinquency or criminal proceedings unless the child introduces evidence concerning his mental condition at such a proceeding.

SECTION 154. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

The burden of proof at the certification and recertification hearings under this Act shall be on the petitioner to show, by clear and convincing evidence, that:

(1) The child is mentally ill or has symptoms of mental illness;

(2) The child is dangerous to himself or others;

(3) The child can benefit from treatment available only at a hospital; and

(4) No less restrictive alternative is available which will be effective in treating the child.

SECTION 155. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) Within three (3) days, exclusive of weekends and holidays, of the conclusion of the certification hearing, the court shall enter an order denying or granting the petition and shall state in writing the factual findings regarding criteria specified in Section 154 of this Act.

(2) If the petition is denied, the court may release the child, may commit the child to the cabinet, or may enter an emergency custody order to secure proper care for the child. The cabinet may place the child in a clinical treatment facility, mental health group home or mental health care program.

(3) If the petition is granted, the court shall authorize the child's hospitalization for a period of no more than sixty (60) days. The court shall order the person who is to transport the child to the hospital to deliver to the hospital copies of orders and all relevant information concerning the child's involuntary hospitalization. If the child is already hospitalized, the court shall otherwise arrange for the prompt transmittal of orders and all relevant information to the hospital.

SECTION 156. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) If the petitioner or other interested person desires to continue a child's hospitalization beyond the initial sixty (60) days, he shall file a petition for recertification before the original sixty (60) days expires. The procedures and rights specified in Sections 150 through 155 apply to recertification petitions and hearings except as otherwise specified in this section.

(2) The court may deny the petition or may authorize a continuation of the child's hospitalization for a period of no more than one hundred eighty (180) days.

(3) If the child has been represented previously, the same attorney shall continue to represent him at the recertification hearing unless the court determines otherwise for good cause.

(4) The child shall be brought to the court for the initial and subsequent recertification hearings unless the child's physical condition would be threatened.

(5) In evaluating the criteria specified in Section 154 of this Act at a recertification hearing, the court shall

consider the child's prior treatment, the ability of the hospital to provide appropriate treatment, and the likelihood of future improvement through treatment.

SECTION 157. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) When, as a result of mental illness, a child appears in need of immediate hospitalization for observation, diagnosis, or treatment, any interested person may either take the child to a hospital or file a petition for emergency hospitalization. Upon filing a petition, a peace officer may detain the child up to twenty-four (24) hours, excluding weekends and holidays, in a facility other than one listed in Section 42 of this Act.

(2) On the basis of a prompt examination and any other available information, an authorized staff physician shall determine if the child needs immediate hospitalization for a period not to exceed seventy-two (72) hours.

(a) The hospital may accept physical custody of the child and may request the person who brought the child to remain on the premises until the authorized staff physician makes a determination;

(b) If the authorized staff physician determines that the child, as a result of mental illness, appears to need immediate hospitalization, he shall admit the child for observation, diagnosis, and treatment, and shall, if he deems it appropriate, file a certification petition. If the proponent of emergency hospitalization is not the child's legal custodian, the hospital shall immediately notify the child's parent or other person exercising custodial control or supervision including, if applicable, the state; and

(c) If the authorized staff physician determines the child does not need immediate hospitalization, he shall release the child and make whatever recommendations or referrals he deems appropriate.

(3) The petition for emergency hospitalization shall state the petitioner's belief, including its factual basis, that the child, as a result of mental illness, needs immediate hospitalization for observation, diagnosis, and treatment. Within forty-eight (48) hours of the filing, exclusive of weekends and holidays, the court shall:

(a) Deny the petition; or

(b) Issue an order authorizing a peace officer to transport the child to a designated hospital for evaluation for emergency hospitalization, at which time two (2) qualified mental health professionals, at least one of whom is an authorized staff physician, shall follow the procedures specified in paragraph (2) of this section. The court shall notify the cabinet of its order at once and shall also advise the cabinet of the sex and condition of the child who is to be transported. The cabinet shall pay the actual traveling expenses of the child and the official transporting him both to and from the designated hospital.

(4) An emergency hospitalization of a child may not exceed seven (7) days, exclusive of weekends and holidays, unless a certification petition is filed before the seven (7) days expire.

(5) If it appears that a child committed to the cabinet is mentally ill, the cabinet may use state mental hospital facilities or other resources for observation of mental conditions. This period of observation shall not exceed thirty (30) days. After thirty (30) days, the child shall be removed or a certification petition shall be filed under this chapter.

SECTION 158. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) The administrative office of the courts shall assign a court designated worker, as described in Chapters 600 and 605 of this Act, to maintain contact with and perform other specific functions on behalf of each child involuntarily hospitalized under this Act.

(2) Under no circumstances shall a child who is involuntarily hospitalized under this Act be denied the opportunity to consult an attorney or a court designated worker. The child also has a right to initiate or receive communications from his parents or others, unless the treating physician concludes such communication would be seriously detrimental to the child's condition or treatment, so indicates in the medical record, and notifies the parent or other person exercising custodial control or supervision.

(3) During involuntary hospitalizations, the court designated worker shall have access to the child but shall not have access to the child's records except by court order. The court designated worker may recommend that the court review the child's records.

SECTION 159. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) The district court may continue its jurisdiction over a hospitalized child for six (6) months beyond a child's eighteenth (18th) birthday for purposes of continuity of treatment. At the conclusion of the six (6) months, the cabinet may initiate proceedings under KRS Chapter 202A.

(2) A finding of jurisdiction under this section shall not necessarily preclude a finding of jurisdiction under KRS Chapter 620, 625, 630, or 635; however, jurisdiction under this section shall take precedence. No child shall be released from the jurisdiction of the court under this chapter if concurrent complaints under KRS Chapter 620, 625, 630, or 635 are pending.

(3) No child who has been certified to circuit court pursuant to KRS Chapter 640 shall be eligible for hospitalization under this chapter. Petitions for treatment of such youthful offenders shall be initiated under KRS Chapter 202A or KRS Chapter 504.

SECTION 160. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) A child hospitalized under this Act is entitled to receive necessary and appropriate treatment.

(2) Except as provided for in Section 157, no child shall be hospitalized involuntarily unless in the opinion of two (2) qualified mental health professionals, at least one (1) of whom is a physician, he meets the criteria set out in Section 154 of this Act.

(3) If the authorized staff physician believes a child does not meet or no longer meets the criteria set out in Section 154 of this Act, the child shall be released or discharged.

(4) A hospital which discharges a child shall notify the court which originally certified hospitalization, explaining the circumstances under which the child was discharged, as soon as practicable.

SECTION 161. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) A child hospitalized under this Act shall have the following rights:

(a) The right to due process as defined in Section 162 of this Act, within the institution;

(b) The right to convalescent leave status if appropriate;

(c) The right to be adequately informed as to his individual treatment program;

(d) The right to assist in the planning of his treatment program;

(e) The right to refuse treatment subject to the provisions of Section 162 of this Act;

(f) The right to maintain and use personal possessions and money;

(g) The right to receive visitors subject to the provisions of Section 162 of this Act;

(h) The right to receive payment for work performed on behalf of the hospital;

(i) The right to refuse intrusive treatment subject to the provisions of Section 162 of this Act;

(j) The right to be free from unreasonable use of seclusion and restraint subject to the provisions of Section 162 of this Act;

(k) The right to seek relief from participating in his treatment plan; and

(l) The right to not be transferred from one facility to another, subject to the provisions of Section 162 of this Act.

(2) A child who is involuntarily hospitalized under this Act has a right to a complete record of the court

proceedings without charge for appeal purposes, the right to appeal without bond or filing fee, and the right of habeas corpus.

(3) Any child who believes that any right guaranteed by this chapter has been violated shall have the right to contact the court designated worker in the county where the hospital is located to communicate with the worker and the court.

SECTION 162. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) Every hospital which treats children under this Act shall have a review committee of three (3) qualified mental health professionals appointed by the hospital director. The review committee shall have the authority to review the appropriateness of a patient's individual treatment plan.

(2) Upon the written refusal of an involuntary patient to participate in any or all aspects of his treatment plan, the review committee shall examine the appropriateness of the patient's individual treatment plan. After a patient refuses to participate in his treatment plan and until his disagreement with the plan has been resolved, the hospital may administer only that treatment which the treating physician determines is necessary to protect the patient from harming himself or others. Within three (3) days, exclusive of weekends and holidays, of the refusal, the review committee shall meet with the patient and his counsel or court designated worker to discuss their recommendations.

(3) If the patient still refuses to participate in any or all aspects of his individual treatment plan, the hospital may petition the district court for a de novo determination of the appropriateness of the proposed treatment. Within seven (7) days, excluding weekends and holidays, the court shall conduct a hearing, consistent with the patient's right to due process of law, and shall utilize the following factors in reaching its determination:

(a) Whether the treatment is necessary to protect other patients or the patient himself from harm;

(b) Whether the patient is incapable of giving informed consent to the proposed treatment;

(c) Whether any less restrictive alternative treatment is available; and

(d) Whether the proposed treatment carries any risk of permanent side effects.

(4) Upon the completion of the hearing, the court shall enter an appropriate judgment which shall be considered final for purposes of appeal. No court shall consent to psychosurgery or electroshock therapy nor shall it order such treatment. If the court denies the hospital the right to administer the treatment in question, the hospital may discharge the child.

SECTION 163. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) Upon notice to the court, an authorized staff physician may release an involuntary patient on convalescent leave not to exceed ninety (90) days. The physician may authorize convalescent leave only if he concludes that the patient would not present a danger or a threat of danger to himself or others during such a leave. Release on convalescent leave shall not terminate the involuntary hospitalization order and shall include provisions for a jointly developed of a treatment plan by the hospital and by the provider of outpatient care who will provide follow-up care and the continual monitoring of the patient's condition by the provider.

(2) The hospital may at any time readmit a patient on convalescent leave without additional court proceedings. If there is reason to believe that it is in the best interest of the patient to be rehospitalized, the cabinet or an authorized staff physician of the hospital may issue an order for the immediate rehospitalization of the patient. Such an order, if not voluntarily complied with shall, upon endorsement by a judge of any court of the county in which the patient is a resident or is present, authorize any health or police officer to take the patient into custody and transport him to the hospital. Notice of the rehospitalization and the rehospitalization order shall be given to the court which originally certified hospitalization as soon as practicable.

(3) At the conclusion of a convalescent leave, the child may be readmitted to the hospital if the involuntary hospital order has not expired, a new convalescent leave may be initiated, or the child may be discharged.

SECTION 164. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) Any child who was admitted pursuant to paragraph (2) or (3) of Section 148 of this Act may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the child can be discerned. The notice may be written by the child, a court designated worker, or any other adult having an interest in the welfare of the child, provided that it reflects the stated wishes of the child.

(2) Staff members receiving the notice shall immediately date it, record its existence on the child's medical chart, and send copies of it to:

(a) The child's attorney, if any;

(b) The court; and

(c) The parents or other person exercising custodial control or supervision of the child.

SECTION 165. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) An authorized staff physician of the hospital shall discharge the child from the hospital within five (5) days, exclusive of holidays and weekends, after receipt of a child's notice of intent to leave, unless the hospital, the parent, or other person exercising custodial control or supervision files a notice of contest with the court within the five (5) day period.

(2) Copies of the notice of contest shall be delivered by the party originating it to:

(a) The child or his attorney;

(b) The child's parent or other person exercising custodial control or supervision; and

(c) The hospital.

(3) The proponent of continued hospitalization shall file a petition for certification with his notice of contest.

SECTION 166. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) After a notice of contest has been received, the hospital may continue the hospitalization on an involuntary basis until a hearing has been held and the court orders otherwise. In no case may the child be held more than fifteen (15) days beyond the filing of the notice of contest, unless a certification hearing has been held within seven (7) days of the filing of the notice of contest.

(2) A hearing to determine the necessity for continued hospitalization shall be held within seven (7) days of the court's receipt of the notice of the contest. If the court concludes that the child does not meet the criteria set out in Section 154 of this Act, the court may order the child discharged, may commit the child to the cabinet, or may enter an emergency custody order to secure proper care for the child. The cabinet may place the child in a clinical treatment facility, mental health group home or mental health care program.

SECTION 167. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) When a child who is at least sixteen (16) years of age is voluntarily admitted to a hospital under Chapter 645 of this Act, the hospital shall give notice within twenty-four (24) hours to the child's parents or other person exercising custodial control or supervision, including the state, if applicable.

(2) When a petition for certification or for emergency hospitalization is filed, the court shall immediately notify the child's parents or other person exercising custodial control or supervision, including the state, if applicable.

(3) Notices under this section shall advise the recipient of the following:

(a) The name, address, telephone number and name of the hospital's administrator;

(b) The hospital's policies concerning visitation and other communications;

(c) The right of the parent or other person exercising custodial control or supervision to participate in the child's treatment; and

(d) The right of the parent or other person exercising custodial control or supervision to participate in any proceedings under this Act, including the right to seek discharge of the child under Section 168 of this Act.

(4) Notices under this section shall be in the form most likely to reach the intended person.

SECTION 168. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) The parent or other person exercising custodial control or supervision of a child hospitalized under this Act shall be entitled to confer at regular intervals with the treating or admitting physician or a member of the child's treatment team concerning the child's condition, treatment, or diagnosis. The hospital or other proponent of certification may request that the parent or other person exercising custodial control or supervision of a child be available for consultation and cooperation in connection with the treatment process and may seek a court order to require such cooperation.

(2) A parent or other person exercising custodial control or supervision of a child who has been hospitalized pursuant to Section 148 of this Act may at any time file a notice to withdraw the child from the hospital. Upon receipt of such notice, the hospital may discharge the child immediately to the custody of his parent or other person exercising custodial control or supervision, or if in the opinion of the treating physician release would be seriously detrimental to the child's health, the physician shall:

(a) Discharge the child to the custody of his or her parent or other person exercising custodial control or supervision against medical advice, after advising them against discharge and seeking their written acknowledgment that they have been so advised; or

(b) Refuse to discharge the child for a period of no more than three (3) days, exclusive of weekends and holidays, after receipt of the notice to withdraw, provided that the hospital or the physician files a petition for certification within the three (3) days, exclusive of weekends and holidays, in which case the hospital may hold the child until the court's ruling following the certification hearing.

SECTION 169. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) A child admitted to a hospital pursuant to paragraph (2) or (3) of Section 148 of this Act may object to a discharge requested by his parent or other person exercising custodial control or supervision by stating in writing his objection and his desire to remain as a patient.

(2) If the hospital desires to continue observation, diagnosis, or treatment of the child, it shall notify the parent or other person exercising custodial control or supervision within three (3) days, exclusive of weekends and holidays, and may continue to treat the child. The hospital shall also notify the parent or the person of his right to file with the court a petition to discharge, stating the basis for the parent or other person's belief that the child no longer meets the criteria set out in Section 154 of this Act.

(3) Upon the filing of a petition to discharge, the procedures for certification hearings shall apply except that the parent or other person exercising custodial control or supervision shall have the burden to demonstrate that the criteria for hospitalization are not met.

SECTION 170. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet may promulgate administrative regulations to implement the provisions of this chapter.

(2) The cabinet shall promulgate administrative regulations to insure that necessary and appropriate treatment is provided to children hospitalized under this Act, including the establishment of:

(a) Reasonable time periods in which an individualized written treatment plan shall be developed, reviewed, and revised in accordance with each child's needs and progress; and

(b) Procedures so that a hospitalized child, his parent or other person exercising custodial control or supervision, including the state if applicable, can obtain an independent medical review of the appropriateness of decisions made to continue hospitalization or to discharge a child.

SECTION 171. A NEW SECTION OF KRS CHAPTER 645 IS CREATED TO READ AS FOLLOWS:

Any person who willfully causes, or conspires with or assists another in causing:

(1) The unwarranted hospitalization of any individual under this Act; or

(2) The denial to any individual of any of the rights accorded to him under this chapter or the administrative regulations issued thereunder shall be guilty of a Class A misdemeanor.

SECTION 172. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

As used in Sections 172 through 177 of this Act, "juvenile detention center" means any facility used for the secure detention of children other than a jail, police station, lock-up, intermittent holding facility, or any building which is a part of or attached to any facility in which adult prisoners are confined or which shares staff with a facility in which adult prisoners are confined.

SECTION 173. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

On or before July 1, 1987, the justice cabinet shall issue administrative regulations to govern at least the following aspects of the operation of juvenile detention centers:

(1) Administration;

(2) Personnel;

(3) Training and staff development;

(4) Recordkeeping;

(5) Physical plant;

(6) Security and control;

(7) Safety and emergency procedures;

(8) Sanitation and hygiene;

(9) Medical and health services;

(10) Food services;

(11) Intake and classification;

(12) Programs and services;

(13) Residents' rights;

(14) Rules and discipline;

(15) Admission procedures;

(16) Communication, including mail, visitation and telephone;

(17) Release preparation and transfer programs; and

(18) Volunteer involvement.

SECTION 174. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

(1) On or before July 1, 1988, each person or organization operating a juvenile detention center shall register with the justice cabinet and shall comply with the regulations issued pursuant to Section 173 of this Act.

(2) After July 1, 1988, each organization operating or seeking to operate a juvenile detention center shall:

(a) Apply to the justice cabinet not less than sixty (60) days prior to the scheduled opening of the facility;

(b) Permit inspection of the facility by the justice cabinet not less than thirty (30) days prior to the scheduled opening of the facility; and

(c) Supply to the justice cabinet not less than thirty (30) days prior to the scheduled opening of the facility all data, plans, and other materials required by the justice cabinet.

SECTION 175. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

(1) After July 1, 1988, the justice cabinet shall inspect, at least annually, each registered juvenile detention center to assure its compliance with administrative regulations; and

(2) After July 1, 1988, the justice cabinet may require reports and other data at least annually from each juvenile detention center.

SECTION 176. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

(1) The justice cabinet shall enforce the provisions of Sections 172 through 175 of this Act and the administrative regulations issued thereunder.

(2) The justice cabinet may institute legal proceedings, including, but not limited to, injunctive remedies, to secure compliance with the provisions of this Act.

SECTION 177. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

Any person who violates the provisions of Sections 172 through 175 of this Act or the administrative regulations issued thereunder shall be fined not less than five hundred dollars ($500) nor more than ten thousand dollars ($10,000). Each day of violation shall be a separate offense.

SECTION 178. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

There is hereby created in the state treasury the "local alternatives to detention fund" to be administered by the justice cabinet for the purposes set forth in this Act. The fund may receive moneys from state appropriations, the federal government, donations or other sources. Moneys in the fund shall not lapse.

SECTION 179. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

Moneys in the local alternatives to detention fund shall be utilized only for demonstration programs administered by a county and shall be limited to programs whose purpose is to:

(1) Provide an alternative to placing juveniles in jails or juvenile detention centers;

(2) Detain juveniles for no more than seventy-two (72) hours in intermittent facilities prior to their disposition under KRS Chapters 620, 630, 635, and 645; or

(3) Provide transportation of juveniles to and from alternatives-to-detention programs, intermittent holding facilities, juvenile detention centers and court appearings.

SECTION 180. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The justice cabinet shall issue administrative regulations to govern at least the following aspects of the operation of the local alternatives-to-detention fund:

(1) Application procedures, including granting and denying applications;

(2) Program and funding restrictions;

(3) Program and funding reports;

(4) Termination of programs; and

(5) Other related matters.

SECTION 181. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the custody and care of children held in custody pending disposition of their cases by the district court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class or urban county government, the fiscal court or urban county council shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) Each child detained in such facility shall be deemed to be under the jurisdiction of the district court before which his case is pending.

SECTION 182. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:

The cabinet shall make an annual report to the governor, the general assembly, and the chief justice. The report shall be tendered to the above named parties not later than December 1st of each year and shall include information for the previous fiscal year. The report shall include, but need not be limited to, the following information on children within the purview of the cabinet.

(1) The number of committed children in foster care;

(2) The number of committed children placed in private child care facilities;

(3) The amount of funds expended by federal and state governments for social worker and administrative salaries, maintenance payments to foster parents, medical care, counseling services, and other supportive services required to maintain children in foster homes;

(4) The amount of funds expended by federal and state governments for social worker and administrative salaries, payments to private child care facilities, medical care, counseling services, and other supportive services required to maintain children in private child care facilities;

(5) The amount of funds expended by federal and state governments for social worker and administrative salaries on protective services to children placed with their natural parents, or persons exercising custodial control or supervision of the child;

(6) The amount of funds expended by federal and state governments for social worker and administrative salaries on rehabilitative services provided to natural parents while the child has been placed in foster care;

(7) The number of foster children eligible for adoption, the number of such children adopted, and the number of foster children determined not eligible for adoption and the reasons therefor;

(8) The number of foster children placed in permanent or long-term foster care;

(9) The average length of time each child spends in foster care; and

(10) Any other matters relating to the care of foster children which the cabinet deems appropriate and which may promote further understanding of the impediments to providing permanent homes for foster children.

SECTION 183. A NEW SECTION OF KRS 199.640 TO 199.670 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources shall issue administrative regulations specifically addressing the unique situation of child-caring facilities and child-placing agencies which provide non-secure care for children during the pre-adjudication phase of proceedings under KRS Chapter 199. Such facilities and agencies shall include those operated privately and those operated by units of local government. These regulations shall include standards relating to the following:

(1) Administration;

(2) Personnel;

(3) Training and staff development;

(4) Recordkeeping;

(5) Physical plant;

(6) Security and control;

(7) Safety and emergency procedures;

(8) Sanitation and hygiene;

(9) Medical and health services;

(10) Food services;

(11) Intake and classification;

(12) Programs and services;

(13) Resident rights;

(14) Rules and discipline;

(15) Admission procedures;

(16) Communication, including mail, visitation and telephone;

(17) Release preparation and transfer programs; and

(18) Volunteer involvement.

SECTION 184. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

KRS Chapter 202A shall not apply to persons under eighteen (18) years of age unless specifically authorized by the Kentucky unified juvenile code.

Section 185. KRS 202A.021 is amended to read as follows:

The hospitalization of minors alleged to be mentally ill except those provided for in KRS Chapter 640 of this Act, shall be governed by KRS Chapter 645 of this Act [~~(1) An authorized staff physician of a hospital may admit for observation, diagnosis, care and treatment any person who is mentally ill or who has symptoms of mental illness and who applies voluntarily therefor. An unemancipated person under eighteen (18) years of age may be admitted under this section following application in his behalf by his parent or guardian, the application being signed by his parent or guardian in the presence of two (2) witnesses. A child fourteen (14) years of age or older may, with the concurrence of the treating or admitting physician, admit himself or herself to a hospital for evaluation, diagnosis and treatment provided, however, that the child's parents or legal guardian are notified immediately of the admission and of their right to seek discharge. A child admitted to the hospital, pursuant to this section, who is a ward of the state may designate a friend or relative over the age of majority to receive notification of the child's hospitalization in lieu of a parent.~~

~~(2) An authorized staff physician of a hospital shall discharge any voluntary patient, including an unemancipated person under eighteen (18) years of age, who has recovered or whose hospitalization he determines to be no longer necessary or advisable.~~

~~(3) If a voluntary patient requests in writing his release, or if his release is requested in writing by his parent, guardian or designated substitute parent as provided in subsection (1) of this section, the patient shall be released unless further detained under the applicable provisions of this chapter.~~

~~(4) Anytime during the period of hospitalization either the child and/or his parent or legal guardian may seek an independent medical review of the appropriateness of decision made either to discharge, or to continue hospitalization, of a child hospitalized under this section~~].

Section 186. KRS 199.990 is amended to read as follows:

(1) [~~Any person who violates subsection (1) of KRS 199.350 shall be imprisoned in the county jail not less than ten (10) nor more than sixty (60) days, or fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200), or both.~~

~~(2) Any person who upon thirty (30) days' notice fails to remove a child from the state when required to do so under a bond as provided in paragraphs (c) or (d) of subsection (2) of KRS 199.350 shall forfeit one thousand dollars ($1,000), to be recovered upon the bond by a suit in the name of the county in which the bond is filed.~~

~~(3)~~] Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars ($500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.

(2)[~~(4)~~] Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570 and 199.590, or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.

(3)[~~(5)~~] Any person who willfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than twenty dollars ($20) nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

(4)[~~(6)~~] Any person who violates any of the provisions of KRS 199.896 shall be fined not less than one thousand dollars ($1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.

[~~(7) Anyone knowingly and willfully violating the provisions of subsection (2) of KRS 199.335 shall be guilty of a Class B misdemeanor as designated in KRS 532.090.~~

~~(8) Any person who willfully permits, assists, or encourages the unauthorized release of any information made pursuant to KRS 199.335, or otherwise violates the provisions of subsection (9) of KRS 199.335 shall be guilty of a Class B misdemeanor as designated in KRS 532.090.~~

~~(9) Any person who willfully violates the provisions of KRS 199.463 shall be imprisoned in the county jail for a period not to exceed six (6) months or fined not more than five hundred dollars ($500), or both.~~]

Section 187. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Cabinet" means the cabinet for human resources.

(3) "Department" means the department for social services.

(4) "Child" means any person who has not reached his eighteenth birthday.

(5) [~~"Dependent child" means any child who is under improper care, control, or guardianship that is not due to the negligence of the parent or guardian, provided that the child is not an abused or neglected child.~~

~~(6) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or other person who has the permanent or temporary care, custody or responsibility~~

~~for the supervision of the child: inflicts or allows to be inflicted upon the child, physical or mental injury to the child by other than accidental means; creates or allows to be created a risk of physical or mental injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse upon the child; willfully abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being; provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This exception, however, shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.~~

~~(7)~~] “Child-caring facility” means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

(6)[~~(8)~~] “Child-placing agency” means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

(7)[~~(9)~~] “Child welfare worker” means an employe of the cabinet designated as such by the secretary for human resources or social worker employed by a county or city who has been approved by the cabinet to handle, under its supervision, services to children.

[~~(10) “Boarding home or foster parent” as used in subsection (5) of KRS 199.603 means persons who board children held in custody by the cabinet.~~]

(8)[~~(11)~~] “Foster family home” means a private home in which children are placed for foster family care under supervision of the cabinet or of a licensed child-placing agency.

(9)[~~(12)~~] “Group home” means a homelike facility for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

(10)[~~(13)~~] “Institution” means a child-caring facility providing care or maintenance for nine (9) or more children.

(11)[~~(14)~~] “Family rehabilitation home” means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons.

Section 188. The following KRS sections are repealed:

199.335 Specified persons to report child abuse or neglect—Report to law enforcement agency—Search warrant—Protective custody—Immunity from liability.

199.341 Interstate compact on placement of children.

199.343 Definitions of terms in interstate compact.

199.345 Financial responsibility for child placed and agreements under interstate compact.

199.347 Court may place child in foreign state under compact.

199.350 Importation of dependent children.

199.370 Exceptions to regulations on importation—Waiver.

199.375 Voluntary commitment of children to cabinet—Support—Care—Release.

199.460 Duties of cabinet concerning child welfare.

199.463 Mandatory examinations for foster children.

199.465 Review of children placed in foster homes.

199.601 Voluntary termination of parental rights—Petition—Hearing.

199.603 Involuntary termination of parental rights of parent of dependent, neglected or abused child.

199.605 Termination of parental rights of child born out of wedlock.

199.607 Termination of parental rights of father of child born out of wedlock.

199.609 Proceedings to terminate parental rights to be in circuit court—Contents of petition for involuntary termination.

199.611 Order of termination.

199.613 Parents not to be named in termination order—All rights terminated except right to inherit.

199.615 Records of proceeding to terminate parental rights confidential.

199.617 Appeal from order for involuntary termination of parental rights.

208.010 Definitions for KRS 208.010 to 208.540 and 208.990.

208.020 Jurisdiction of juvenile session of district court—Jury trial.

208.030 Juvenile record—Juvenile docket.

208.060 Conduct of hearings.

208.065 Right to counsel in cases involving sentence resulting in detention.

208.070 Preliminary inquiry—Style and contents of petition.

208.080 Issuance of summons and notice—Temporary custody of child.

208.083 Mandatory examinations for children in temporary placement.

208.090 Method of serving summons and notice.

208.100 Enforcement of summons—Warrant.

208.110 Law of arrest applicable to children.

208.120 Child not to be detained in police station, lockup, jail or prison—Exception.

208.130 Detention facilities—Agreement for use of state reception-diagnostic centers—Cabinet operation of detention facilities.

208.140 Investigation before disposition of case.

208.150 Examination of child found to be mentally ill or defective.

208.160 Physical examination and disposition of child not in normal health.

208.170 Proceedings against children suspected of felony.

208.180 Disposition of child convicted of felony or misdemeanor.

208.190 Decree in proceedings concerning children who are charged with crime.

208.192 Detention hearing—Right to counsel.

208.194 Adjudication of felony offense—Institutionalization—Shock probation.

208.196 Physical evidence—How obtained and utilized—Disposition.

208.198 Notification of disposition and placement of child.

208.200 Probation or commitment of child convicted of public offense.

208.205 Modification or termination of order of commitment, protective supervision, or probation.

208.220 Cabinet for human resources may assist juvenile courts in placing children—County contributions.

208.230 Court may coerce cooperation of parents or other persons in support of order or decree.

208.235 Bond of parent or guardian of delinquent child, required when—Conditions—Forfeiture.

208.240 Restitution or reparation by child committing public offense.

208.250 Religious faith of parents to be considered in placing child in home or committing to an institution or agency.

208.260 Girls to be accompanied by woman attendant or relative—Reports of violations.

208.270 Commitment order and information to be furnished cabinet.

208.275 Unconditional release from custody of cabinet—Expungement of record—Penalty.

208.280 Parents or estate to contribute to support and education of child when able.

208.300 Reports by persons in charge of homes or institutions to which a child is probated—Power of cabinet to make visitation and inspections.

208.310 Advisory boards of juvenile courts.

208.320 Chief probation officers and assistants in county having city of first or second class or urban-county government—Volunteer probation officers.

208.330 Duties of probation officers.

208.340 Information obtained by probation officers confidential—Exceptions.

208.350 Use of evidence in subsequent actions prohibited.

208.360 Tax levies and appropriations by cities and counties for purposes of KRS 208.010 to 208.540.

208.370 Fees allowed in juvenile court proceedings.

208.380 Appeals.

208.400 Duties of cabinet concerning existing institutions and development of additional facilities.

208.403 Rehabilitation center for delinquent girls constructed by women's clubs, powers of cabinet.

208.410 Program of care, treatment and rehabilitation of children committed to cabinet.

208.420 Regional reception-diagnostic centers—Use.

208.430 Powers of cabinet during period of commitment.

208.440 Receipt and disbursement of funds for board, lodging and care of children on probation—Cabinet may accept gifts, devises or bequests.

208.450 Medical and surgical care for children committed to cabinet.

208.460 Disposition of mentally ill or retarded child committed to cabinet.

208.470 Disposition of child incapable of benefiting from treatment by cabinet facilities.

208.510 Violation of supervised placement conditions.

208.520 Design and operation of institutional facilities—Vocational education—Employment of children—Use or disposal of farm or other products.

208.530 Education of children in institutions.

208.540 Mileage and expense allowance to officer conveying child to institution or facility.

208.600 Text of compact.

208.610 Juvenile compact administrator.

208.620 Supplementary agreements.

208.630 Financial arrangements.

208.640 Responsibilities of state departments, agencies and officers.

208.650 Additional procedures not precluded.

208.660 Execution of additional article.

208.670 Execution of amendment.

208.680 Definitions.

208.685 Foster care citizen review board established—Appointment of members—Additional boards authorized—Number, qualification, term and removal of members—Officers—Meetings.

208.690 Funding and support services for local boards.

208.695 Training—Oath of confidentiality.

208.700 Board to receive copies of orders of commitment and placement agreements.

208.705 Cabinet to file with court and board case permanency plan for child—Contents of plan.

208.710 Case progress report—Contents.

208.715 Board to have access to court and department records concerning child—Procedure when access denied.

208.720 Conflict of interest bars participation in review.

208.725 Review of child by board.

208.730 Appearance of witnesses before board.

208.735 Board findings and recommendations to be filed with court.

208.740 Notice to interested parties of board's review.

208.745 State citizen review board established—Officers—Meetings—Compensation.

208.750 Duties of state citizen review board.

208.755 Funding and support services for state board.

208.760 Annual reports of local boards to state board.

208.990 Penalties.

Section 189. KRS 446.250 through 446.320 to the contrary notwithstanding, this Act shall prevail in the event of a conflict between this Act and other Acts passed by the 1986 regular session of the General Assembly.

Section 190. This Act shall become effective July 1, 1987.

The Committee Amendment No. 1 to SB 311 is as follows:

Amend printed copy of GA copy of SB 311:

On page 217, between lines 7 and 8, insert the following:

"Section 185. KRS 69.210 is amended to read as follows:

(1) The county attorney shall attend the fiscal court and conduct all business in that court touching the rights or interests of the county, and when so directed by the fiscal court he shall institute, defend and conduct all civil actions in which the county is interested before any of the courts of the Commonwealth.

(2) The county attorney shall attend to the prosecution in the juvenile session of the district court of all proceedings held pursuant to petitions filed under KRS *Chapter 610* [~~208.070~~] and over which the juvenile session of the district court has jurisdiction pursuant to KRS *Chapter 610* [~~208.020(1)(a), (b), (c) and (d)~~].

(3) The county attorney shall give legal advice to the fiscal court and the several county officers in all matters concerning any county business within their jurisdiction. He shall oppose all unjust or illegally presented claims.

(4) A county attorney serving in a county or urban county which is part of a judicial circuit described by KRS 69.010(2), in addition to the duties in subsections (1) and (2) of this section, shall have the following duties:

(a) He shall attend all civil cases and proceedings in his county in which the Commonwealth is interested.

(b) He shall advise the collector of money due the Commonwealth in the county in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county."

on page 217, between lines 7 and 8 insert the following:

"Section 186. KRS 189A.030 is amended to read as follows:

(1) Terms of imprisonment for first and second offenders under KRS 189A.010 shall, at the order of the court, be served on weekends or such other times as may preserve the employment or education of the offender, provided that no individual period of incarceration shall be less than twenty-four (24) hours.

(2) Terms of imprisonment for persons under the age of eighteen (18) shall be served in a location meeting the criteria of KRS Chapter *610, 630, 635 and 640* [~~208~~]."

On page 217, between lines 7 and 8, insert the following:

"Section 187. KRS 199.473 is amended to read as follows:

(1) All persons other than a licensed child-placing agency or institution, the department or persons excepted by KRS 199.470(4) or (5) who wish to place or receive a child shall make written application to the secretary for permission to place or receive a child. Upon receipt of an application to place or receive a child the secretary shall cause an investigation to be made of the home and the background of the person or persons wishing to

receive the child. The purpose of the investigation shall be to determine the suitability of the applicants to receive a child, taking into account at all times the best interest of the child for whom application to receive has been made. The child welfare worker making the investigation shall make a finding in writing recommending either that the application be granted or that the application be denied. In either case reasons for the child welfare worker's recommendation shall be given in writing. The recommendation of the child welfare worker shall then be reviewed by the secretary. Based on the report and recommendation of the child welfare worker making the investigation, the secretary shall grant or refuse permission for the applicant to place or receive a child as early as practicable, but, in any case, the decision shall be made within sixty (60) days after the receipt of the application. In reaching his decision the secretary shall be guided by the ability of the persons wishing to receive the child to give the child a suitable home, and shall at all times consider the best interest of the child from a financial, medical, psychological and psychiatric standpoint. If the application is refused the secretary shall in general terms furnish in writing the reasons for his refusal.

(2) In any case where the department refuses to approve the placement of a child for adoption when requested by the parent or parents of the child, or refuses the request of any person or persons that a child be placed with him or them for adoption, the decision of the secretary in so refusing shall be final unless within ten (10) days after notice of refusal, the natural or proposed adopting parent or parents shall appeal to the circuit court of the county in which the adoption is proposed, provided however that no placement shall be disapproved on the basis of the religious, ethnic, racial or inter-faith background of the adoptive applicant, if such placement is made with the consent of the parent. The department shall be made a party defendant to the appeal. In the hearing of an appeal the court shall review the findings of the secretary and shall determine if the secretary has acted arbitrarily, unlawfully, or in such a manner as to constitute an abuse of discretion.

(3) No person, association or organization, other than the department or a licensed child-placing institution or agency shall place a child or act as intermediary in the placement of a child for adoption or otherwise, except in the home of a stepparent, grandparent, sister, brother, aunt or uncle, or upon written approval of the secretary. Nothing in this subsection shall be construed to limit the department for human resources in carrying out its aid to dependent children program in accordance with KRS Chapter 205.

(4) In the event a child who does not fall within the exception provided for in KRS 199.470(4) or (5) is placed or received in a home without the permission of the secretary for human resources, or in the event permission to receive a child has been denied, a representative of the department may petition the juvenile session of district court of the county in which the child is found setting out the facts concerning the child. When such petition has been filed, the court shall take jurisdiction of the child and shall provide for it as it would provide for a dependent, neglected or abused child under KRS *Chapter 620* [~~208.020~~] except that the child may not be placed in the home of the applicants to receive him unless permission to do so is granted by the secretary or such action is ordered by a circuit court, the Kentucky Court of Appeals or Supreme Court of Kentucky.

(5) Nothing in this statute shall be construed to limit the authority of the department or a licensed child-placing institution or agency to determine the proper disposition of a child committed to it by the juvenile session of district court or the circuit court, prior to the filing of an application to place or receive."

On page 217, between lines 7 and 8, insert the following:

"Section 188. KRS 199.480 is amended to read as follows:

(1) The following persons shall be made parties defendant in an action for leave to adopt a child:

(a) The child to be adopted;

(b) The natural living parents of a child under eighteen (18), if the child is born in lawful wedlock, and its mother and if paternity is established in legal action or if an affidavit is filed stating that the affiant is father of the child, its father, if the child is born out of wedlock, provided that no natural parent need be made a party defendant in the event the parental rights of such parent have been terminated under KRS *Chapter 625* [~~199.601~~] to 199.617, or under a comparable statute of another jurisdiction;

(c) The child's guardian, if it has one;

(d) If the care, custody and control of the child has been transferred to the cabinet, any other individual, institution or agency, then the cabinet, such other individual, institution or agency shall be named a party defendant.

(2) Each party defendant shall be brought before the court in the same manner as provided in other civil cases except that if the child to be adopted is under fourteen (14) years of age and the cabinet, individual, institution or agency has custody of such child, the service of process upon such child shall be had by serving a copy of the summons in such action upon the cabinet, individual, institution or agency, any provision of CR 4.04(3) to the contrary notwithstanding.

(3) If the child's natural living parents, if the child is born in lawful wedlock, or if the child is born out of wedlock, its mother and if paternity is established in legal action or if an affidavit is filed stating that the affiant is father of the child, its father, are parties defendant, no guardian ad litem need be appointed to represent the child to be adopted."

on page 217, between lines 7 and 8 insert the following:

"Section 189. KRS 199.500 is amended to read as follows:

(1) No adoption shall be granted without the sworn consent of the living parent or parents of a child born in lawful wedlock or the mother of the child born out of wedlock, or the father of the child born out of wedlock if paternity is established in a legal action or if an affidavit is filed stating that the affiant is the father of the child, except that such consent of the living parent or parents shall not be required if:

(a) Such parent or parents have been adjudged mentally disabled and such judgment shall have been in effect for not less than one (1) year prior to the filing of the petition for adoption;

(b) The parental rights of such parents have been terminated under KRS *Chapter 625* [~~199.601 to 199.617~~]; or

(c) The living parents are divorced and the parental rights of one (1) parent have been terminated under KRS *Chapter 625* [~~199.603~~] and consent has been given by the parent having custody and control of the child.

(2) A minor parent who is a party defendant may consent to an adoption but a guardian ad litem for such parent shall be appointed.

(3) In the case of a child twelve (12) years of age or older, the consent of the child shall be given in court, provided that the court in its discretion may waive this requirement.

(4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be granted without the consent of the natural living parents of a child if it is pleaded and proved as a part of the adoption proceedings that any of the provisions of subsections (1) or (4) of KRS 199.603 exist with respect to such child.

(5) In no case shall an adoption be granted or a consent for adoption be held valid if such consent for adoption is given prior to the fifth day after the birth of the child."

on page 217, between lines 7 and 8, insert the following:

"Section 190. KRS 201.100 is amended to read as follows:

(1) When a child comes under any of the provisions of KRS 201.090, the board may file a petition in the juvenile session of the district court setting forth the facts in regard to the child. The court shall thereupon issue a writ for the custody of the child, and the writ shall be served upon the parents or the person having actual custody or control of the child, or if the child is under no actual parental custody or control, then upon the child itself. If the writ is served upon the child, the board shall place the child in the temporary custody of the home, or of some private person or public agency until the final order of the court. Notice of the time of the hearing shall be served on the parents or the person having actual custody or control of the child, and such person shall have the right to call witnesses and be heard as to his rights, fitness and ability to care for and educate the child.

(2) If the facts set forth in the petition are found to be true and any of the conditions set forth in KRS 201.090 exist, the court shall order that the child be committed to the custody of the board. If the parents are able to maintain and support the child, the court shall require them to pay board, and may enforce such payment by attachment or other proceedings as in cases of contempt.

(3) An appeal may be taken from any orders, judgments or commitments made under the provisions of this

section according to the procedures established in KRS *Section 32 of this Act* [~~208.380~~] for appeals from the juvenile session of district court."

on page 217, between lines 7 and 8, insert the following:

"Section 191. KRS 201.110 is amended to read as follows:

(1) All children received into the home's care by commitment of any court or officer having jurisdiction shall remain under the home's care for the period of their commitment, not to exceed their minority, unless sooner paroled or discharged.

(2) The board may discharge any child received under KRS 201.080(1) at any time it deems it for the best interest of the child or the other children under the home's care, or for the best interests of the home. The discharge may be absolute, conditional, temporary or on parole, in the discretion of the board. Before discharge notice must be given to the committing court and to such other parties as required in KRS Chapter 208.

(3) The board shall discharge any child accepted for care under KRS 201.080(2) on written request of the parent, or other party as specified in said section, making the application for care, within five (5) calendar days, unless during said period the board shall have filed a petition for commitment under KRS 201.100 or KRS *Chapters 620, 630, or 645* [~~208~~] and such commitment, or a temporary order of custody under KRS *Chapters 620, 630, 645* [~~208.020(6)~~], shall have been ordered by the court.

(4) The board may discharge any child accepted for care under KRS 201.080(2) at any time it deems it for the best interest of the child or the other children under the home's care or for the best interests of the home. Before discharge notice must be given to the committing court or board."

on page 217, between lines 7 and 8, insert the following:

"Section 192. KRS 335.170 is amended to read as follows:

No licensee holding a certificate of qualification for independent practice of clinical social work may disclose any information he may have acquired from persons consulting him in his psychotherapeutic capacity except:

(1) With the written consent of the person, or, in the case of death or disability, of his authorized representative, or the beneficiary of an insurance policy on his life, health, or physical condition;

(2) A communication that reveals the contemplation of a crime or a harmful act;

(3) When the communication indicates that the person was the victim or subject of a crime, the licensee shall be required to testify fully when properly subpoenaed by a court of competent jurisdiction in any examination, trial, or other proceeding in which the commission of such a crime is the subject of inquiry;

(4) Communications made in the course of a social work examination ordered by a court of competent jurisdiction when the client has been informed before the examination that any communications made during the examination would not be privileged;

(5) When the licensee is a defendant in either a civil or criminal action;

(6) When the licensee is an employe of the Commonwealth of Kentucky and is performing activities solely within the confines or under the jurisdiction of the cabinet for human resources or its successor organization; and

(7) If the licensee has reasonable grounds to suspect that a child has been abused or neglected, he shall report such information in compliance with provisions of *Section 64 of this Act* [~~KRS 199.335~~]."

on page 217, between lines 7 and 8, insert the following:

"Section 193. KRS 337.285 is amended to read as follows:

No employer shall employ any of his employes for a work week longer than forty (40) hours, unless such employe receives compensation for his employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1 1/2) times the hourly wage rate at which he is employed. This provision does not apply to employes of retail stores engaged in work connected with selling, purchasing and distributing merchandise, wares, goods, articles or commodities or to employes of restaurant, hotel and motel operations, to employes as defined and exempted from the overtime provision of the Fair Labor Standards Act in Sections 213(b)(1), 213(b)(10) and 213(b)(17) of Title 29, U.S.C. or to employes whose function is to provide twenty-four (24) hour residential care on the employer's premises in a parental role to children who are primarily dependent, neglected and abused and who are in the care of private nonprofit childcaring facilities licensed by the cabinet for human resources under KRS 199.640 to 199.670 [~~Chapter 199~~].''

on page 217, between lines 7 and 8, insert the following:

''Section 194. KRS 453.260 is amended to read as follows:

(1) In addition to any costs which are awarded as prescribed by statute, a court shall award costs to any party which prevails by a final adjudication on the merits in any of the following:

(a) A civil action brought by the Commonwealth against the party;

(b) A civil action brought by the party against the Commonwealth to challenge the assessment or collection of taxes;

(c) A court proceeding to review an administrative review board decision, where the original administrative action was brought by the Commonwealth against the party.

(2) The court in its discretion may deny the award provided for in this section, or may reduce the award, if it finds that:

(a) During the course of the proceeding the prevailing party unduly and unreasonably protracted the final resolution of the matter; or

(b) The reason that the party other than the Commonwealth has prevailed is an intervening change in the applicable statutes, regulations or case law; or

(c) The prevailing party refused an offer of civil settlement which was at least as favorable to the party as the relief ultimately granted; or

(d) The position of the Commonwealth was substantially justified or a special circumstance would make an award unjust provided, however, that the burden of proof of substantial justification or special circumstance shall rest with the Commonwealth.

(3) A party may apply pursuant to the applicable Rules of Civil Procedure for an award of attorney fees and other expenses authorized under this section and shall include as part of the application evidence of the party's eligibility for the award and the amount sought, including an itemized and attested statement from the attorneys and experts stating the actual time expended in representing the party and the rate at which the fees were computed. The party shall also allege in such application that the Commonwealth acted without substantial justification.

(4) The court shall base any award of fees as provided in this section on prevailing market rates for the kind and quality of services furnished, except that:

(a) An expert is not eligible for compensation at a rate in excess of the prevailing rate of compensation for similar experts paid by the Commonwealth;

(b) The award of attorney fees may not exceed the amount which the prevailing party has paid or has agreed to pay the attorney or a maximum amount of forty dollars ($40.00) per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceeding involved, justifies a higher fee;

(c) No award shall be greater than ten thousand dollars ($10,000) to each party except that no award shall be made to any party who voluntarily intervenes in any such action.

(5) This section does not:

(a) Apply to an action arising from a proceeding before the Commonwealth in which the role of the Commonwealth was to determine the eligibility or entitlement of an individual to a monetary benefit or its equivalent, or to adjudicate a dispute or issue between private parties or to establish or fix a rate. As used in this subsection, monetary benefit or its equivalent shall not include a license, permit, charter or similar instrument that the Commonwealth may require to engage in a business, profession or similar activity;

(b) Apply to proceedings brought by the Commonwealth pursuant to KRS Chapters 218A, 431 to 439, and 500 to 534;

(c) Apply to proceedings involving eminent domain, foreclosure, collection of judgment debts or proceedings in which the Commonwealth is a nominal party;

(d) Personally obligate any officer or employe of the Commonwealth for the payment of an award entered under this section; and

(e) Apply to proceedings brought pursuant to KRS Chapters 18A, 209, 342 and KRS *Chapter 625* [~~199.011 to 199.617 or 208C.100(2) and (3)~~].''

On page 217, line 8, delete ''185'' and insert in lieu thereof ''195''; and

on page 218, line 23, delete ''186'' and insert in lieu thereof ''196''; and

on page 221, line 1, delete ''187'' and insert in lieu thereof ''197''; and

on page 223, line 20, delete ''188'' and insert in lieu thereof ''198''; and

on page 230, line 18, delete ''189'' and insert in lieu thereof ''199''; and

on page 230, line 22, delete ''190'' and insert in lieu thereof ''200''.

The Committee Amendment No. 2 to SB 311 is as follows:

Amend printed copy of GA copy of SB 311:

On page 106, line 2, following ''parent'' to add ''*or legal guardian*''

The Committee Amendment No. 3 to SB 311 is as follows:

Amend printed copy of GA copy of SB 311:

On page 178, between lines 21 and 22, to add the following:

''*(1) No youthful offender who has been convicted of a capital offense who was under the age of sixteen (16) years at the time of the commission of the offense shall be sentenced to capital punishment. A youthful offender may be sentenced to capital punishment if he was sixteen (16) years of age or older at the time of the commission of the offense. A youthful offender, convicted of a capital offense regardless of age may be sentenced to a term of imprisonment appropriate for one who has committed a Class A felony and may be sentenced to life imprisonment without benefit of parole for twenty-five (25) years.*''

On page 178, line 22, to delete ''*(1)*'' and insert ''*(2)*''.

On page 178, line 26, to delete ''*(2)*'' and insert ''*(3)*''.

On page 178, line 3, to delete ''*(3)*'' and insert ''*(4)*''.

SB 317, AN ACT relating to peace officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 150.090 is amended to read as follows:

(1) Conservation officers appointed by the commissioner shall have full powers as peace officers for the enforcement of all of the laws of the Commonwealth, except that they shall not enforce laws other than KRS Chapter 150 and the administrative regulations issued thereunder or to serve process unless so directed by the commissioner.

(2) The commissioner may appoint other persons to enforce only the provisions of KRS Chapter 150 and the administrative regulations issued thereunder. Such persons shall have the power to make arrests or issue citations only for violations of KRS Chapter 150 and the administrative regulations issued thereunder.

(3) All other peace officers and their deputies shall enforce the provisions of KRS Chapter 150 and the administrative regulations issued thereunder.

(4) All persons charged with the enforcement of KRS Chapter 150 and the administrative regulations issued thereunder [~~Conservation officers or any other persons appointed by the commissioner and all peace officers and their deputies shall enforce the provisions of this chapter and~~] shall have the right to go upon the land of any person or persons whether private or public for the purpose of conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or their enforcement or in the enforcement of laws or orders of the department relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest or trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

(5)[~~(2)~~] Conservation officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or tag, bag or creel of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms and any other device that may be used in taking wildlife and is in the possession of any person so engaged.

(6)[~~(3)~~] No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter. *This subsection shall not apply to a criminal homicide or an assault upon such officer. An assault upon such officer shall be deemed an offense under KRS Chapter 507 or 508 as appropriate.*

Section 2. KRS 150.990 is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(3) Any person who violates any of the provisions of [~~subsection (3) of KRS 150.090,~~] subsections (1) and (2) of KRS 150.180, 150.300, 150.330, subsection (2) of KRS 150.360, 150.485 or 150.600 shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(4) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than six (6) months, or both, and in addition to such penalties shall be liable to the department in an amount reasonably necessary to restock such fish or replenish such other wildlife which has been killed or destroyed.

(5) Any licensee who violates any provisions of this chapter or any regulations adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license and shall not be permitted to purchase another license for the same calendar year.

(6) Any county clerk, deputy clerk or agent who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(7) Any person who violates the provisions of KRS 150.390(1), (2), (3) or (4) shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500).

(8) Any person who violates the provisions of KRS 150.390(5), 150.690 or 150.700 shall be fined not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

(9) Any person who violates the provisions of KRS 150.390(5) shall, in addition to the penalties prescribed in subsection (8) of this section, forfeit his hunting license and shall not be permitted to apply nor be issued a hunting permit for a period of one (1) to three (3) years and in addition shall be liable to the department in an amount reasonably necessary to replace any deer or wild turkey taken in violation of KRS 150.390(5).

(10) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars ($25.00), nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(11) Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(12) Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(13) Any nonresident who violates KRS 150.235, subsection (2) or (3), shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200).

(14) No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced or remitted otherwise than expressly provided by law.

(15) Any person who violates any provision of KRS 150.183 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each violation.

(16) Any holder of a commercial fishing license who violates any statute or regulation relating to the taking of fish by linear net or nets and any person, who without a commercial fishing license, takes fish or attempts to take fish by linear net or nets shall be fined not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

(17) Any person who violates any provision of KRS 150.090 other than a criminal homicide or an assault against an officer enforcing the provisions of KRS Chapter 150 or the administrative regulations issued thereunder shall be guilty of a Class A misdemeanor.

(18) Any person who commits a criminal homicide or an assault against an officer enforcing the provisions of KRS Chapter 150 or the administrative regulations issued thereunder shall be subject to the penalties specified for such offense under KRS Chapter 507 or 508, as appropriate.

The Committee on Natural Resources and Environment reported SB 354 and SB 374 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 354, AN ACT relating to fish and wildlife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 150.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, jugging, setline or sport fishing trotline.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commercial trotline" is a line to which are attached more than 50 single or multibarbed baited hooks, which shall not be placed closer than eighteen inches (18").

(4) "Commission" means the department of fish and wildlife resources commission.

(5) "Commissioner" means the commissioner of the department of fish and wildlife resources.

(6) "Daylight hours" means the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(7) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fishes.

(8) "Department" means the department of fish and wildlife resources.

(9) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

(10) "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the aid of a handled hook.

(11) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of any rigid object.

(12) "Identification tag" means a marker made of specified material upon which a name and address or number is placed and attached to unattended gear to designate ownership or responsible operator.

(13) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

(14) "Impounded waters" means any public waters backed up behind a dam and includes all water upstream from the dam to the first riffle or shoal.

(15) "Jugging" is a means of fishing by which a single baited line is attached to any floating object.

(16) "Navigable waters" means any waters within this state under lock and dam.

(17) "Nonresident" means a person who has not established a permanent domicile in this state and has not resided in this state for six (6) months immediately prior to his application for a license.

(18) "Minnows" means all fishes under six inches (6") in length, except basses (largemouth, smallmouth, or Kentucky), rock bass or goggle-eye, trout, crappie, walleye, sauger, pikes, members of the striped bass family, and muskellunge.

(19) "Prescribed by the department" means established by a regulation or regulations.

(20) "Protected wildlife" is any wildlife species for which an open or closed season for taking has been designated.

(21) "Public waters" means all waters within the state flowing in a natural stream channel or impounded on a natural stream.

(22) "Raw fur" means a hide, fur or pelt of a fur-bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring of the pelt of the animal shall not be considered processing.

(23) "Regulation" means a written regulation adopted by the commissioner with the approval of the commission.

(24) "Resident" means any person who has established permanent domicile and legal residence and has resided in this state for six (6) months immediately prior to his application for a license. All other persons shall be classed as nonresidents, except students enrolled for at least six (6) months in an educational institution as full time students and military personnel of the United States who are under permanent assignment, shall be classified as residents while so enrolled or assigned in this state.

(25) "Resist" means to point a gun at, leave the scene, intimidate or attempt to intimidate in any manner or further interfere in any manner with any officer in the discharge of his duties.

(26) "Rough fish" means all species of fishes other than those species designated by regulation as sport fishes.

(27) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(28) "Setline" means a line to which is attached one single or multibarbed hook. This line may be attached to a tree limb, tree trunk, bank pole or other stationary object, on the bank of a stream or impoundment.

(29) "Snagging" is the taking of fish or other aquatic animals through the use of a hand held pole and attached line with single or multiple fish hooks in which the fish is hooked by a rapid drawing motion rather than enticement by bait.

(30) "Sports fishing trotline" is a line to which are attached no more than 50 single or multibarbed baited hooks which shall not be placed closer together than eighteen inches (18").

(31) "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture, wildlife in any way and any lesser act designed to lure, attract or entice for such purposes; and to place, set, aim or use any device, animal, substance or agency which may reasonably be expected to accomplish such acts; or to attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

(32) "Tenant" means any resident sharecropper, lessee, or any other person actually engaged in work upon a farm or lands and residing in a dwelling on the farms or lands including noncontiguous lands, but shall not include any other employe or tenant unless actually residing on the property and engaged or employed as above mentioned.

(33) "Transport" means to carry, move or ship wildlife from one (1) place to another.

(34) *"Wildlife" means any undomesticated animal, alive or dead, including without limitations any wild mammal, bird, fishes, reptiles, amphibians or other aquatic life, whether or not possessed in controlled environment, bred, hatched or born in captivity and including any part, product, egg or offspring* [~~"Wild bird" and "wild animal" includes all nondomesticated birds or animals or any part thereof.~~

~~(35) "Wildlife" means any wild bird, wild mammal, fishes, amphibian or other form of aquatic life, or a part~~] thereof, protected or unprotected by this chapter.

Section 2. KRS 150.023 is amended to read as follows:

(1) The members of the commission shall meet in Frankfort, quarterly, upon a date to be determined and fixed by the commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The commission shall at all times keep a watchful eye upon the department of fish and wildlife resources, and advise the commissioner to take such action as may be beneficial to the department and in the interest of wildlife and conservation of natural resources.

(3) The commissioner, with the approval of the commission, shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(4) The commissioner, with the approval of the commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration, and taking and harvesting of *all wildlife* [~~game birds, fish, fur-bearing animals and amphibians~~] all funds of the state acquired for the protection, conservation, propagation or restoration of *all wildlife* [~~birds, animals, fish and amphibians,~~] arising from licenses, gifts or otherwise.

Section 3. KRS 150.110 is amended to read as follows:

The commissioner and conservation officers may arrest without warrant anyone violating any of the provisions of KRS 150.510 and 150.520 or any of the rules and regulations made by the department for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.510 and 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When the officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated *wildlife* [~~fish and game~~].

Section 4. KRS 150.120 is amended to read as follows:

(1) The commissioner, all conservation officers, persons appointed by the commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, *wildlife* [~~fish, wild animals, wild birds,~~] guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the *wildlife* [~~wild animals or wild birds~~] protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any *wildlife* [~~wild birds, wild animals, fish,~~] furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

(2) Upon conviction, the court trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any *wildlife* [~~animal, bird, fish,~~] fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted hereunder, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the commissioner.

(3) The commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the governor and the finance and administration cabinet all contraband which comes to his possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the game and fish fund. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the commissioner.

(4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of *wildlife* [~~fish, amphibians, birds, or animals,~~] is hereby declared to be an illegal device. No person shall have in his possession any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of *wildlife* [~~wild birds, wild animals, fish or amphibians~~].

Section 5. KRS 150.140 is amended to read as follows:

Each circuit clerk responsible for the court before whom any prosecution under this chapter for the violation of any law or regulation for the protection of wildlife[~~, animals, birds or fish~~] may be commenced or shall go on appeal shall, within ten (10) days after the end of each month, report in writing to the commissioner the result of the prosecution, the amount of fine collected or penalty imposed, if any. All moneys collected as fines or penalties for the violation of any law or regulation which, according to law, goes to the game and fish fund, shall be paid to the state treasurer within ten (10) days after the end of each month and the same shall be paid by the state treasurer into the game and fish fund within thirty (30) days thereafter.

Section 6. KRS 150.150 is amended to read as follows:

(1) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the state treasurer, who shall deposit such moneys in a special fund, known as the game and fish fund. The game and fish fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of *wildlife* [~~wild animals, birds or fish,~~] and for no other purpose.

(2) All funds received under KRS 150.110, 150.510 and 150.520 shall be used by the department for the purpose of enforcing those sections and for the protection and progagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the department.

Section 7. KRS 150.170 is amended to read as follows:

(1) Except as provided in subsections (2), (3), (4), (5), (6) and (7) of this section, and subject to *administrative* regulations adopted under this chapter, no person, resident or nonresident, shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to *wildlife* [~~game and fish~~] unless he holds the kind of license or permit, resident or nonresident, that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap or dip net.

(3) The resident owner of farmlands, his spouse or dependent children, shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners. Tenants or their dependent children, residing upon said farmlands, shall have the same privilege.

(4) Residents or nonresidents attending and participating in any field trial as authorized by the department may so attend and participate without obtaining a hunting license so long as game is not taken.

(5) Any resident who is sixty-five (65) years of age or older may, without any sport hunting or sport fishing licenses, do any act authorized by such licenses, but while so doing he must carry upon his person an affidavit stating the year of his birth and place of residence.

(6) Any resident serviceman on furlough of more than three days may, in the county of his legal residence at the time of his entrance into the service, without any sport hunting or sport fishing licenses, do any act authorized by such licenses, but while so doing he must carry on his person proper identification and papers showing his furlough status.

(7) Any totally and permanently disabled American veteran residing in Kentucky may, without any sport hunting or sport fishing licenses, do any act authorized by such licenses, but while doing so must carry identification indicating they are a totally and permanently disabled veteran as a result of military related injuries.

(8) Resident landowners, their spouses or dependent children who kill or trap on their lands any *wildlife* [~~wild animals or birds~~] causing damage to such lands or any personal property situated thereon, shall not be required to have a hunting or trapping license. Tenants or their dependent children residing upon said lands shall also have the same privilege. Upon destruction of any *wildlife* [~~animal or bird~~] by the above specified individuals, such act must be reported to the department or the resident conservation officer for the proper disposition of the carcass.

(9) In the event a reciprocal agreement is entered into between the commissioner, with the approval of the commission, and the similar authority of Missouri, Tennessee, Virginia and West Virginia, persons holding a resident or nonresident fishing or a resident or nonresident statewide hunting license issued in these states are permitted to perform the acts authorized by such license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the state of Kentucky. A resident of the state of Kentucky must purchase a proper Kentucky license to conform with the reciprocal agreement.

Section 8. KRS 150.183 is amended to read as follows:

(1) No person shall import, transport, possess for resale or sell any endangered species of wildlife, the hides, skins, or other parts thereof, or any article made in whole or in part from the skin, hide, or other parts of any species of wildlife designated as an endangered species by regulation promulgated by the department of fish and wildlife resources except as provided in subsection (3) of this section. As used in this section, the term "endangered species" means any species of wildlife seriously threatened with world wide extinction *or in danger of being extirpated from the Commonwealth of Kentucky.*

(2) The regulation or regulations promulgated pursuant to subsection (1) of this section shall include, but not be limited to, all species of wildlife designated as endangered species by the United States Secretary of the Interior on January 1, 1973.

(3) The department of fish and wildlife resources may permit, under such terms and conditions as it may prescribe, the importation, transportation, possession, or sale of any species of wildlife otherwise prohibited pursuant to this section for zoological, educational, or scientific purposes, and for the propagation of such wildlife in captivity for preservation purposes except as otherwise prohibited by law.

Section 9. KRS 150.190 is amended to read as follows:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall be issued on a form prescribed by the commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or provide any false information when securing a license. No person shall alter or falsify a license or permit in any manner.

(2) Except as provided in subsections (3), (4), (5), (6) and (7), all licenses and tags provided for in this chapter shall be issued by the county clerk *or the department.* The clerk *or the department* shall sign the licenses and shall require the persons to whom the licenses are issued to sign their names on the license attesting to the validity of the information contained thereon. The clerk *or the department* shall keep a correct and complete copy of all licenses issued in the book of licenses furnished by the department, and these records shall be open to inspection by the public during regular office hours. No county clerk, deputy clerk, or agent *or the department* shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River sport fishing licenses and Ohio River commercial fishing licenses and seine, hoop net, net, commercial trotline and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such persons, resident and nonresident, as may be designated by the commissioner as agents for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses, both resident and nonresident, and fur processor's licenses shall be issued directly by the department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live fish and bait dealer's license, both resident and nonresident, shall be issued directly by the department, or through such persons, resident or nonresident, as may be designated by the commissioner as agents for that purpose.

(6) Musseling licenses, both resident and nonresident, shall be issued directly by the department.

(7) Commercial fishing licenses, both resident and nonresident, shall be issued directly by the department, or through such residents as may be designated by the commissioner as agents for that purpose.

Section 10. KRS 150.250 is amended to read as follows:

The department, with the approval of the secretary of the finance and administration cabinet and the consent of the governor, may enter into any contract with the United States government, or any department or agency thereof, or with any individual in regard to the preservation, protection and propagation of *wildlife* [~~fish, game, birds or animals,~~] which it may deem to the advantage of the state to enter into.

Section 11. KRS 150.275 is amended to read as follows:

The commissioner may issue to any qualified person a permit to take and transport *wildlife* [~~wild animals, birds or fish~~] at any time for scientific or educational purposes; such permits shall be valid at the discretion of the commissioner and shall show upon their face the period of their validity.

Section 12. KRS 150.290 is amended to read as follows:

(1) Any breeder may sell and transport *wildlife* [~~fish, frogs, fur-bearing animals and other game,~~] alive for propagation, and for food purposes, or minnows for bait, during seasons prescribed by the commission. Such *wildlife* [~~fish, frogs, fur-bearing animals and other game~~] shall be identified either by marking their container or by individual tagging, as the commissioner may prescribe.

(2) No breeder shall sell *wildlife* [~~game~~] procured from other than a licensed propagation farm.

Section 13. KRS 150.300 is amended to read as follows:

(1) No person shall, without first securing the permission of the commissioner, enter upon the premises of a propagation farm, game farm or game refuge or fish hatchery and take *wildlife* [~~fish, birds, wild animals or game~~]; or, without the consent of the property owner, enter upon any pond and take *wildlife* [~~fish or amphibians~~] or foul the waters of any pond or farm with a substance injurious to life or growth of *wildlife* [~~fish or amphibians~~], or break or destroy any dam, reservoir or embankment or divert the waters or otherwise wilfully damage the farm or pond. No person, except bona fide employes in line of duty, shall go upon the premises of any propagation farm, state game farm, or game refuge or fish hatchery accompanied by a dog of any type or description or while carrying firearms upon or about his person.

(2) It is unlawful for any person to mar, deface, destroy or in any wise damage, or attempt to mar, deface, destroy or damage any sign or posted notice upon any game farm, game or wildlife refuge or fish hatchery in the state.

Section 14. KRS 150.305 is amended to read as follows:

(1) Subject to regulations adopted under this chapter and except as otherwise provided in this section, no person shall have in his possession any *wildlife* [~~wild bird, wild animal or fish~~] protected by this chapter, or any raw fur, except during the open season for the particular species, unless such person be the holder of a valid permit issued pursuant to the provisions of KRS 150.275 or 150.280.

(2) Any person who has legally taken any wildlife may possess same in cold storage. If possessed in a commercial locker plant, the name of the taker, his license number, the date of taking, and the number and species of wildlife must be marked on the package in which the same is stored. Legally imported wildlife from other states or countries may be similarly held.

(3) Federal regulations shall govern the possession of migratory wild birds.

(4) To facilitate the enforcement of subsection (2) of this section, the commissioner, or such agents and employes of the department as may be designated by him, shall have authority to inspect all commercial frozen food lockers within the state of Kentucky at such periods and intervals as the commissioner shall, in the exercise of a reasonable discretion, fix and determine. No search warrant or other legal process shall be required of any properly authorized person as a condition precedent to the making of the inspections herein authorized.

Section 15. KRS 150.360 is amended to read as follows:

(1) No person shall take any *wildlife* [~~wild animals~~], except fishes, whether protected by this chapter or not, except by trapping, snaring, gig, bow and arrow, gun, gun and dog, dog, falconry, or as expressly prescribed by regulation.

(2) No shotgun used in the taking of *wildlife* [~~wild animals~~], protected or unprotected, shall be larger than 10-gauge and the same shall be fired from the shoulder. No *wildlife* [~~wild animals~~], except deer, protected or unprotected, shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three (3) shells, the magazine of which has not been cut off or plugged with a one-piece filler incapable of removal through the loading end thereof, in such manner as to reduce the capacity of said gun to not more than three (3) shells at one (1) time in the magazine and chamber combined. Firearms shall not be used in the taking of fishes.

(3) No person shall hunt wildlife (except opossum, raccoon, fishes and frogs) with lights or other means designed to blind wildlife or make wildlife visible at night.

Section 16. KRS 150.365 is amended to read as follows:

No *wildlife* [~~wild animals or wild birds~~] may be taken as the result of a fire, or any type of explosive, or with the aid of any mechanical, electric or hand operated sonic recording devices, except as specified by regulation. No person shall use smoke or gas or in any other way molest or destroy the den, hole or nest of any *wildlife* [~~wild animal or wild bird~~], nor shall any person burn a field for the purpose of driving game, except employes or agents of the department in carrying out investigational, research or improvement projects.

Section 17. KRS 150.370 is amended to read as follows:

(1) No person shall take any wildlife except during the open season for the particular species as prescribed by the department.

(2) Subsection (1) of this section shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; and who during daylight or night hours exercise and train rabbit dogs, raccoon dogs, bird dogs and retrievers, but not to kill. The department may, however:

(a) Regulate training seasons for rabbit dogs, raccoon dogs, bird dogs, and retrievers in such manner as not to discriminate against one type of animal over any other nor as to unduly limit such activities; and

(b) Permit rabbit dog, raccoon dog, bird dog, *fox dogs,* and retriever meets held by organized clubs, regardless of any hunting season, with the prior approval of the department *provided said approval was requested at least thirty (30) days prior to the meet.*

(3) The possession of any raw fur when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any fur by a trapper or hunter during the open season as prescribed by the department and twenty (20) days thereafter, or by a fur buyer during the open season and thirty (30) days thereafter.

Section 18. KRS 150.390 is amended to read as follows:

(1) No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the commissioner, with the approval of the commission, finds conditions and population that warrant an open season, then regulations shall be enacted to govern same.

(2) It shall be unlawful for any person to cast the rays of a spotlight, jacklight, or other artificial lighting devices on any highway or in any field, woodland, or forest, while having in his possession, or under his control, a firearm or other implement by which a deer or rabbit could be killed, even though such game be not shot at, injured or killed.

(3) It is unlawful for any dog to chase or molest deer in any manner, at any time, or at any place. Any conservation officer, peace officer, sheriff or constable may take necessary steps to stop, prevent, or bring under control any dog, or dogs, found chasing or molesting deer at any time.

(4) It shall be unlawful to shoot or attempt to shoot any *wildlife* [~~wild birds or wild animals~~], protected or unprotected, from an automobile, or other vehicle, at any time or place. Boats may be used except as prohibited by state or federal regulations.

(5) It shall be unlawful to take, pursue, or attempt to take or pursue or otherwise molest any deer or wild turkey in any manner contrary to regulations promulgated under the authority of subsection (1) of this section.

Section 19. KRS 150.400 is amended to read as follows:

(1) No person shall set, use or maintain, for the purpose of taking *wildlife* [~~wild animals~~], any steel trap unless the size and type of the trap has been approved by the commissioner and the commission by regulation.

(2) The commissioner may approve, by regulation, any commercially manufactured trap which is designed to take *wildlife* [~~animals~~] alive and unhurt or to kill instantly.

(3) Subject to the provisions of KRS 150.410 it shall be lawful to use snares, deadfalls, wire cage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.

(4) Any manufacturer designing a new trap may send a sample to the commissioner for approval or disapproval.

Section 20. KRS 150.410 is amended to read as follows:

(1) No person shall set a trap on the land of another without written permission of the owner of the land, and he shall exhibit such written consent to any agent or employe of the department or to any other person lawfully demanding to examine the same.

(2) No person shall set, use or maintain a trap for the purpose of taking *wildlife* [~~wild animals~~] unless there is attached thereto a metal tag giving the name and address of the person setting, using or maintaining trap. The commission is authorized to furnish such tag, at cost, to applicants therefor.

(3) Each person who sets, uses or maintains a trap or traps for the purpose of taking *wildlife* [~~wild animals~~] shall, within twenty-four (24) hours from the time such traps are set, give a written description of the location of the trap line, or any changes made therein, to the conservation officer for the county in which the traps are located or to the commissioner. The owner of the land on which traps are set and resident members of his family shall not be required to comply with the provisions of this subsection.

(4) Each person who sets a trap for the purpose of taking *wildlife* [~~wild animals~~] shall visit the same at least once every twenty-four (24) hours and release any *wildlife* [~~animal~~] found therein.

(5) No person shall set a trap in such manner as unreasonably to endanger the life or safety of any domestic animal.

Section 21. KRS 150.411 is amended to read as follows:

(1) Every licensed taxidermist shall keep a suitable record in which shall be entered the species of each *wildlife* [~~animal~~] mounted by him and the name and address of the person for whom the mounting was done. Within ten (10) days after the end of each month, he shall send to the department a report showing the number and name of the *wildlife* [~~animals~~] of each species mounted by him during the preceding month and the name and address of the person for whom each *wildlife* [~~animal~~] was mounted.

(2) Any legally taken wildlife may be mounted, provided the wildlife bears identification with the name and address of the owner and date and place taken until such time as it is mounted.

(3) A fish and wildlife disposal permit, signed by a conservation officer, must be attached to wildlife taken other than during a legally open hunting season. Such permit will substitute for the identification required in subsection (2) *of this section.*

Section 22. KRS 150.412 is amended to read as follows:

No commercial guide shall participate in the taking of *wildlife* [~~game or fish~~] protected by this chapter beyond the bag limit or creel limit of the person or persons he is guiding.

Section 23. KRS 150.445 is amended to read as follows:

No person shall take fish by any method other than pole and line in hand, for two hundred (200) yards below any dam on or across any stream *except as otherwise provided by administrative regulation.* [~~Greater distances below any dam where methods of fishing other than by pole and line are prohibited shall be prescribed by regulation.~~]

Section 24. KRS 150.460 is amended to read as follows:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with or cause the waters to be unfit for the support of *wildlife* [~~aquatic life~~]. When any employe of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employe and the employer, and either one (1) or both may be punished as provided in subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employes or agents of the department acting in an official capacity.

(2) No person shall use, or attempt to use any electrical device (fish-finding devices excepted) of any type (such as telephone, or electrical leads from a magneto, or battery, or motor or any other type of electrical equipment) in any stream or body of water. This does not prevent the authorized employes or agents of the department from using this or any devices in research or investigational work.

(3) No person, except employes or agents of the department, shall wilfully place or attempt to place in any of the public waters of the state any substance which has a poisonous or intoxicating effect upon *wildlife* [~~aquatic life~~].

(4) No person shall kill, injure, shock or stun or attempt to kill, injure, shock or stun any fishes by any explosive agent or other device. This provision shall not apply to employes or agents of the department acting in an official capacity.

Section 25. KRS 150.603 is amended to read as follows:

(1) Any person *required to possess a hunting license under the provisions of KRS 150.170,* except residents sixty-five (65) years of age or older and children under sixteen (16) years of age, taking or attempting to take wild ducks or geese within the state shall, in addition to the appropriate hunting license for taking game, possess a Kentucky waterfowl stamp. Said stamp shall not be transferable, shall be signed across the face by the bearer, and fixed adhesively to the back of the regular hunting license of the bearer, and shall be carried at all times upon the person while hunting wild ducks or geese. Such stamp shall be obtained for the sum of five dollars and twenty-five cents ($5.25) and shall be valid for the period of one (1) year. Notwithstanding KRS 64.012, the county clerk shall retain twenty-five (25) cents for administrative purposes.

(2) The fish and wildlife commission shall determine the form of the stamp and shall administer all revenues generated by the sale of the stamp. Said revenue shall be expended for waterfowl research projects for the purpose of protecting and propagating migratory waterfowl and for the development, restoration, maintenance, and preservation of wetlands within the state. The intent of this section is to expand waterfowl research and management and increase waterfowl populations in the state without detracting from other programs. The expenditures of funds generated under the provisions of this section shall be included in the annual report provided for in KRS 150.061.

Section 26. KRS 150.990 is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsections (1) and (2) of KRS 150.180, 150.300, 150.330, subsection (2) of KRS 150.360, *150.370,* 150.485 or 150.600 shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(4) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not more than six (6) months, or both, and in addition to such penalties shall be liable to the department in an amount reasonably necessary to restock such fish or replenish such other wildlife which has been killed or destroyed.

(5) Any licensee who violates any provisions of this chapter or any regulations adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license and shall not be permitted to purchase another license for the same calendar year.

(6) Any county clerk, deputy clerk or agent who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(7) Any person who violates the provisions of KRS 150.390(1), (2), (3) or (4) shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500).

(8) Any person who violates the provisions of KRS 150.390(5), 150.690 or 150.700 shall be fined not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

(9) Any person who violates the provisions of KRS 150.390(5) shall, in addition to the penalties prescribed in subsection (8) of this section, forfeit his hunting license and shall not be permitted to apply nor be issued a hunting permit for a period of one (1) to three (3) years and in addition shall be liable to the department in an amount reasonably necessary to replace any deer or wild turkey taken in violation of KRS 150.390(5).

(10) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars ($25.00), nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months, or both.

(11) Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(12) Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100).

(13) Any nonresident who violates KRS 150.235, subsection (2) or (3), shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200).

(14) No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced or remitted otherwise than expressly provided by law.

(15) Any person who violates any provision of KRS 150.183 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each violation.

(16) Any holder of a commercial fishing license who violates any statute or regulation relating to the taking of fish by linear net or nets and any person, who without a commercial fishing license, takes fish or attempts to take fish by linear net or nets shall be fined not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

Section 27. The following KRS section is repealed:

150.176 Licenses to nonresidents conditioned on reciprocity.

SB 374, AN ACT relating to surface mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

(1) In order to bring about a more desirable land use or promote the public interest and the environment, the cabinet may, at its discretion, issue special permits for the remining of previously affected areas, including but not limited to, secondary coal recovery operations, such as coal extraction from coal refuse piles and coal recovery from slurry ponds. Such permits may provide for alternate requirements for revegetation, topsoil, bonding, premining data collection requirements, water quality requirements where there are preexisting

pollutional discharges resulting from previous mining, and other provisions which may encourage remining and secondary coal recovery.

(2) The cabinet is hereby authorized to promulgate administrative regulations as necessary in order to implement the provisions of this Act.

(3) The cabinet shall, on or before August 1, 1986, submit to the federal office of surface mining proposed regulations to amend the state program to provide for such permits.

Motions, Petitions and Communications (Continued)

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 1 to the Committee Substitute to HB 970, by Representative Clapp:

Amend printed copy of HB 970:

On page 1, by deleting lines 1 through 21 in their entirety and by deleting pages 2 through 13 in their entirety and substituting in lieu thereof the following:

Section 1. KRS 13A.120 is amended to read as follows:

(1) An *administrative body may adopt administrative regulations to implement a statute only when the act of the general assembly creating or amending the statute specifically authorizes the adoption of such regulations or such regulations are required by federal law, in which case such regulations shall be no more stringent than the federal law or regulations, but an* administrative body shall not promulgate administrative regulations:

(a) When a statute prohibits the administrative body from promulgating administrative regulations;

(b) When the administrative body is not authorized by statute to promulgate administrative regulations;

(c) When a statute prohibits the administrative body from regulation of that particular matter;

(d) When the administrative body is not authorized by statute to regulate that particular matter;

(e) When a statute prescribes the same or similar procedure for the matter regulated;

(f) When a statute sets forth a comprehensive scheme of regulation of the particular matter;

(g) On any matter which is not clearly within the jurisdiction of the administrative body;

(h) On any matter which is beyond the statutory authorization of the administrative body to promulgate administrative regulations or which is not clearly authorized by statute; and

(i) Which modify or vitiate a statute or its intent.

(2) Any administrative regulation in violation of this section or the spirit thereof is null, void, and unenforceable.

(3) No administrative body, other than the court of justice shall issue rules.

(4) No administrative body shall issue standards or by any other name issue a document of any type where an administrative regulation is required or authorized by law.

SECTION 2. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

(1) All administrative regulations in effect on July 15, 1986, shall be effective only until the effective date for regular acts of the 1988 regular session of the general assembly, on which date they shall expire unless enacted into statute by the 1988 regular session of the general assembly.

(2) After the effective date of this Act, any administrative body may adopt administrative regulations in accordance with the provisions of KRS Chapter 13A; however, such regulations shall be in effect only until the effective date for regular acts of the next succeeding regular session of the general assembly on which date they shall expire, unless enacted into statute by the regular session of the general assembly following their adoption.

(3) Each administrative body which seeks to continue the effective date of any administrative regulation beyond the date on which it shall expire pursuant to the provision of this Act shall prepare legislation proposing the enactment of such administrative regulations into statute by the next regular session of the general assembly. Such legislation may be introduced by any member of the general assembly, but shall be submitted to the interim committee of the legislative research commission of appropriate jurisdiction for its review and recommendation at least one hundred and eighty (180) days prior to the convening of the next regular session of the general assembly.

Floor Title Amendment to HB 476, by Representative Pearman:

Amend printed copy of HB 476:

by amending the title to read as follows: AN ACT relating to hunting and fishing.

Floor Title Amendment to SB 358, by Representative Holbrook:

Amend printed copy of GA copy of SB 358:

By amending the Title to read "AN ACT relating to pensions and declaring an emergency.".

Floor Amendment No. 1 to SB 358, by Representative Holbrook:

Amend printed copy of GA copy of SB 358:

On page 7, line 11, by adding after line 11 the following:

"Section 3. KRS 78.530 is amended to read as follows:

(1) Each county and school board as defined in KRS 78.510 will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county or school board. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be fixed in the order.

(2) Once a county or school board participates it shall thereafter continue to participate except as provided in KRS 78.535.

(3) (a) Concurrent with the adoption of the appropriate resolution to participate in the system, a county may elect the alternate participation plan which will require the county to purchase on behalf of each employe electing coverage, at the time the county elected to participate in the system as provided under KRS 78.540(2) current service credit between July 1, 1958 and the participation date of the county. Cost of such service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of such actuarial service shall be paid by the county.

(b) The county shall establish a payment schedule subject to approval by the board for payment of the cost of such service over and above that which would be funded within the existing employer contribution rate. The maximum period allowed in a payment schedule shall be thirty (30) years with interest at the rate actuarially assumed by the board.[~~; however,~~] A shorter period is desirable and the board may approve any payment schedule provided it is not longer than a thirty (30) year period, *except that cities which participate in the system pursuant to this Act, may, at their option, extend the payment schedule to a maximum of forty (40) years, may choose to make level payments at the rate actuarially assumed by the board over the life of the payment schedule chosen, and may retain employer contributions and the earnings thereon attributable to employes electing coverage.*

[~~(c) A city entering the system under the alternate participation plan, may, by ordinance, levy a special property tax to pay for current service credit purchased for the period between July 1, 1958 and the~~

~~participation date of the city. The special tax shall be to pay, within a period of no more than fifteen (15) years, for the cost of such service credit over that which would be funded within the existing employer contribution rate, as determined by the board's consulting actuary. The reason for levying the special tax and the disposition of the proceeds shall be part of the ordinance levying the tax. The special tax shall be rescinded when the unfunded prior service liability has been amortized, and shall not be subject to the provisions of KRS 132.017 or 132.027. The city shall not collect the special property tax if its participation has been terminated pursuant to KRS 78.535.~~]

(4) Every school board not participating on June 21, 1974, shall enact a resolution of participation no later than July 1, 1976.

(5) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system, hospitals and any other semi-independent agency. Each such excluded agency shall be identified in the order authorizing participation and such excluded agency may participate in the system as a separate agency.

(6) An agency whose participation in the county employes retirement system has been terminated by the board of trustees in accordance with KRS 78.535 may at a later date request participation in the retirement system by the adoption of an appropriate order as authorized by subsection (1) of this section. The board may accept the participation of such agency provided it is determined that such participation is in the best interest of the agency, the employes thereof and the county employes retirement system.

(7) After July 1, *1986* [~~1985~~], *no local government retirement system shall be created pursuant to KRS 70.580—70.598 and any* local government retirement systems created pursuant to KRS 79.080, 90.400, *90.410,* 95.767 and *KRS Chapter 96* [~~96.180~~] shall be closed to new members. New employes who would have been granted membership in such retirement systems shall instead be granted membership in the county employes retirement system. Employes who would have been granted membership in retirement systems created pursuant to KRS 95.767, or any other policemen or fire fighters who would have been granted membership in retirement systems created pursuant to KRS 79.080, 90.400 or 90.410 shall be certified by their employers as working in hazardous positions. Each city participating in the county employes retirement system pursuant to this subsection shall execute the appropriate order authorizing such participation, shall[~~, if its local pension system provides a defined benefit,~~] select the alternate participation plan as described in KRS 78.530(3), and shall pay for the actuarial services necessary to determine the additional costs of alternate participation. *Cities which closed their local pension systems to new members and participated in the system prior to the effective date of this Act, whose employes at the time of transition were given the option to join the system shall not be required to offer said employes a second option to join the system* [~~Cities which provide a defined contribution pension plan locally may select the alternate participation plan, and in that case shall pay for the actuarial services necessary to determine the additional costs of alternate participation~~].

Section 4. KRS 65.156 is amended to read as follows:

(1) The governing board of any local government retirement system created pursuant to KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.400, 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.851 to 95.884 or *KRS Chapter 96* [~~96.180~~] shall submit the retirement system to an actuarial evaluation at least once every three (3) years, if the system provides a defined benefit. The evaluation shall be prepared by an actuary who is a fellow of the society of actuaries, a member of the American academy of actuaries, or an enrolled actuary under the Employes' Retirement Income Security Act of 1975. The board shall send a copy of the most recent evaluation to the librarian of the legislative research commission by September 1, 1982, and thereafter the board shall send a copy of each new evaluation within ten (10) days of receipt.

(2) Actuaries performing evaluations pursuant to this section shall use the entry age normal cost funding method. Their reports shall include a definition of each actuarial term and an explanation of each actuarial assumption used. Assumptions shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience.

(3) Any city with a retirement system created pursuant to KRS 79.080, 90.400, 90.410, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.851 to 95.884 or 96.180 which is closed to new members pursuant to KRS 78.530, 95.520, 95.621 or 95.852 shall, if its local pension system provides a defined benefit, contribute annually to the pension system, for the benefit of the retirees of the system and the active participants who choose to remain in the system, and in cities of the second class for the benefit of members who have completed

at least twenty (20) years' service and withdrawn from service pursuant to KRS 95.857, an amount equal to that which would be required pursuant to the funding standards of KRS 95.868, plus so much of the principal amount of any unfunded prior service liability as the actuary states is necessary to maintain cash flow adequate to pay retiree and beneficiary payments until financial obligations to all retirees and beneficiaries are fully satisfied.

(4) All lawful expenses for general administration, performance bonds, medical, actuarial, accounting, auditing, legal and investment services of a retirement system listed in subsection (1) of this section shall be paid from the pension fund. Actuaries performing evaluations pursuant to this section shall include estimates of such expenses in their recommendations for pension system funding, and local governments shall add payments for such expenses to their annual contributions to their respective retirement systems.

(5) A city may provide for the retirement security of its employes through the creation of a money purchase or defined contribution plan qualified under section 401(a) of the internal revenue code of 1954 as amended. City employe deferred compensation plans created pursuant to KRS 18A.270, or money purchase or defined contribution plans, qualified under section 401(a) of the internal revenue code of 1954 as amended, which by their nature cannot have an unfunded liability, shall not be subject to the actuarial evaluation requirements of this section, and shall not be subject to termination for purposes of employe entry into the county employes retirement system, as required by this Act.

(6) Any city, including a city of the second class subject to KRS 95.852(2)(e), or electric and water plant board which has a pension plan subject to the provisions of this Act may exempt itself from all provisions of this Act requiring it to close the system to new members and to enter the county employes retirement system under the following conditions:

(a) The city or plant board shall certify to the general manager of the Kentucky retirement systems by July 1, 1986, that it will keep its required actuarial evaluation current and that it will pay its normal costs plus sufficient principal and interest on its unfunded liability so that, with employe contributions, the unfunded liability will be amortized on or before July 1, 2016. At the time of such certification or within ninety (90) days thereafter, it shall forward a copy of the current actuarial evaluation to the general manager;

(b) The city or plant board shall maintain adequate cash in the pension fund to meet all current obligations to members, retirees and survivors;

(c) The city or plant board shall certify annually to the general manager that it has made the payments required by this section;

(d) Should the city or plant board without an unfunded liability incure such liability, it shall be amortized on or before July 1, 2016;

(e) Should the city or plant board fail for two (2) consecutive years to make the payments to its pension fund required by this subsection, its exemption shall be revoked; and it shall close its system to new members and enter the county employes retirement system under the provisions of this Act.

Section 5. KRS 95.520 is amended to read as follows:

(1) There shall be in cities of the third class a policemen's and fire fighter's pension fund, and a board of trustees for that fund unless the policemen and fire fighters are included in the membership of the county employes retirement system.

(2) The board of trustees is the trustee of the pension fund, and has exclusive control and management of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.

(3) *(a) After July 1, 1986, no new pension fund shall be created pursuant to this section;*

(b) Cities which were covered by this section on or prior to July 1, 1986 shall provide for the retirement of police or fire fighters rehired after July 1, 1986 by placing such employes in the county employes retirement system;

(c) Cities which were covered by this section on or prior to July 1, 1986 shall place police or fire fighters

newly hired after July 1, 1986 in the county employes retirement system. Such cities shall offer employes hired on or prior to July 1, 1986 membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. Employes shall make their election by June 1, 1986;

(d) The city shall certify that all police and fire fighters placed in the county employes retirement system are employed in hazardous positions; and

(e) [~~As an alternate to coverage under subsection (1) of this section, a city of the third class shall provide retirement security for members of the police and fire departments through hazardous duty coverage in the county employes retirement system, if a majority of the active police and fire fighters, considered as one (1) group, vote by secret ballot for county employes retirement system coverage. A vote shall be scheduled by the mayor within ninety (90) days of receipt of a petition requesting such a vote and signed by thirty-three percent (33%) of the active police and fire fighters, considered as one (1) group, but such a vote shall be scheduled only in the first six (6) months of the fiscal year, and the first vote shall not occur until after July 1, 1985. If a majority of the active police and fire fighters considered as one (1) group vote to enter the county employes retirement system, the city shall enter the system on the first day of the next succeeding fiscal year, and shall enter under the alternate participation plan as described in KRS 78.530(3). The city shall pay for the actuarial services necessary to determine the additional costs of alternate participation. Each policeman and fire fighter shall vote during a forty-eight (48) hour period at the office of the police chief or the fire chief as the case may be. At the close of voting, the police chief and the fire chief shall, in the presence of the police and fire fighter members of the board of trustees and such other police and fire fighters and board members who wish to attend, open the ballot boxes and count the votes. The count shall be certified by a notary public, and the certificate with the ballots shall be sent in a sealed envelope to the mayor. The mayor shall open the certificate and count all the returns, and shall certify the results to the board. At the time a city enters the county employes retirement system, police and fire fighters who are members of a retirement and benefit fund created pursuant to subsection (1) of this section, may retain membership in such fund, or may choose membership in the county employes retirement system pursuant to KRS 78.531.~~] If the city's participation in the county employes retirement system is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.520 to 95.620 to any of its police and fire fighters who have not retained membership in the county employes retirement system pursuant to KRS 78.535(4).

Section 6. KRS 95.621 is amended to read as follows:

(1) A city of the third class may adopt an ordinance creating a pension fund for fire fighters and policemen pursuant to KRS 95.621 to 95.629 as an alternative to the fund established in KRS 95.520 to 95.620. In the event a third-class city does elect to adopt KRS 95.621 to 95.629 all the provisions herein are mandatory. The provisions of KRS 95.620 shall apply to any city of the third class which has adopted KRS 95.621 to 95.629.

(2) Any member of the police or fire department serving at the time of passage of the ordinance and not desiring to participate in the fund and its benefits may be excluded by notifying the board of trustees of the pension fund in writing of his desire not to participate within ten (10) days after the effective date of this ordinance.

(3) *(a) After July 1, 1986, no new pension fund shall be created pursuant to this section. Employes shall make their election by June 1, 1986;*

(b) Cities which were covered by this section on or prior to July 1, 1986 shall provide for the retirement of police or fire fighters rehired after July 1, 1986 by placing such employes in the county employes retirement system;

(c) Cities which were covered by this section on or prior to July 1, 1986 shall place police or firefighters newly hired after July 1, 1986 in the county employes retirement system. Such cities shall offer employes hired on or prior to July 1, 1986 membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. Employes shall make their election by June 1, 1986;

(d) The city shall certify that all police and fire fighters placed in the county employes retirement system are employed in hazardous positions.

(e) [~~As an alternate to coverage under subsection (1) of this section, a city of the third class shall provide~~

~~retirement security for members of the police and fire departments through hazardous duty coverage in the county employes retirement system, if a majority of the active police and fire fighters, considered as one (1) group, vote by secret ballot for county employes retirement system coverage. A vote shall be scheduled by the mayor within ninety (90) days of receipt of a petition requesting such a vote and signed by thirty-three percent (33%) of the active police and fire fighters, considered as one (1) group, but such a vote shall be scheduled only in the first six (6) months of the fiscal year, and the first vote shall not occur until after July 1, 1985. If a majority of the active police and fire fighters considered as one (1) group vote to enter the county employes retirement system, the city shall enter the system on the first day of the next succeeding fiscal year, and shall enter under the alternate participation plan as described in KRS 78.530(3). The city shall pay for the actuarial services necessary to determine the additional costs of alternate participation. Each policeman and fire fighter shall vote during a forty-eight (48) hour period at the office of the police chief or the fire chief as the case may be. At the close of voting, the police chief and the fire chief shall, in the presence of the police and fire fighter members of the board of trustees and such other police and fire fighters and board members who wish to attend, open the ballot boxes and count the votes. The count shall be certified by a notary public, and the certificate with the ballots shall be sent in a sealed envelope to the mayor. The mayor shall open the certificate and count all the returns, and shall certify the results to the board. At the time a city enters the county employes retirement system, police and fire fighters who are members of a retirement and benefit fund created pursuant to subsection (1) of this section, may retain membership in such fund, or may choose membership in the county employes retirement system pursuant to KRS 78.531.~~] If the city's participation in the county employes retirement system is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.621 to 95.629 to any of its police and fire fighters who have not retained membership in the county employes retirement system pursuant to KRS 78.535(4).

Section 7. KRS 95.852 is amended to read as follows:

(1) There is hereby established in cities of the second class, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The fund shall be established as of July 1, 1956, and shall be known as the "policemen's and fire fighter's retirement fund of the city of ________." In such name all of its business shall be transacted, and in such name or nominee name as provided by KRS 287.225 all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

(2) *(a) Except as provided in paragraph (e) of this subsection, after July 1, 1986, no new pension fund shall be created pursuant to this section;*

(b) Cities which were covered by this section on or prior to July 1, 1986 shall provide for the retirement of police or fire fighters rehired after July 1, 1986 by placing such employes in the county employes retirement system;

(c) Cities which were covered by this section on or prior to July 1, 1986 shall place police or fire fighters newly hired after July 1, 1986 in the county employes retirement system. Such cites shall offer employes hired on or prior to July 1, 1986 membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. Employes shall make their election by June 1, 1986;

(d) The city shall certify that all police and fire fighters placed in the county employes retirement system are employed in hazardous positions; and

(e) The active members of the police and fire fighter retirement fund may prevent the closing of their retirement fund to new members by scheduling a vote on the question and such vote shall be completed by May 15, 1987. To schedule the vote, thirty percent (30%) of the active police and fire fighters, considered as one group. must petition the mayor by May 15, 1986 to schedule the vote within the coming year. Such vote shall be by secret ballot, and each policeman and fire fighter shall have the opportunity to vote during a forty-eight (48) hour period at the office of the police chief or the fire chief, as the case may be. At the close of voting, the police chief and the fire chief shall, in the presence of the police and fire fighter members of the board of trustees and such other police and fire fighters and board members who wish to attend, open the ballot boxes and count the votes. The count shall be certified by a notary public, and the certificate with the ballots shall be sent in a sealed envelope to the mayor. The mayor shall open the certificate and count all the returns, and shall verify the results to the board. If a majority of the active police and fire fighters, considered as one group, vote for entry into the county employes' retirement system, then the provisions of paragraph (a), (b), (c) and (d) of this section shall take effect. If the majority vote against entry into the county employes' retirement system,

then the policemen's and fire fighters' retirement fund shall continue to operate pursuant to KRS 95.851 to 95.884 [~~As an alternate to coverage under subsection (1) of this section, a city of the second class shall provide retirement security for members of the police and fire departments through hazardous duty coverage in the county employes retirement system, if a majority of the active police and fire fighters, considered as one (1) group, vote by secret ballot for county employes retirement system coverage. A vote shall be scheduled by the mayor within ninety (90) days of receipt of a petition requesting such a vote and signed by thirty-three percent (33%) of the active police and fire fighters, considered as one (1) group, but such a vote shall be scheduled only in the first six (6) months of the fiscal year, and the first vote shall not occur until after July 1, 1985. If a majority of the active police and fire fighters considered as one (1) group, vote to enter the county employes retirement system, the city shall enter the system on the first day of the next succeeding fiscal year, and shall enter under the alternate participation plan as described in KRS 78.530(3). The city shall pay for the actuarial services necessary to determine the additional costs of alternate participation. Each policeman and fire fighter shall vote during a forty-eight (48) hour period at the office of the police chief or the fire chief as the case may be. At the close of voting, the police chief and the fire chief shall, in the presence of the police and fire fighter members of the board of trustees and such other police and fire fighters and board members who wish to attend, open the ballot boxes and count the votes. The count shall be certified by a notary public, and the certificate with the ballots shall be sent in a sealed envelope to the mayor. The mayor shall open the certificate and count all the returns, and shall certify the results to the board. At the time a city enters the county employes retirement system, police and fire fighters who are members of a retirement and benefit fund created pursuant to subsection (1) of this section, may retain membership in such fund, or may choose membership in the county employes retirement system pursuant to KRS 78.531~~]. *(f)* If the city's participation in the county employes retirement system is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.851 to 95.884 and KRS 95.991 to any of its police and fire fighters who have not retained membership in the county employes retirement system pursuant to KRS 78.535(4).

Section 8. KRS 95.768 is amended to read as follows:

(1) The police and fire fighter's pension fund in cities of the fourth class shall consist of:

(a) Revenues of the city authorized by the city legislative body, which shall not be less than the amount contributed by the members of the police and fire departments;

(b) All rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department;

(c) Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half per cent (3 1/2%) of his salary, to be held from the monthly salary and paid by the city treasurer into the pension fund. Beginning July 15, 1982 and thereafter, upon a member's withdrawal from service prior to qualifying for a pension, the board of trustees shall be governed by the provisions of KRS 95.620(2), (3) and (4).

(2) Said fund shall be for the pensioning of any policeman or fire fighter who has served in the police or fire departments for at least a period of twenty (20) years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of KRS 95.761, by said city, to the eligibility of the twenty (20) year or more, period for pension, not less than three (3), nor to exceed fifteen (15) years of previous service, and for the further purpose of pensioning any member of the police or fire department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and Fire Fighter's Pension Fund," and the board of trustees of the policemen's pension fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

(3) (a) After July 1, *1986* [~~1985~~], no new pension fund shall be created pursuant to this section. [~~Cities which become cities of the fourth class after July 1, 1985 may give their police and fire fighters membership in the county employes retirement system.~~]

(b) Cities which were covered by this section on or prior to July 1, *1986* [~~1985~~] shall provide for the retirement of police or fire fighters rehired after July 1, *1986* [~~1985~~] by placing such employes in the county employes retirement system.

(c) Cities which were covered by this section on or prior to July 1, *1986* [~~1985~~] shall place police or fire fighters newly hired after July 1, *1986* [~~1985~~] in the county employes retirement system. Such cities shall offer employes hired on or prior to July 1, *1986* [~~1985~~] membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. *Employes shall make their election by June 1, 1986.*

(d) The city shall certify that all police and fire fighters placed in the county employes retirement system are employed in hazardous positions.

Section 9. KRS 79.080 is amended to read as follows:

(1) The term "health maintenance organization" for the purposes of this section, means a health maintenance organization as defined in KRS 304.38-030, which has been licensed by the Kentucky health facilities and health services certificate of need and licensure board and issued a certificate of authority by the department of insurance as a health maintenance organization and which is qualified under the requirements of the United Stated department of health, education and welfare except as provided in subsection (3) of this section.

(2) Cities of all classes, counties and urban-county governments and the agencies of cities, counties and urban-county governments are authorized to establish and operate plans for the payment of retirement, disability, health maintenance organization coverage, or hospitalization benefits to their employes, and health maintenance organization coverage or hospitalization benefits to the immediate families of their employes. Such a plan may require employes to pay a percentage of their salaries into a fund from which coverage or benefits are paid, or the city, county, urban-county government or agency may pay out of its own funds the entire cost of the coverage or benefits. A plan may include a combination of contributions by employes and by the city, county, urban-county government or agency into a fund from which coverage or benefits are paid, or it may take any form desired by the city, county, urban-county government or agency. Each city, county, urban-county government or agency may make rules and regulations and do all other things necessary in the establishment and operation of such a plan.

(3) Any city, county, urban-county government or other political subdivision of the state which employs more than twenty-five (25) persons and which provides hospitalization benefits or health maintenance organization coverage to its employes, shall annually give its employes an option to elect either standard hospitalization benefits or membership in a qualified health maintenance organization which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside; except that if any city, county, urban-county government or agencies of any city, county, urban-county government or any other political subdivision of the state which does not have a qualified health maintenance organization engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside, the city, county, urban-county government or agencies of the city, county, urban-county government or any other political subdivision of the state may annually give its employes an option to elect either standard hospitalization benefits or membership in a health maintenance organization which has been licensed by the Kentucky health facilities and health services certificate of need and licensure board and issued a certificate of authority by the department of insurance as a health maintenance organization and which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside. Any premium due for health maintenance organization coverage over the amount contributed by the city, county, urban-county government or other political subdivision of the state which employs more than twenty-five (25) persons, for any other hospitalization benefit shall be paid by the employe.

(4) If an employe moves his place of residence or employment out of the service area of a health maintenance organization, under which he has elected coverage, into either the service area of another health maintenance organization or into an area of the state not within a health maintenance organization service area, such employe shall be given an option, at the time of the move or transfer, to elect coverage either by the health maintenance organization into which service area he moves or is transferred or to elect standard hospitalization coverage offered by the employer.

(5) Any plan adopted shall provide that any officer or member of a paid fire or police department who has completed five (5) years or more as a member of the department, but who is unable to perform his duties by

reason of heart disease or any disease of the lungs or respiratory tract, is presumed to have contracted his disease while on active duty as a result of strain or the inhalation of noxious fumes, poison or gases, and shall be retired by the pension board under terms of the pension system of which he is a member, if member passed an entrance physical examination and was found to be in good health as required.

(6) The term "agency" as used herein shall include boards appointed to operate waterworks, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.

(7) After July 1, *1986* [~~1985~~], no new retirement plan shall be created pursuant to this section. Any city, county, urban county or agency thereof which provided a retirement plan for its employes, pursuant to this section, on or prior to July 1, *1986* [~~1985~~] shall place employes hired after July 1, *1986* [~~1985~~] in the county employes retirement system. The city, county, urban county or agency thereof shall offer employes hired on or prior to July 1, *1986* [~~1985~~] membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. *Employes shall make their election by June 1, 1986.* [~~Selection of the alternate participation plan shall be optional for cities which provide a defined contribution pension plan.~~]

Section 10. KRS 90.400 is amended to read as follows:

(1) Any city of the second class adopting a civil service plan under KRS 90.310 shall provide by ordinance for the creation and maintenance of a pension fund for employes under civil service, and may assess monthly such amount or percent of the salary of the employes as may be equitably determined on a fair actuarial basis, the assessment to be deducted from the employes' salaries and paid in cash into the pension fund.

(2) The city may make current contributions to the fund on an actuarially funded basis, toward the annuities and benefits herein provided. These contributions shall be equal to the sum of the following:

(a) An annual amount resulting from the application of a rate percent of salaries of active members, representing the present value of the actuarial reserve requirements for membership service, for service retirement annuity, disability retirement annuity, and annuities to surviving spouses and children, and the one-year term premium for the city's liability for death benefits, after applying the contribution by the active members. Such rate percent shall be fixed by the board of city commissioners every three (3) years after an actuarial survey of the fund, and shall be in effect for a period of at least three (3) years.

(b) An amount resulting from the application of a rate percent of the salaries of active members which will provide each year regular interest on the remaining liability for prior service.

(3) The city may create a board for the pension fund and designate trustees of that board, and may fix the powers of the trustees, determine the eligibility of employes or their dependents to a pension or other benefit, and may provide a monthly allowance for employes eligible for a pension.

(4) Temporary employes appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.

(5) In no year shall the contribution by the city to the pension fund, in the manner provided in this section, be less than the total amount assessed upon and deducted from the salary of the employes.

(6) The trustees of the pension fund shall, at least once every three months, report in writing to the mayor the receipts, expenditures and financial status of the pension fund, stating the places of deposit of funds, or the character of investments made, and the mayor shall cause copies of the report to be posted in at least three (3) places where city employes frequent and report.

(7) When any city of the second class adopts an ordinance under this section for the creation of a pension fund, picks up employe contributions pursuant to KRS 65.155, or accepts from its employes a portion of their wages and contributes city funds therefor, an inviolable contract shall be created between the city as employer and its employes, and the city and its employes shall continue to operate under KRS 90.310 to 90.390 and the adopting ordinance. A repeal of that ordinance by the city shall in no wise affect such employes unless by the mutual consent of the city and an employe or employes.

(8) After July 1, *1986* [~~1985~~], no new pension fund shall be created pursuant to this section. Any city which provided a pension plan for its employes on or prior to July 1, *1986* [~~1985~~] shall place employes hired after July

1, 1985 in the county employes retirement system. The board shall offer employes hired on or prior to July 1, *1986* [~~1985~~] membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. *Employes shall make their election by June 1, 1986.* [~~Selection of the alternate participation shall be optional for cities which provide a defined contribution pension plan.~~]

Section 11. KRS 90.410 is amended to read as follows:

(1) Any city of the third class adopting a civil service plan under KRS 90.310 may provide by ordinance for the creation and maintenance of a pension fund for the benefit of employes under civil service, and may assess monthly such amount or percent of the salary of employes as may be equitably determined on a fair actuarial basis, not to exceed five percent (5%) of the monthly salary of any employe. The city legislative body shall contribute city revenues to the fund which shall be not less than the contributions of the employes.

(2) The city may create a board for the pension fund and designate trustees of that board, and may fix the powers of trustees, determine the eligibility of employes or their dependents to a pension or other benefit, and may provide a monthly allowance for employes eligible for a pension, not to exceed one-half (1/2) of the monthly salary of any employe at the time of his retirement.

(3) When any city of the third class adopts an ordinance under this section for the creation of a pension fund, picks up employe contributions pursuant to KRS 65.155, or accepts from its employes a portion of their wages and contributes city funds therefor, an inviolable contract shall be created between the city as employer and its employes, and the city and its employes shall continue to operate under KRS 90.310 to 90.390 and the adopting ordinance. A repeal of that ordinance by the city shall in no wise affect such employes unless by the mutual consent of the city and an employe or employes.

(4) After July 1, *1986* [~~1985~~], no new pension fund shall be created pursuant to this section. Any city which provided a pension plan for its employes on or prior to July 1, *1986* [~~1985~~] shall place employes hired after July 1, *1986* [~~1985~~] in the county employes retirement system. The board shall offer employes hired on or prior to July 1, *1986* [~~1985~~] membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. *Employes shall make their election by June 1, 1986.* [~~Selection of the alternate participation plan shall be optional for cities which provide a defined contribution pension plan.~~]

Section 12. KRS 96.180 is amended to read as follows:

(1) The board may, by proper order, provide a pension plan for its employes. In the event the board elects to provide a pension plan, it shall determine and formulate the form of pension plan to be used; determine and prescribe the eligibility of employes or their dependents to a pension or other benefits; determine and prescribe the monthly allowance or pension for employes or their dependents so determined to be eligible for a pension or benefits under the pension plan, not to exceed, however, a sum equal to one-half (1/2) of the monthly salary or wages of any employe at the time of his or her retirement; appoint a commission, which shall consist of three (3) members possessing the qualifications of a member of the board, for the administration of the pension plan and prescribe the powers and duties of such commission; appoint a trustee of the pension fund, fix the term of his office and the compensation of such trustee, and prescribe the powers and duties of such trustee and do and perform any other or further acts necessary to effectuate such pension plan. When a pension plan shall have been adopted, a commission appointed to administer such plan and a trustee of the pension fund appointed and qualified, the board may annually appropriate and pay out of its operating revenue, as a operating expense, into the sinking fund, a sum sufficient, when determined on a fair actuarial basis, to maintain the pension plan so adopted, not exceeding, however, a sum equal to one-half of one per cent (.5%) of the fair value of the utility property and assets. The board may assess, and cause to be paid into the pension fund monthly, such amount or per cent of the salary of all employes eligible under and electing to accept the pension plan as may be equitably determined on a fair actuarial basis, not to exceed, however, five per cent (5%) of the monthly salary of any employe. The trustee of the pension fund shall give such bond as required by the board, the cost of which shall be payable out of the pension fund. The trustee of the pension fund shall each year file with the board a report showing his actions and his accounts as such trustee.

(2) The board shall have full power to receive any and all funds of property which may be available or become available to the board or the city for use in the creation or maintenance of a pension plan for the employes of the board, including but not limiting the power to sign, execute and deliver such receipts, indemnity agreement or other writing which either the board or the city may be required to sign, execute and deliver to obtain any such fund or property for such purpose.

(3) (a) After July 1, *1986* [~~1985~~], no new pension fund shall be created pursuant to this section.

(b) Any board which provided a pension plan for its employes on or prior to July 1, *1986* [~~1985~~] shall place employes hired after July 1, *1986* [~~1985~~] in the county employes retirement system. The board shall offer employes hired on or prior to July 1, *1986* [~~1985~~] membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. *Employes shall make their election by June 1, 1986.* [~~Selection of the alternate participation plan shall be optional for cities which provide a defined contribution pension plan.~~]

Section 13. KRS 95.761 is amended to read as follows:

(1) Any city of the fourth or fifth class which has now, or in which there may be hereafter established a regular police or fire department in the future, may by ordinance create a civil service commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments.

(2) A city of the fourth or fifth class is authorized to adopt the provisions of KRS 95.520 to 95.620 governing policemen's and fire fighter's pension fund, the same as a city of the third class.

(3) A city of the fourth or fifth class is authorized to adopt the provisions of KRS 90.300 to 90.420 governing civil service, the same as a city of the third class, and may provide a retirement system for any of its employes, including police and fire fighters, pursuant to KRS 90.400 or 90.410. If a city creates a retirement system for its police and fire fighters pursuant to KRS 90.400 or 90.410, it shall establish a board of trustees for that system. The provisions of KRS 90.400 and 90.410 notwithstanding, a majority of the board shall be members of the retirement system elected by the members of the retirement system. The board of trustees shall control and manage the retirement fund, for the exclusive purposes of providing benefits to members and their beneficiaries and defraying reasonable expenses of administering the plan. The board may contract with investment advisors or managers to perform investment services as deemed necessary and prudent by the board.

(4) A city of the fourth or fifth class may adopt the provisions of KRS 79.080 or 78.510 to 78.852 for any of its employes, or KRS 95.767 to 95.784 for its police and fire fighters.

(5) The legislative body of the city of the fourth or fifth class may not establish or continue a retirement system for any of its employes unless such action is taken pursuant to statutes listed in subsection (2), (3) or (4) of this section, *or unless the city adopts a deferred compensation program pursuant to KRS 18A.270 or a defined contribution or money purchase plan qualified under section 401(a) of the internal revenue code of 1954 as amended.* If a city has adopted a retirement system but has not done so pursuant to *the options* [~~statutes~~] listed in *this subsection or in* subsection (2), (3), or (4) of this section, it shall amend its action to comply with the provisions of this subsection. This subsection shall not be construed to limit the application of KRS 82.082(2) with respect to the comprehensive nature of Kentucky law governing city retirement systems. After adoption of the provisions of any of the statutes listed in this section, the city may not revoke, rescind or repeal these adoptions for any employe covered thereby.

(6) (a) Any of the following offices, positions, and places of employment, in the police and fire departments, may be excluded from the classified service: The chief of police, assistant chief of police, chief of fire fighters and assistant chief of fire fighters.

(b) Any classified employe in either department who shall accept an appointment and qualify as chief of police, assistant chief of police, chief of fire fighters, or assistant chief of fire fighters, shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of said respective positions. Should any such chief or assistant chief, cease to serve as such, the same classification and rank which he had prior to said appointment shall be restored to him.

(7) After July 1, *1986* [~~1985~~], no city shall create a new pension fund pursuant to this section other than by adopting KRS 78.510 to 78.852, *or by adopting a deferred compensation program pursuant to KRS 18A.270 or a defined contribution or money purchase plan qualified under section 401(a) of the internal revenue code of 1954 as amended.*

Section 14. KRS 78.531 is re-enacted to read as follows:

(1) Any member of a retirement system created pursuant to KRS 67A.320, 67A.340, 79.080, 90.300 through 90.420, 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.784, 95.851 through 95.884 and 96.180 notwithstanding any provisions of the statutes to the contrary, may elect to terminate coverage under the retirement system in which he is a member, if the city or urban-county government has adopted the provisions of the county employes retirement system pursuant to KRS 78.510 through 78.852.

(2) If the city or urban-county government elects the alternate participation plan, as set forth in KRS 78.530(3), employe contributions made to the fund under authority of KRS 67A.320, 67A.340, 79.080, 90.400(1), 90.410, 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.785, 95.851 through 95.884 or 96.180 shall be paid to the county employes retirement system and credited to the individual member's account in the system for any employe electing to terminate coverage under the provisions of this section. Proper credit for these employe contributions shall be given to the city or urban-county government in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3).

(3) If the city or urban-county government does not elect the alternate participation plan as set forth in KRS 78.530(3), the employe contributions paid into the fund under authority of KRS 67A.320, 67A.340, 79.080, 90.400(1), 90.410, 95.520 through 95.620, 95.621 through 95.629, 95.767 through 95.785, 95.851 through 95.884 or 96.180 by each employe electing to terminate coverage under the provisions of this section shall be refunded to the employe with interest as specified in the applicable statute, unless the employe has a vested account in which case he may elect to leave his contributions in the fund in order to later receive a pension when he becomes eligible.

Section 15. KRS 78.540 is re-enacted to read as follows:

Membership in the system shall consist of the following:

(1) All persons who become employes of a participating county after the date such county first participates in the system, except that city managers or other appointed local government executives who participate in a retirement system, other than social security, which operates in more than one (1) state, may decline to participate in the system; and

(2) All persons who are employes of a county on the date the county first participates in the system, either in service or on authorized leave from service, and who elect within thirty (30) days next following such county's participation, or in the case of persons on authorized leave, within thirty (30) days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 78.510 to 78.852.

(3) The provisions of subsections (1) and (2) of this section notwithstanding, cities which participate in the CERS and close existing local pension systems to new, or all members pursuant to the provisions of KRS 78.530, 95.520, 95.621 or 95.852 shall not be required to provide membership in the county employes retirement system to employes in any employe category not covered by a city pension system at the date of participation.

Section 16. Whereas it is necessary to require certain city pension systems to join with the county employes retirement system on July 1, 1986 because the plan or fiscal year begins on July 1, and it is necessary for employes who will have an option to join the county employes retirement system to make their decision by June 1, 1986, and whereas the interest rates available to any city of the first class through investments are dramatically decreasing for the purpose of amortizing the unfunded service liability, an emergency is declared to exist and this Act shall take effect upon passage by the General Assembly and signature by the Governor.";

and on page 7, lines 12 through 17, by deleting all lines 12 through 17.

Floor Amendment No. 1 to SB 360, by Representative Meyer:

Amend printed copy of GA copy of SB 360:

On page 3, after line 20 by adding the following new sections:

"SECTION 2. KRS CHAPTER 82A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1) "Action in tort" means any claim for money damages based upon negligence, medical malpractice, intentional tort, nuisance, products liability and strict liability, and also includes any wrongful death or survival-type action; and

(2) "City" means any city incorporated under the law of this Commonwealth, the offices and agencies thereof, any special district or special taxing district created or controlled by a city or any utility solely owned by a city; and

(3) "Employe" means any elected or appointed officer of a city, or any paid or unpaid employe or agent of a city, provided that no independent contractor nor employe nor agent of an independent contractor shall be deemed to be an employe of a city.

SECTION 3. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

Every action in tort against any city in this Commonwealth for death, personal injury or property damage proximately caused by:

(1) Any defect or hazardous condition in public lands, buildings or other public property, including personalty;

(2) Any act or omission of an employe, while acting within the scope of his employment or duties; or

(3) Any act or omission of a person other than an employe for which the city is or may be liable, shall be subject to the provisions of this Act. Except as otherwise specifically provided herein, all enacted and case-made law, substantive or procedural, concerning actions in tort against cities shall continue in force. No provision of this Act shall in any way be construed to expand the existing common law concerning municipal tort liability as of the effective date of this Act.

SECTION 4. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

(1) The amount of damages recoverable against a city for death, personal injury or property damage arising out of a single accident or occurrence, or sequence of accidents or occurrences, shall not exceed the total damages recoverable by plaintiff, reduced by the percentage of fault including contributory fault, attributed by the trier of fact to other parties, if any.

(2) A city shall not be liable for punitive damages, or for damages for non-economic losses, including conscious pain and suffering, emotional distress, grief, and loss of consortium.

(3) The prevailing party in any action brought under this Act may petition the court to be awarded reasonable attorney fees to be paid by the losing party. The trial court shall award attorney fees at the time and in the manner provided for fixing costs in civil actions. A successful plaintiff may receive appropriate and reasonable attorney fees at the discretion of the trial court, except that such fees shall not exceed the amount of damages awarded the plaintiff. If a city successfully defends an action brought under this Act, it may be awarded attorney fees on a showing that the plaintiff was guilty of bad faith in the commencement, conduct or maintenance of the action.

SECTION 5. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

No action in tort subject to the provisions of this Act, except or actions pursuant to Section 6(6), shall be maintainable against a city unless notice has been given to the mayor of the city, or the chairman of the governing body or chief executive officer of a special district, in the manner provided for the service of notice in actions in the Rules of Civil Procedure, within one hundred and twenty (120) days of the occurrence which gives rise to the claimed action in tort. Such notice shall state the time and place of the occurrence and the character and circumstances of the injury or damages sustained.

SECTION 6. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

Notwithstanding Section 2 of this Act, a city shall not be liable for injuries or losses resulting from:

(1) Any claim by an employe of the city which is covered by the Kentucky workers' compensation law;

(2) Any claim in connection with the assessment or collection of taxes;

(3) Any claim arising from the exercise of judgment or discretion vested in the local government, including:

(a) The adoption or failure to adopt any ordinance, resolution, order, regulation, or rule;

(b) The failure to enforce any law;

(c) The issuance, denial, suspension, revocation of, or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization;

(d) The exercise of discretion when in the face of competing demands, the city determines whether and how to utilize or apply existing resources; or

(e) Failure to make an inspection;

Except that nothing contained in this subsection shall be construed to hold a city not liable for negligence arising out of acts or omissions of its employes in carrying out their ministerial duties;

(4) Any claim arising from the failure to provide or the method of providing police or fire protection;

(5) Any claim resulting from damage, destruction or removal of real or personal property by any riotous or tumultuous assemblage of people, unless the plaintiff proves that the city authorities had notice or good reason to believe that a riot or tumultuous assemblage was about to take place in time to prevent the destruction, either by their own force or by the aid of the citizens of the city. No person may maintain an action under this subsection if he has unlawfully contributed by word or deed toward exciting or inflaming the tumult or riot, or if he failed to do what he reasonably could toward preventing, allaying or suppressing it; or

(6) Any claim against a city growing out of any defect in the condition of any bridge, street, sidewalk, alley or other public thoroughfare, unless notice has been given to the mayor, clerk of the city or clerk of the legislative body, if any, in the manner provided for the service of notice in actions in the Rules of Civil Procedure. This notice shall be filed within ninety (90) days of the occurrence for which damage is claimed, stating the time of and place where the injury was received and the character and circumstances of the injury, and that the person injured will claim damages therefor from the city.

SECTION 7. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

(1) Upon motion of a city against which final judgment has been rendered for a claim within the scope of this Act, the court in accordance with subsection (2) of this section may include in such judgment a requirement that the judgment be paid in whole or in part by periodic payments. Periodic payments may be ordered paid over a period of time not exceeding ten (10) years. Any periodic payment upon becoming due under the terms of the judgment shall constitute a separate judgment. Any judgment ordering any such payments shall specify the total amount awarded, the amount of each payment, the interval between payments and the number of payments to be paid under the judgment. Judgments paid pursuant to this section shall bear interest accruing from the date final judgment is entered, at the interest rate as specified in KRS 360.040. For good cause shown, the court may modify such judgment with respect to the amount of such payments and the number of payments to be made or the interval between payments, but the total amount of damages awarded by such judgment shall not be subject to modification in any event and periodic payments shall not be ordered paid over a period in excess of ten (10) years.

(2) A court may order periodic payments only upon finding that:

(a) Payment of the judgment is not totally covered by insurance; and

(b) Funds for the current budget year and other funds of the city which lawfully may be utilized to pay judgments are insufficient to finance both the adopted budget of expenditures for the year and the payment of that portion of the judgment not covered by insurance.

SECTION 8. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

If the legislative body of a city against whom a judgment has been entered or a settlement made for a tort claim covered by this Act determines that current revenues of the city are insufficient to pay the judgment or settlement, or the installment due pursuant to Section 7 of this Act, it may levy a special tax for the purpose of paying such judgment or settlement. Such levy may include any tax permitted by Section 181 of the Kentucky constitution. An ad valorem tax levied pursuant to this section shall not be considered for purposes of calculating either the maximum tax rate or the compensating tax rate in accordance with KRS 132.027. Any tax levied for the purpose of paying a judgment or settlement shall be used solely for such purpose.

SECTION 9. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

(1) A city shall provide for the defense of any employe in any action in tort arising out of an act or omission occurring within the scope of his employment of which it has been given notice pursuant to subsection (2) of this section. The city shall pay any judgment based thereon or any compromise or settlement of the action except as provided in subsection (3) of this section, except that a city's responsibility under this section to indemnify an employe shall be subject to the limitations contained in Section 3 of this Act.

(2) Upon receiving service of a summons and complaint in any action in tort brought against him, an employe shall, within ten (10) days of receipt of service, give written notice of such action in tort to the executive authority of the city.

(3) A city may refuse to pay a judgment or settlement in any action against an employe, or if a city pays any claim or judgment against any employe pursuant to subsection (1) of this section, it may recover from such employe the amount of such payment and the costs to defend if:

(a) The employe acted or failed to act because of fraud, malice or corruption;

(b) The action was outside the actual or apparent scope of his employment;

(c) The employe willfully failed or refused to assist the defense of the cause of action, including the failure to give notice to the executive authority of the city pursuant to subsection (2) of this section; or

(d) The employe compromised or settled the claim without the consent of the governing body of the city.

(4) No employe who is being provided a defense in any action in tort by a city pursuant to this section shall enter into any compromise or settlement of the action without the approval of the governing body of the city.

SECTION 10. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

This Act shall apply to all actions in tort in which money damages have not been adjudged as of the effective date of this Act.

SECTION 11. A NEW SECTION OF KRS CHAPTER 82A IS CREATED TO READ AS FOLLOWS:

(1) Any two (2) or more cities may enter into an agreement to pool their financial and administrative resources for the purposes of providing the parties to the agreement risk management, insurance or self-insurance for any property or liability risks to which cities may be exposed. All such agreements shall be made pursuant to KRS 65.230 to 65.260, except that the provisions of KRS 65.260(2) shall not apply to any agreement entered into under this section.

(2) Any pooling agreement established pursuant to this section shall be open to any city requesting to enter into such agreement. In addition to agreeing to all terms of the agreement, a city shall agree to an annual contribution sufficient to pay a proportionate share of the expenses necessary to maintain the resources of the pool. Contributions levied against participating cities may vary, based upon the individual city's loss history, risk management practices, exposure to risk and such other factors deemed relevant.

(3) In addition to those items included in any such agreement pursuant to KRS 65.250, the agreement may specify: the nature and scope of insurance coverages to be provided; the methods by which coverages are to be extended, contributions levied and paid, claims administered and defended against; the procedures by which financial reserves shall be established and maintained; and, any other provisions necessary for proper administration of the pooled resources.

(4) Such agreements may provide for the pooling of losses so that any or all of the funds contributed by a participating city may be used to pay claims against or with respect to any of the other participating cities.

(5) No entity established by an agreement under this section shall be considered an "insurer" as defined by KRS 304.1-040 or an assessment or cooperative insurance company as defined by KRS Chapter 299. Provided, however, that there shall be maintained in any fund or pool created pursuant to this section, an amount of reserve funds as is deemed adequate. The adequacy of reserve funds shall be determined based upon an annual independent actuarial audit of the pool.

(6) Any entity created to carry out the purposes of this section shall have the power to reinsure, in whole or in part, any of the areas of liability or insurability of cities.

Section 12. The following KRS sections are repealed:

411.100 Liability of city for property damaged by mob.

411.110 Action against city for injury from defect in thoroughfare—Service of notice."

Floor Amendment No. 1 to HB 664, by Representative Mann:

Amend printed copy of HB 664:

On page 5, line 11, following "individual" insert "*, or individuals in the case of a joint return,*"; and

on page 5, line 14, delete "*his*" and insert in lieu thereof "*the*"; and

on page 11, line 25, delete "*and*" and insert in lieu thereof "*an*"; and

on page 16, lines 3-4, place brackets around and strike through ": (a)"; and

on page 16, line 4, after "*matter*" insert "*taken as a whole*"; and

on page 16, lines 8-12, place brackets around and strike through the language beginning with "; and" on line 8 through "value" on line 12; and

on page 16, line 17, delete "*lewd*" and insert in lieu thereof "*willful or intentional*"; and

on page 17, lines 12-13, delete lines 12-13 in their entirety.

Floor Amendment No. 3 to HB 946, by Representative Donnermeyer:

Amend printed copy of HB 946:

On page 4, after live, by inserting the following:

"Dorothy S. Dowe P. O. Box 23009 Anchorage, Kentucky	$2,556.00
H. Kincaid Beattyville, Kentucky	$ 690.00
Vickie Stradford 3700 E. Wheatmore Louisville, Kentucky	$2,708.00
Jas. S. Wallace 3221 Condit Street Ashland, Kentucky	$ 249.00

Raymond Klein P. O. Box 10634 Rivera Beach, Florida	$ 315.00
Harold and M. E. Kincaid Beattyville, Kentucky	$3,603.00"

Floor Title Amendment to SB 67, by Representative Maggard:

Amend printed copy of GA copy of SB 67:

By amending the title to read as follows:

"AN ACT relating to education and declaring an emergency."

Floor Amendment No. 1 to SB 67, by Representative Maggard:

Amend printed copy of GA copy of SB 67:

On page 1, after line 18, add the following:

"Section 2. KRS 158.175 is amended to read as follows:

(1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.

(2) By August 1, 1980, the board of education of each public local school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day.

(3) At the commencement of the first class of each day in all public schools, the person in charge of the room may call for a few moments of silence."

On page 1, line 19, change "2" to "3".

On page 2, line 1, after the word "and" insert "Section 1 of".

Floor Amendment No. 2 to the Committee Substitute to HB 978, by Representative T. Jones:

Amend printed copy of HB 978:

On page 5, line 21, after the word "*section.*" by inserting the following:

"*Upon receipt of a resolution of a fiscal court the secretary shall delete all or a portion of a public road located within the county of such fiscal court.*"

Floor Amendment No. 1 to the Committee Substitute to HB 978, by Representative Hancock:

Amend printed copy of HB 978:

on page 6, line 6, after the word "*Act*" insert the following language: "*and no other taxes or fees normally assessed on motor carriers*".

on page 14, line 13, after "Section 7." delete the rest of the line in its entirety.

on page 14, lines 14-19, delete said lines in their entirety.

on page 14, line 20, delete the words "Section 8.".

on page 14, after line 25, add the following language: "KRS 186.0571 Surtax exemption—Weight distance tax exemption".

Floor Amendment No. 2 to SB 360, by Representative Ellington:

Amend printed copy of SB 360:

On page 3, line 21, add the following new section:

"Section 2. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

No city legislative body shall enact any discrimination ordinance, order or resolution pursuant to KRS 344.300 which prohibits any form of discrimination based upon the sexual preference or sexual orientation of a person."

Floor Amendment No. 1 to SB 47, by Representative Blevins:

Amend printed copy of GA copy of SB 47:

On page 1, on the 5th line from the top of the page, by deleting the period (.) and inserting in lieu thereof the following: ";and"; then continue by inserting the following new "whereas" clause:

"Whereas, satisfactory information has been presented to the General Assembly that the population of the City of West Liberty, in Morgan County, is such as to justify its being classified as a city of the fourth class."; and

On page 1, after line 3, by inserting the following new section:

"Section 2. The City of West Liberty, in Morgan County, is transferred from the fifth to the fourth class of cities."

Floor Amendment No. 1 to SB 256, by Representative Morris:

Amend printed copy of SB 256:

On page 1, lines 19, 20 and 21, by deleting after the "*(2)*" all the language on lines 19, 20 and 21; and

On page 2, by deleting all the language on line 1; and

On page 1, line 19, by inserting after "*(2)*" the following:

"*Any beverage company doing business in the Commonwealth of Kentucky shall not introduce to the marketplace any new type plastic can until the beverage industry achieves a plan to recycle the plastic can which provides the economic retrieval value comparable to the present aluminum can recycling system.*

(3) Any violation of this section shall be subject to the penalties as set forth in KRS Chapter 224."

Floor Amendment No. 2 to SB 67, by Representative R. Jones.

Amend printed copy of GA copy of SB 67:

On page 1, after line 18, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education*

chooses to schedule a spring break, it shall be scheduled during the third week of March. In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or~~] upon request of the statewide professional educational association having the largest paid membership *to* the superintendent of public instruction [~~may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

On page 1, line 19 change "2" to "3".

Floor Title Amendment No. 2 to SB 67, by Representative R. Jones:

Amend printed copy of GA copy of SB 67:

By amending the Title to read as follows:

"AN ACT relating to education and declaring an emergency."

Floor Amendment No. 1 to HB 757, by Representative Head:

Amend printed copy of HB 757:

on page 15, line 21, by inserting after the word "~~chapter~~]" the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 350 IS CREATED TO READ AS FOLLOWS:

An appearance before the cabinet in an administrative hearing or proceeding involving the surface mining of coal by a person who is an employe of or who is regularly employed by a corporation or partnership which is a party to the litigation in which the appearance is made shall not be considered as an unauthorized practice of law."

Floor Amendment No. 2 to SB 299, by Representative Stumbo:

Amend printed copy of GA copy of SB 299:

On page 10, by inserting after line 20, the following:

"SECTION 6. A NEW SECTION OF KRS CHAPTER 416 IS CREATED TO READ AS FOLLOWS:

(1) Whenever any entity which has been granted the power of eminent domain confers a benefit upon a landowner, it shall not discriminate to the detriment of any other landowner in the area being served by such entity if the other landowner is in like or similar circumstances and requests that such benefit be conferred.

(2) Any entity discriminating to the detriment of any landowner shall be liable in damages for the difference in fair market value of the property with the benefit conferred and the fair market value of the property without the benefit conferred."

Floor Title Amendment to HB 842, by Representative Nett:

Amend printed copy of HB 842:

Amend Title to read "AN ACT relating to the taxation of food."

Floor Amendment No. 1 to HB 842, by Representative Nett:

Amend printed copy of HB 842:

By deleting all the language following the enacting clause, and inserting in lieu thereof the following:

SECTION 1. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby levied a gross receipts tax on all persons selling at retail. Taxable receipts shall be receipts derived from the sale of non-staple foods. For purposes of this section, the term "non-staple food" shall mean:

(a) Candy and other confectionery;

(b) Chewing gum; and

(c) Soft drinks, sodas, and similar beverages.

(2) The rate of the gross receipts tax imposed in subsection (1) of this section shall be five percent (5%).

(3) The tax shall be reported and remitted at the same time and in the same manner as the reporting and remittance of the taxes imposed under the provisions of KRS Chapter 139.

(4) Except for the provisions of KRS 139.210 to 139.230, all the provisions of KRS Chapter 139 shall apply to the persons subject to the provisions of subsection (1) of this section.

SECTION 2. KRS 139.485 is amended to read as follows:

(1) Except as otherwise provided, the terms "sale at retail," "retail sale," "use," "storage," and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of food for human consumption.

(2) The term "food" as used in subsection (1) of this section shall include:

(a) Cereals and cereal products;

(b) Milk and milk products;

(c) Meat and meat products;

(d) Fish and fish products;

(e) Eggs and egg products;

(f) Vegetables and vegetable products;

(g) Fruit and fruit products, including fruit juices;

(h) Sugar, sugar products and sugar substitutes; [~~other than candy, confectionery and chewing gum;~~]

(i) Coffee and coffee substitutes;

(j) Tea, cocoa and cocoa products;[~~other than candy and confectionery;~~]

(k) Spices, condiments, and salt;

(l) Oleomargarine.

(3) The term "food" as used in subsection (1) of this section shall not include:

(a) [~~Candy, confectionery and chewing gum;~~

~~(b)~~] Spirituous, malt, or vinous liquors;

b[~~(c)~~] Cocktail mixes;

[~~(d) Soft drinks, sodas, and similar beverages;~~]

c[~~(e)~~] Medicines, tonics, vitamins, and other dietary supplements;

d[~~(f)~~] Water, mineral water, carbonated water and ice;

e[~~(g)~~] Pet foods;

f[~~(h)~~] Meals served on or off the premises of the retailer;

g[~~(i)~~] Food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer;

h[~~(j)~~] Food sold by retailers who ordinarily sell for consumption on or near the premises of the retailer even though such food is sold on a "take out" or "to go" order and is actually bagged, packaged or wrapped and taken from the premises of the retailer;

i[~~(k)~~] Food sold through vending machines;

j[~~(l)~~] Food sold by street vendors.

Floor Amendment No. 2 to HB 842, by Representative Nett:

Amend printed copy of HB 842:

By deleting all the language following the enacting clause, and inserting in lieu thereof the following:

SECTION 1. KRS 139.485 is amended to read as follows:

(1) Except as otherwise provided, the terms "sale at retail," "retail sale," "use," "storage," and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of food for human consumption.

(2) The term "food" as used in subsection (1) of this section shall include:

(a) Cereals and cereal products;

(b) Milk and milk products;

(c) Meat and meat products;

(d) Fish and fish products;

(e) Eggs and egg products;

(f) Vegetables and vegetable products;

(g) Fruit and fruit products, including fruit juices;

(h) Sugar, sugar products and sugar substitutes; [~~other than candy, confectionery and chewing gum;~~]

(i) Coffee and coffee substitutes;

(j) Tea, cocoa and cocoa products; [~~other than candy and confectionery;~~]

(k) Spices, condiments, and salt;

(l) Oleomargarine.

(3) The term "food" as used in subsection (1) of this section shall not include:

(a) [~~Candy, confectionery and chewing gum;~~

~~(b)~~] Spirituous, malt, or vinous liquors;

b[~~(c)~~] Cocktail mixes;

[~~(d) Soft drinks, sodas, and similar beverages;~~]

c[~~(e)~~] Medicines, tonics, vitamins, and other dietary supplements;

d[~~(f)~~] Water, mineral water, carbonated water and ice;

e[~~(g)~~] Pet foods;

f[~~(h)~~] Meals served on or off the premises of the retailer;

g[~~(i)~~] Food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer;

h[~~(j)~~] Food sold by retailers who ordinarily sell for consumption on or near the premises of the retailer even though such food is sold on a "take out" or "to go" order and is actually bagged, packaged or wrapped and taken from the premises of the retailer;

i[~~(k)~~] Food sold through vending machines;

j[~~(l)~~] Food sold by street vendors.

Floor Amendment No. 1 to HB 250, by Representative Burnette:

Amend printed copy of HB 250:

Page 1, lines 2 through 21, by deleting lines 2 through 21 in their entirety;

Page 2, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 3, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 4, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 5, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 6, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 7, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 8, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 9, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

Page 10, lines 1 through 4, by deleting lines 1 through 4 in their entirety;

And inserting in lieu thereof the following:

As used in this chapter, unless the context requires otherwise:

(1) "Secretary" means the secretary of revenue;

(2) "Cabinet" means the revenue cabinet;

(3) For tax years beginning on or after January 1, 1982, except as otherwise provided in this section, "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 1981, including the provisions of the Economic Recovery Tax Act of 1981 effective on the dates specified in that law exclusive of any amendments made subsequent to that date and as modified by KRS 141.0101;

(4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) For taxable years beginning on or after January 1, 1974, "federal income tax" means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude employe pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employe;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as

defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Include all overpayments of federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct federal income tax;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code as modified by KRS 141.0101 [~~and by Section 214 of the Internal Revenue Code as it existed on December 31, 1975~~] except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;

(b) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(h);

(c) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101 except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(d) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(e) Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(14) (a) "Taxable net income," in the case of corporations having property or payroll only in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations having property or payroll both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120; and

(c) "Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction;

(15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the secretary, "taxable year" means the period for which such return is made;

(17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employe" means "employe" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), and (q) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(24) "Corporations" means "corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;

(25) "Electing small business corporations" means "electing small business corporations" as defined in Section 1371(b) of the Internal Revenue Code. Stockholders of a corporation qualifying after December 31, 1979 as "electing small business corporations" under Chapter 141 may elect to treat such qualification as an initial qualification under Internal Revenue Code Sections 1371-1378.

Page 10, line 12, by deleting line 12 in its entirety, and inserting in lieu thereof the following:

21 of the Internal Revenue Code in effect on December 31, 1985

Floor Amendment No. 1 to HB 832, by Representative Guenthner:

Amend printed copy of HB 832:

On page 1, line 3, after "*knife*" insert "*, butterfly knife*" ; and

on page 1, line 9, after "*amended*" insert "*, to folding knives with blades of a length of three (3) inches or less or to toys, kitchen utensils, or rubber or plastic goods*".

Floor Amendment No. 1 to SB 281, by Representative Stewart:

Amend printed copy of SB 281:

On page 4, by deleting lines 8 through 14 in their entirety and inserting in lieu thereof:

"*(5) A manager or other employe of an apartment or condominium community, provided that these employes are employes of:*

(a) The owner;

(b) A professional management company; or

(c) A principal broker."

Floor Amendment No. 1 to HB 908, by Representative Blevins:

Amend printed copy of HB 908:

On page 1, line 6, following "*number*" to insert "*(optional)*".

Floor Amendment No. 2 to SB 70, by Representative Blevins:

Amend printed copy of GA copy of SB 70:

On page 1, after line 19, insert the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

Morehead State University, through the Appalachian Development Center and in cooperation with the cabinet for natural resources and environmental protection, the commerce cabinet, the energy cabinet, and the industry itself, shall develop a comprehensive plan to expand the state's forest products industry. The plan shall include, but not be limited to: a strategy to promote the use of wood and wood waste as fuel; an assessment of wood resources; a determination of forest product development; and the feasibility of establishing, with state support, a wood-using complex. Morehead State University shall provide quarterly reports to the subcommittee on commerce, energy and natural resources of the interim joint committee on appropriations and revenue and a final plan to such subcommittee by August 31, 1987. The plan shall be implemented over a five (5) year period."

Floor Amendment No. 1 to HB 876, by Representative Gray:

Amend printed copy of HB 876:

On page 1, line 4, after the word "the" insert the word "*supplemental*";

And on page 1, line 7, after the word "the" insert the word "*supplemental*";

And on page 1, after line 13, add the following:

"*(3) The supplemental fund shall be limited to a total amount equal to three hundred fifty thousand dollars ($350,000) in any fiscal year. All monies collected or earned in excess of three hundred fifty thousand dollars ($350,000) shall be paid into the general fund.*"

And on page 2, line 7, after the word "the" insert the word "*supplemental*";

And on page 4, line 14, before the word "*occupational*" insert the word "*supplemental*"

Representative B. Richardson moved that the vote by which HB 512 was defeated be reconsidered and that it be placed in Orders of the Day, March 24, 1986. Agreed.

Representative Guenthner moved that HB 832 be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

Representative Jensen moved the adoption of the following Legislative Citation No. 59:

The House of Representatives of the Commonwealth of Kentucky hereby honors Baxter Bledsoe, Sr. Baxter Bledsoe's seventeen years as Superintendent of Clay County Schools is certainly deserving of the highests honor and tribute. By consolidating county schools without adding to the school system's debt, Superintendent Bledsoe was able to continue providing Clay County with a high quality and financially sound educational system. Superintendent Bledsoe's contribution to Clay County's Educational System was marked not only by his ability to make sound business and educational decisions, but also by his sincere concern for the welfare of Clay County's young people. Baxter Bledsoe further distinguished himself as a businessman in Lumber, Building Contracting and as Chairman of the Board of First National Bank of Manchester. With his passing, Clay County has truly lost one of its most able and leading citizens. (Sponsored by Representative Jensen)

Agreed.

The following members requested that the rules be suspended to allow recording of votes. Agreed.

Representative Bruce, "nay" to "yea" on HB 512; Representative Freibert, "yea" on HB 236, HB 237, HB 637, HB 779, HB 787, HB 805; Representative Little, "yea" on HB 867; Representative Williams, "yea" on HB 237, change from "nay" to "yea" on HB 787.

Representative Williams moved that the rules be suspended to waive the three-day posting requirement on HB 866. Rejected.

Representative Burch moved that the rules be suspended to waive the three-day posting requirement on HCR 157. Agreed.

Representative Burch moved that the rules be suspended to waive the three-day posting requirement on HCR 141. Agreed.

Representative Burch moved that the rules be suspended to waive the three-day posting requirement on HB 701. Agreed.

Representative Burch moved that the rules be suspended to waive the three-day posting requirement on HB 987. Agreed.

Representative Stumbo moved that the rules be suspended to waive the three-day posting requirement on SB 352. Agreed.

Representative Stumbo moved that the rules be suspended to waive the three-day posting requirement on SB 290. Agreed.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Monday, March 24, 1986.

On the roll call the vote was yeas 79—Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Bronger, M. Brown, Burch, Caldwell, L. Clark, P. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Hancock, J. Harper, K. Harper, Head, Heleringer, Holbrook, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Lear, Lefevers, LeMaster, Lile, Little, Lyne, Mack, Maggard, Mann, McBee, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Priddy, Pritchett, Rapier, Reinhardt, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 1—Guenthner.

The motion to adjourn was adopted.

MONDAY, MARCH 24, 1986

FORTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend Robert Wood, First United Methodist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 21, 1986, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of HB 548, HB 706 and HB 745.

Introduction of Resolutions

HR 166, by Representatives Stumbo, Little, Rose, White, Maggard, Preston, Dawahare, Lefevers, Noland, Stone, Deskins, Jensen, Head, Strong and Blevins: A RESOLUTION creating a commission to study matters relating to revenue, revenue distribution, and other matters relating to economic development and public service in Kentucky's mineral producing regions.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: SB 290

Banking and Insurance: SB 353, SB 393

Health and Welfare: SB 291, SB 116, SB 318

Judiciary-Civil: SB 337

State Government: SCR 97

Posting of Bills and Resolutions for Consideration

State Government: SB 268, SB 140, SB 262 and SCR 38

Banking and Insurance: SB 370

Calendar

HB 780, HJR 115, HJR 126, HCR 136, SB 198, SB 273, SB 281, SB 124, SB 141, SB 196, SB 311, SB 317, SB 354, and SB 374 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

HB 952 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved that HB 952 be passed.

On the roll call the vote was: Yeas 83, Nays 0. (See March 24, 1986, roll call on HB 952—Appendix A.)

HB 952 was passed and the title agreed to.

Representative White moved that the vote by which HB 952 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 804 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved that HB 804 be passed.

On the roll call the vote was: Yeas 66, Nays 14. (See March 24, 1986, roll call on HB 804—Appendix A.)

HB 804 was passed and the title agreed to.

Representative Blevins moved that the vote by which HB 804 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 546, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved the adoption of the Committee Substitute to HB 546. Agreed.

Representative Deskins moved that HB 546, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 80, Nays 1. (See March 24, 1986, roll call on HB 546—Appendix A.)

HB 546, by way of Committee Substitute, was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 546, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 664, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Meyer moved the adoption of the Floor Amendment No. 1 to HB 664. Agreed.

Representative Meyer moved that HB 664, as amended, be passed.

On the roll call the vote was: Yeas 85, Nays 0. (See March 24, 1986, roll call on HB 664—Appendix A.)

HB 664, as amended, was passed and the title agreed to.

Representative Meyer moved that the vote by which HB 664 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 799 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Todd moved that HB 799 be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 24, 1986, roll call on HB 799—Appendix A.)

HB 799 was passed and the title agreed to.

Representative Todd moved that the vote by which HB 799 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 979, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved the adoption of the Committee Amendment No. 1 to HB 979. Agreed.

Representative Lear moved that HB 979, as amended, be passed.

On the roll call the vote was: Yeas 47, Nays 31. (See March 24, 1986, roll call on HB 979—Appendix A.)

HB 979, as amended, was passed and the title agreed to.

Representative Lear moved that the vote by which HB 979, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Hancock moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative Hancock moved the adoption of the following Legislative Citation No. 62:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes and congratulates the Honorable Clay Crupper, the Gentleman from Grant, upon the occasion of the thrilling victory by his horse, "Jumbo Star" in the twelfth race of Latonia Race Course on Saturday, March 22, 1986, more particularly known as the "Jim Beam Stakes." Such victory by such horse is of particular significance to the Gentleman from Franklin-57, a seatmate of Representative Crupper's for 13 years, and to the Gentleman from Nelson, likewise a seatmate and presently a roommate of Representative Crupper's who for lo these many years have gradually impoverished themselves by way of Representative Crupper's remarkably ineffective race tips and touts, until his past unseemly record in this regard was rectified by the said Jumbo Star. This body salutes, commends and congratulates Representative and Mrs. Crupper. (Sponsored by Representative Hancock)

HB 234, with Committee Substitute and Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved the adoption of the Committee Substitute to HB 234. Agreed.

Representative Brinkley moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to HB 234. Agreed.

Representative Brinkley moved that HB 234, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 24, 1986, roll call on HB 234—Appendix A.)

HB 234, by way of Committee Substitute as amended, was passed.

Representative Brinkley moved the adoption of the Committee Title Amendment to HB 234. Agreed; and the title was agreed to.

Representative Brinkley moved that the vote by which HB 234, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 277, HB 10, HB 285, HB 59, HB 78, HB 302, and HB 571 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:30 p.m.)

HB 10, HB 285, HB 59, HB 78, HB 302, and HB 571 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

HB 881, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that the rules be suspended to consider Floor Amendment No. 1 to HB 881.

The Chair ruled a majority vote of members would be required to suspend the rules.

On the roll call the vote was yeas—Allen, Arnold, Bendl, Bennett, Blevins, Brinkley, Bruce, Burch, Caldwell, Clarke, Cline, Cowan, Crupper, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gregory, Guenthner, Hancock, J. Harper, K. Harper, Head, Heleringer, Hines, Holloway, Layman, Lear, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, Morris, Napier, Noland, Overstreet, Pearman, Priddy, Rapier, Reinhardt, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Thomas, Todd, Turner, White, Williams, Yates. Nays 11—Blandford, Brown, M. Brown, L. Clark, Curd, LeMaster, McElroy, McNutt, Preston, Stumbo, Worthington.

The motion that the rules be suspended to consider Floor Amendment No. 1 to HB 881 was adopted.

Representative Morris moved the adoption of the Floor Amendment No. 1 to HB 881. Agreed.

Representative Scorsone moved that HB 881, as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 24, 1986, roll call on HB 881—Appendix A.)

HB 881, as amended, was passed and the title agreed to.

Representative Scorsone moved that the vote by which HB 881, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 918, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved the adoption of the Floor Amendment No. 1 to HB 918. Agreed.

Representative White moved that HB 918, as amended, be passed.

On the roll call the vote was: Yeas 85, Nays 1. (See March 24, 1986, roll call on HB 918—Appendix A.)

HB 918, as amended, was passed and the title agreed to.

Representative White moved that the vote by which HB 918, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 913, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kerr moved the adoption of the Floor Amendment No. 1 to HB 913. Agreed.

Representative Kerr moved that HB 913, as amended, be passed.

On the roll call the vote was: Yeas 68, Nays 10. (See March 24, 1986, roll call on HB 913—Appendix A.)

HB 913, as amended, was passed and the title agreed to.

Representative Kerr moved that the vote by which HB 913, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 512 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that HB 512 be passed.

On the roll call the vote was: Yeas 54, Nays 26. (See March 24, 1986, roll call on HB 512—Appendix A.)

HB 512 was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 512 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 132 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freibert moved the adoption of HCR 132.

On the roll call the vote was: Yeas 89, Nays 0. (See March 24, 1986, roll call on HCR 132—Appendix A.)

HCR 132 was passed and the title agreed to.

Representative Freibert moved that the vote by which HCR 132 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 723 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Jensen moved that HB 723 be passed.

On the roll call the vote was Yeas: 75, Nays 8. (See March 24, 1986, roll call on HB 723—Appendix A.)

HB 723 was passed and the title agreed to.

Representative Jensen moved that the vote by which HB 723 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 832, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved the adoption of the Floor Amendment No. 1 to HB 832. Agreed.

Representative Guenthner moved that HB 832, as amended, be passed.

On the roll call the vote was: Yeas 32, Nays 41. (See March 24, 1986, roll call on HB 832—Appendix A.) HB 832, as amended, was defeated.

SB 266, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that SB 266 be passed.

On the roll call the vote was: Yeas 77, Nays 1. (See March 24, 1986, roll call on SB 266—Appendix A.)

SB 266 was passed and the title agreed to.

Representative Richards moved that the vote by which SB 266 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 350, with Committee amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curd moved the adoption of the Committee Amendment No. 1 to SB 350. Agreed.

Representative Curd moved that SB 350, as amended, be passed.

On the roll call the vote was: Yeas 84, Nays 3. (See March 24, 1986, roll call on SB 350—Appendix A.)

SB 350, as amended, was passed and the title agreed to.

Representative Curd moved that the vote by which SB 350, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 374, with Committee Amendment and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gedling moved the adoption of the Committee Amendment No. 1 to HB 374. Agreed.

Representative Gedling moved the adoption of the Committee Amendment No. 1 to HB 374. Agreed.

Representative Gedling moved the adoption of the Floor Amendment No. 2 to HB 374. Agreed.

Representative Gedling moved that HB 374, as amended, be passed.

On the roll call the vote was: Yeas 79, Nays 8. (See March 24, 1986, roll call on HB 374—Appendix A.)

HB 374, as amended, was passed and the title agreed to.

Representative Gedling moved that the vote by which HB 374, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 936 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riner moved that HB 936 be passed.

On the roll call the vote was: Yeas 85, Nays 3. (See March 24, 1986, roll call on HB 936—Appendix A.)

HB 936 was passed and the title agreed to.

Representative Riner moved that the vote by which HB 936 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 310, with Committee Substitute, Committee Amendment, and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the committee Substitute to HB 310. Agreed.

Representative Pearman moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to HB 310. Agreed.

Representative Pearman moved that HB 310, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 5. (See March 24, 1986, roll call on HB 310— Appendix A.)

HB 310, by way of Committee Substitute as amended, was passed.

Representative Pearman moved the adoption of the Committee Title Amendment to HB 310. Agreed; and the title was agreed to.

Representative Pearman moved that the vote by which HB 310, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 882, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Amendment No. 1 to HB 882. Agreed.

On the roll call the vote was: Yeas 41, Nays 48. (See March 24, 1986, roll call on HB 882—Appendix A.)

HB 882, as amended, was defeated.

HB 525, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gedling moved that HB 525 be passed.

On the roll call the vote was: Yeas 87, Nays 1. (See March 24, 1986, roll call on HB 525—Appendix A.)

HB 525 was passed and the title agreed to.

Representative Gedling moved that the vote by which HB 525 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 809, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Maggard moved the adoption of the Committee Substitute to HB 809. Agreed.

Representative Maggard moved that HB 809, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 73, Nays 10. (See March 24, 1986, roll call on HB 809—Appendix A.)

HB 809, by way of Committee Substitute, was passed and the title agreed to.

Representative Maggard moved that the vote by which HB 809, by way of Committee Substitute, was passed be considered and said motion be placed on the table. Agreed.

HB 899, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Smith moved the adoption of the Committee Substitute to HB 899. Agreed.

Representative Smith moved that HB 899, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 82, Nays 1. (See March 24, 1986, roll call on HB 899—Appendix A.)

HB 899, by way of Committee Substitute, was passed.

Representative Smith moved the adoption of the Committee Title Amendments to HB 899. Agreed; and the title was agreed to.

Representative Smith moved that the vote by which HB 899, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 905 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved that HB 905 be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 24, 1986, roll call on HB 905—A.)

HB 905 was passed and the title agreed to.

Representative Cyrus moved that the vote by which HB 905 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 978, with Committee Substitute, Committee Amendments, and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved the adoption of the Committee Substitute to HB 978. Agreed.

Representative Little moved the adoption of the Committee Amendment No. 1 to the Committee Substitute to HB 978. Agreed.

Representative Little moved the adoption of the Committee Amendment No. 3 to the Committee Substitute to HB 978. Agreed.

Representative Little moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to HB 978. Agreed.

Representative Little moved the adoption of the Floor Amendment No. 2 to the Committee Substitute to HB 978. Agreed.

Representative Little moved that HB 978, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 69, Nays 17. (See March 24, 1986, roll call on HB 978—Appendix A.)

HB 978, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Little moved that the vote by which HB 978, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 976, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Napier moved the adoption of the Floor Amendment No. to HB 976. Agreed.

Representative Napier moved that HB 976, as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 2. (See March 24, 2986, roll call on HB 976—Appendix A.)

HB 976, as amended, was passed and the title agreed to.

Representative Napier moved that the vote by which HB 976, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 441, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute to HB 441. Agreed.

Representative B. Richardson moved that HB 441, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 24, 1986, roll call on HB 441—Appendix A.)

HB 441, by way of Committee Substitute, was passed.

Representative B. Richardson moved that the vote by which HB 441, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 757, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Head moved that the rules be suspended to allow consideration of Floor Amendment No. 1 to HB 757.

On the roll call the vote was yeas 39—Allen, Bendl, Bennett, Blevins, Burnette, L. Clark, Crupper, Curd, Cyrus, Dawahare, Deskins, Farrow, Ford, Gray, Head, Hines, Jensen, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Maggard, Morris, Noland, Overstreet, Pearman, Pritchett, Rose, Seum, Stone, Thomas, Todd, White, Williams, Worthington, Yates. Nays 18—Blandford, Burch, P. Clark, Guenthner, Heleringer, LeMaster, McElroy, McNutt, Mayer, Napier, Preston, Reinhardt, Richards, B. Richardson, Stewart, Strong, Stumbo, Turner.

The motion that the rules be suspended to allow consideration of Floor Amendment No. 1 to HB 757 was rejected.

Representative Deskins moved that HB 757 be passed.

On the roll call the vote was: Yeas 92, Nays 1. (See March 24, 1986, roll call on HB 757—Appendix A.)

HB 757 was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 757 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 768 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that HB 768 be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 24, 1986, roll call on HB 768—Appendix A.)

HB 768 was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 768 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 982 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Turner moved the adoption of HB 982.

On the roll call the vote was: Yeas 96, Nays 0. (See March 24, 1986, roll call on HB 982—Appendix A.)

HB 982 was passed and the title agreed to.

Representative Turner moved that the vote by which HB 982 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 898 taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burnette moved that HB 898 be passed.

On the roll call the vote was: Yeas 87, Nays 6. (See March 24, 1986, roll call on HB 898—Appendix A.)

HB 898 was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 898 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 147, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Long moved the adoption of the Committee Amendment No. 1 to HCR 147. Agreed.

Representative Long moved that HCR 147, as amended, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 24, 1986, roll call on HCR 147—Appendix A.)

HCR 147, as amended, was passed and the title agreed to.

Representative Long moved that the vote by which HCR 147, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 60 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that SB 60 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 24, 1986, roll call on SB 60—Appendix A.)

SB 60 was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 60 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 154 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that SB 154 be passed.

On the roll call the vote was: Yeas: 92, Nays 0. (See March 24, 1986, roll call on SB 154—Appendix A.)

SB 154 was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 154 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 225 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gedling moved that SB 225 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 24, 1986, roll call on SB 225—Appendix A.)

SB 225 was passed and the title agreed to.

Representative Gedling moved that the vote by which SB 225 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 782, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved the adoption of the Committee Substitute to HB 782. Agreed.

Representative Cyrus moved that HB 782, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 86, Nays 3. (See March 24, 1986, roll call on HB 782—Appendix A.)

HB 782, by way of Committee Substitute, was passed and the title agreed to.

Representative Cyrus moved that the vote by which HB 782, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 346, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved the adoption of the Committee Amendment No. 1 to SB 346. Agreed.

Representative Burch moved that SB 346, as amended, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 24, 1986, roll call on SB 346—Appendix A.)

SB 346, as amended, was passed and the title agreed to.

Representative Burch moved that the vote by which SB 346, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SCR 57 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative K. Harper moved that SCR 57 be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See March 24, 1986, roll call on SCR 57—Appendix A.)

SCR 57 was passed and the title agreed to.

Representative K. Harper moved that the vote by which SCR 57 was passed be reconsidered and said motion be placed on the table Agreed.

HB 845 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Williams moved that HB 845 be passed.

On the roll call the vote was: Yeas 57, Nays 18. (See March 24, 1986, roll call on HB 845—Appendix A.)

HB 845 was passed and the title agreed to.

Representative Williams moved that the vote by which HB 845 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 842 with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that HB 842 be passed.

Representative Nett moved that HB 842 be laid on the Clerk's desk.

On the roll call the vote was yeas 38—Allen, Bennett, Burch, Caldwell, Clarke, Cline, Cyrus, Dawahare, Ellington, Farrow, Ford, Freibert, Gray, Gregory, Guenthner, Handy, J. Harper, Heleringer, Jensen, R. Jones, Keith, Lile, Lyne, McElroy, Nett, Noland, O'Brien, Priddy, Pritchett, Rattliff, Reinhardt, B. Richardson, Siler, Stewart, Stone, Todd, Turner, Yates. Nays 40—Barrows, Blandford, Blevins, Brinkley, Bronger, M. Brown, Burnette, L. Clark, Cowan, Crupper,, Curd, Deskins, Donnermeyer, Gedling, Hancock, K. Harper, Hines, Holbrook, Johnson, T. Jones, Layman, Lefevers, Long, Mack, McBee, Meyer, Moberly, Napier, Overstreet, Preston, Rapier, Richards, P. Richardson, Scorsone, Seum, Strong, Stumbo, Thomas, White, Worthington.

The motion that HB 842 be laid on the Clerk's desk was rejected.

Representative Nett moved that the rules be suspended to waive the requirement that Floor Amendments must be filed twenty-four hours before being considered.

On the roll call the vote was yeas: 44—Allen, Bendl, Bennett, Burch, Caldwell, L. Clark, Cline, Cowan, Cyrus, Farrow, Ford, Freibert, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, Heleringer, Hines, Jensen, R. Jones, Keith, Kerr, Lear, Lile, Long, Lyne, Maggard, Napier, Nett, O'Brien, Priddy, Pritchett, Rattliff, Reinhardt, B. Richardson, Siler, Stewart, Stone, Todd, Turner, Williams, Yates. Nays: 28—Barrows, Blandford, Blevins, Brinkley, Bronger, M. Brown, Burnette, Crupper, Curd, Deskins, Donnermeyer, Ellington, T. Jones, McBee, McElroy, Meyer, Moberly, Overstreet, Preston, Rapier, P. Richardson, Rose, Scorsone, Seum, Strong, Stumbo, Thomas, White.

The motion that the rules be suspended to waive requirement that Floor Amendments must be filed twenty-four hours before being considered was rejected.

On the roll call the vote was: Yeas 52, Nays 19. (See March 24, 1986, roll call on **HB 842**—Appendix A.)

HB 842 was passed and the title agreed to.

Representative Rapier moved that the vote by which **HB 842** was passed be reconsidered and said motion be placed on the table. Agreed.

HB 846, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Williams moved the adoption of the Committee Substitute to **HB 846**. Agreed.

Representative Williams moved that **HB 846**, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 91, Nays 1. (See March 24, 1986, roll call on **HB 846**—Appendix A.)

HB 846, by way of Committee Substitute, was passed and the title agreed to.

Representative Stumbo moved that the vote by which HB 846, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

Speaker Pro Tempore Worthington presiding.

SB 20 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SB 20 be passed.

On the roll call the vote was: Yeas 88, Nays 2. (See March 24, 1986, roll call on SB 20—Appendix A.)

SB 20 was passed and the tittle agreed to.

Representative Deskins moved that the vote by which SB 20 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 892 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that HB 892 be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 24, 1986, roll call on HB 892—Appendix A.)

HB 892 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which HB 892 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 916, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved the adoption of the Committee amendment No. 1 to HB 916. Agreed.

Representative Lear moved that HB 916, as amended, be passed.

On the roll call the vote was: Yeas 78, Nays 10. (See March 24, 1986, roll call on HB 916—Appendix A.)

HB 916, as amended, was passed and the title agreed to.

Representative Lear moved that the vote by which HB 916, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 852, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riner moved the adoption of the Committee Amendment No. 1 to HB 852. Agreed.

Representative Riner moved that HB 852, as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 24, 1986, roll call on HB 852—Appendix A.)

HB 852, as amended, was passed and the title agreed to.

Representative Riner moved that the vote by which HB 852, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 220 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that SB 220 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 24, 1986, roll call on SB 220—Appendix A.)

SB 220 was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 220 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 288, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative P. Richardson moved that SB 288 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 24, 2986, roll call on SB 288— Appendix A.)

SB 288 was passed and the title agreed to.

Representative P. Richardson moved that the vote by which SB 288 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 302, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of the Committee Amendment No. 1 to SB 302. Agreed.

Representative Bendl moved that SB 302, as amended, be passed.

On the roll call the vote was: Yeas 91, Nays 0. (See March 24, 1986, roll call on SB 302—Appendix A.)

SB 302, as amended was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 302, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 303, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved the adoption of Committee Amendment 1 to SB 303. Agreed.

Representative Bendl moved that SB 303, as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 24, 1986, roll call on SB 303—Appendix A.)

SB 303, as amended, was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 303, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 304 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bendl moved that SB 304 be passed.

On the roll call the vote was Yeas 87, Nays 2. (See March 24, 1986, roll call on SB 304—Appendix A.)

SB 304 was passed and the title agreed to.

Representative Bendl moved that the vote by which SB 304 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 312 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved that SB 312 be passed.

On the roll call the vote was: Yeas 91, Nays 1. (See March 24, 1986, roll call on SB 312—Appendix A.)

SB 312 was passed and the title agreed to.

Representative Yates moved that the vote by which SB 312 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 450, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Committee Amendment No. 1 to HB 450. Agreed.

Representative Cowan moved that HB 450, as amended, be passed.

On the roll call the vote was: Yeas 40, Nays 54. (See March 24, 1986, roll call on HB 450—Appendix A.)

HB 450 was defeated.

HB 488, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Committee Amendment No. 1 to **HB 488**. Agreed.

Representative Gray moved that **HB 488**, as amended, be passed.

On the roll call the vote was: Yeas 91, Nay 1. (See March 24, 1986, roll call on **HB 488**—Appendix A.)

HB 488, as amended, was passed and the title agreed to.

Representative Gray moved that the vote by which **HB 488**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 243, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Floor Amendment No. 1 to **SB 243**. Agreed.

Representative Gray moved that **SB 243**, as amended, be passed.

On the roll call the vote was: Yeas 91, Nays 2. (See March 24, 1986, roll call on **SB 243**—Appendix A.)

SB 243, as amended, was passed and the title agreed to.

Representative Gray moved that the vote by which **SB 243**, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 973 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority ofmembers elected.

Representative Riner moved that **HB 973** be passed.

On the roll call the vote was: Yeas 81, Nays 3. (See March 24, 1986, roll call on **HB 973**—Appendix A.)

HB 973 was passed and the title agreed to.

Representative Riner moved that the vote by which **HB 973** was passed be reconsidered and said motion be placed on the table. Agreed.

HB 262, with Senate Committee Substitute attached thereto, taken from orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Speaker resumed the Chair.

The Senate Committee Substitute to **HB 262** is as follows:

HB 262, AN ACT making appropriations for the operations, maintenance, support and functioning of the judicial branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

GENERAL FUND

There is appropriated out of the general fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987, and for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following sums to be used for the purposes of the judicial branch of the government of the Commonwealth of Kentucky including the Supreme Court, Court of Appeals, circuit court, district court, the administrative office of the courts, pretrial services, judicial boards and commissions, the state law library, judicial retirement, local facility fund and for services performed by the circuit clerks' offices, including both circuit and district court support:

1. Court of Justice	1986-87	1987-88
a. To the Court of Justice, for court operation and administration	$59,141,900	$65,037,200

Included in the above appropriaton are funds to provide a five percent (5%) salary adjustment in each fiscal year for all non-elected court personnel. Also included in the above appropriations are funds for the following purposes:

	1986-87	1987-88
(1) Salary Equalization Plan for Non-Elected Employes	$1,200,200	$1,260,200
(2) 5% Cost-of-Living Adjustment for elected officials—Supreme Court Justices	$ 20,900	$ 42,800
Court of Appeals Judges	$ 40,000	$ 82,000
Circuit Court Judges	$ 248,700	$ 509,800
District Court Judges	$ 287,600	$ 589,700
Circuit Clerks	$ 201,200	$ 13,800
(3) Court of Appeals		
Special Appeals Panel	$ 191,800	$ 194,300
(4) 2-District Court Judgeships		
Bullitt County (55th District)	$ 72,400	$ 71,400
Calloway/Marshall Counties (42nd District)	$ 72,400	$ 71,400
(5) Pay Equalization Plan for District Judges ($750 adjustment per year)	$ 92,300	$ 189,100
(6) Data Processing Expansion	$ 305,800	$ 354,800
(7) Court of Appeals Settlement Conferences	$ 50,300	$ 52,900
(8) Circuit Court Law Clerks 6-Fayette County	$ 112,700	$ 118,500
12-Additional	$ 244,200	$ 249,600
(9) Juvenile Code	$ 403,100	$3,204,100

	1986-87	1987-88
b. To the Court of Justice, for the local facility fund	$8,847,400	$9,684,200

Funds are included to provide for increases in the space requirements for court facilities totalling $246,000 in FY 1986-87 and $582,400 in FY 1987-88.

	1986-87	1987-88
Total Court of Justice	$67,989,300	$74,721,400

2. Judicial Form Retirement System	1986-87	1987-88
a. To the board of trustees of the judicial form retirement system, for funding and operation of the judicial retirement plan	$2,168,300	$2,190,200

Included in the above appropriation is $134,100 in fiscal year 1986-87 and $142,100 in fiscal year 1987-88 to provide for medical and health insurance benefits for retirees. Also included in the above appropriation is $13,400 in fiscal year 1986-87 and $14,000 in fiscal year 1987-88 for retirement costs of two (2) additional district judgeships.

Total—Judicial Branch	$70,157,600	$76,911,600

PART II

TRUST AND AGENCY FUNDS

There is hereby appropriated to the Court of Justice for the fiscal year beginning July 1, 1986 and ending

June 30, 1987, and for fiscal year July 1, 1987 and ending June 30, 1988, all receipts of the Court of Justice not otherwise disposed of by law, and any unexpended balance remaining in the Court of Justice's existing trust and agency accounts at the close of the fiscal years ending June 30, 1986 and June 30, 1987.

In the event the Court of Justice receives receipts in excess of the amounts appropriated herein, the director of the administrative office of the courts at the direction of the chief justice may authorize the credit and expenditure of such trust and revolving or agency funds receipts for statutory purposes. The director of the administrative office of the courts shall notify on a timely basis the legislative research commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains such variations from the anticipated amount.

	1986-87	1987-88
Court of Justice	$ 1,000	$ 1,000

PART III

FEDERAL FUNDS

There is appropriated to the Court of Justice for the fiscal year beginning July 1, 1986 and ending June 30, 1987, and for the fiscal year beginning July 1, 1987 and ending June 30, 1988, federal subvention, grants, contracts and other federal funds received, income from investment and other miscellaneous federal receipts received by the Court of Justice except as otherwise specifically provided, for the use and benefit of the Court of Justice for the purposes for which its fund is authorized, and any unexpended balance remaining in the Court of Justice's existing federal accounts at the close of fiscal years ending June 30, 1986 and June 30, 1987. All funds received shall be deposited in the state treasury and credited to the proper federal fund account as provided by law.

In the event the Court of Justice receives monies in excess of the amounts appropriated herein, the director of the administrative office of the courts at the direction of the chief justice may authorize the credit and expenditure of such federal funds for statutory purposes. The director of the administrative office of the courts shall notify on a timely basis the legislative research commission of the most current estimates of anticipated receipts for the affected fiscal year with an accompanying statement which explains such variations from the anticipated amount.

	1986-87	1987-88
Court of Justice	$ 5,000	$ 100

PART IV

BUDGET REDUCTION PLAN

In accordance with KRS 48.130, if the projected or actual general fund revenues are certified to be at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates, and in the event that there is insufficient unrestricted monies in the General Fund Surplus Account or in the budget reserve trust fund for the prorata share of all branches the general fund allotment shall be reduced as follows:

	1986-87	1987-88
1. Court of Justice		
a. Court of Justice, court operation, and administration	$1,532,700	$1,680,700
b. Court of Justice local facility fund	$ 221,200	$ 242,100
2. Judicial Form Retirement System	$ -0-	$ -0-
Total—Judicial Branch	$1,753,900	$1,922,800

PART V

SURPLUS EXPENDITURE PLAN

In accordance with KRS 48.140, if the projected or actual general fund revenues are certified to be up to two and one-half percent (2 1/2%) greater than the revenue estimates, the general fund allotment shall be increased as follows:

	1986-87	1987-88
1. Court of Justice		
a. Court of Justice, court operation and administration	$1,753,900	$1,922,800

Included in this appropriation is $650,000 in fiscal year 1986-87 and $613,000 in fiscal year 1987-88 for the capital purchase of data processing equipment.

b. Court of Justice, local facility	$ -0-	$ -0-
2. Judicial Form Retirement System	$ -0-	$ -0-
Total—Judicial Branch	$1,753,900	$1,922,800

PART VI

GENERAL PROVISIONS

1. The director of the administrative office of the courts with the approval of the chief justice may expend any of the funds appropriated for court operation and administration in any lawful manner and for any legal purpose which the chief justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the judicial branch of government.

2. In enacting this appropriations Act, it is the deliberate intention of the general assembly to enact each section, and each subsection thereof as a separate and specific appropriation and law, and if any section, any subsection, or any provisions thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

3. The Court of Justice shall not incur any obligation for any program against the general fund appropriation contained herein unless such program may be reasonably determined to have been contemplated by the proposed judicial budget, as modified and enacted, and supported by the budget memorandum and other records pertaining thereto.

4. The chief justice shall cause the director of the administrative office of the courts to prepare a final budget document reflecting the 1986-88 biennial budget of the Court of Justice. A copy shall be provided to the legislative research commission and an informational copy shall be furnished to the finance and administration cabinet within thirty (30) days of the adjournment of the 1986 session of the general assembly.

Representative Clarke moved that the House refuse to concur in the Senate Committee Substitute to **HB 262**. Agreed.

HB 323, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to **HB 323** is as follows:

Amend printed copy of **HB 323**:

On page 5, line 9, after "be" insert the following: "*made through a domestic relations clerk of the county or other county officer designated by the court to receive such payments; and*"; and

on page 6, line 89, after "paid" insert the following: "*, through the domestic relations clerk of the county or other county officer designated by the court to receive such payment,*" and place brackets around and strike through "directly"; and

on page 6, line 14 after "amount" insert the following: "*, through the domestic relations clerk of the county or other county officer designated by the court to receive such payment,*" and place brackets around and strike through "directly"; and

on page 12, line 4, after "employer" add: "*or any subsequent employer*"; and

on page 12, line 13, after "employe" add "*, refusing to employ, or taking disciplinary action against any parent subject to withholding required by this section.*"; and

on page 13, line 13, after "secretary" add: "*shall*" and place brackets around and strike through "*may*"; and

on page 13, line 15, after "order" add: "*Said payments shall be made through the domestic relations clerk of the county or other county officer designated by the court to receive such payment.*"; and on page 14, following line 18 by adding the following: "*(6) Interstate requests for withholding of earnings shall be processed by the cabinet unless local officials as defined in KRS 205.800 specifically request authority to process those requests.*"; and

on page 15, after line 9, by adding the following: "*SECTION 18. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO READ AS FOLLOWS: Any person or corporation violating the provisions of KRS 405.465 or Section 16 of this Act shall be fined not more than five hundred dollars ($500) or be imprisoned in the county jail for not more than one (1) year, or both.*"

Representative Johnson moved that the House refuse to concur in Senate Amendment No. 1 to **HB 323.** Agreed.

HB 347, with Senate Committee Substitute and Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to **HB 347** is as follows:

HB 347, AN ACT relating to health insurance and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 79.080 is amended to read as follows:

(1) The term "health maintenance organization" for the purposes of this section, means a health maintenance organization as defined in KRS 304.38-030, which has been licensed by the Kentucky health facilities and health services certificate of need and licensure board and issued a certificate of authority by the department of insurance as a health maintenance organization and which is qualified under the requirements of the United Stated department of health, education and welfare except as provided in subsection *(4)* [~~(3)~~] of this section.

(2) Cities of all classes, counties and urban-county governments and the agencies of cities, counties and urban-county governments are authorized to establish and operate plans for the payment of retirement, disability, health maintenance organization coverage, or hospitalization benefits to their employes *and elected officers*, and health maintenance organization coverage or hospitalization benefits to the immediate families of their employes *and elected officers*. Such a plan may require employes to pay a percentage of their salaries into a fund from which coverage or benefits are paid, or the city, county, urban-county government or agency may pay out of its own funds the entire cost of the coverage or benefits. A plan may include a combination of contributions by employes *and elected officers* and by the city, county, urban-county government or agency into a fund from which coverage or benefits are paid, or it may take any form desired by the city, county, urban-county government or agency. Each city, county, urban-county government or agency may make rules and regulations and do all other things necessary in the establishment and operation of such a plan.

(3) *Cities of all classes, counties, urban-county governments, the agencies of cities, counties, and urban-county governments, and all other political subdivisions of the state are authorized to provide disability, hospitalization or other health or medical care coverage to their officers and employes, including their elected officers, through independent or cooperative self-insurance programs and may cooperatively purchase such coverages.*

(4) Any city, county, urban-county government or other political subdivision of the state which employs more than twenty-five (25) persons and which provides hospitalization benefits or health maintenance organization coverage to its employes *and elected officers*, shall annually give its employes an option to elect either standard hospitalization benefits or membership in a qualified health maintenance organization which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside; except that if any city, county, urban-county government or agencies of any city, county, urban-county government or any other political subdivision of the state which does not have a qualified health maintenance organization engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside, the city, county, urban-county government or agencies of the city, county, urban-county government or any other political subdivision of the state may annually give its employes an option to elect either standard hospitalization benefits or membership in a health maintenance organization which has been licensed by the Kentucky health facilities and health services certificate of need and licensure board and issued a certificate of authority by the department of insurance as a health maintenance organization and which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside. Any premium due for health maintenance organization coverage over the amount contributed by the city, county, urban-county government or other political subdivision of the state which employs more than twenty-five (25) persons, for any other hospitalization benefit shall be paid by the employe.

(5)[~~(4)~~] If an employe moves his place of residence or employment out of the service area of a health maintenance organization, under which he has elected coverage, into either the service area of another health maintenance organization or into an area of the state not within a health maintenance organization service

area, such employe shall be given an option, at the time of the move or transfer, to elect coverage either by the health maintenance organization into which service area he moves or is transferred or to elect standard hospitalization coverage offered by the employer.

(6)[~~(5)~~] Any plan adopted shall provide that any officer or member of a paid fire or police department who has completed five (5) years or more as a member of the department, but who is unable to perform his duties by reason of heart disease or any disease of the lungs or respiratory tract, is presumed to have contracted his disease while on active duty as a result of strain or the inhalation of noxious fumes, poison or gases, and shall be retired by the pension board under terms of the pension system of which he is a member, if member passed an entrance physical examination and was found to be in good health as required.

(7)[~~(6)~~] The term "agency" as used herein shall include boards appointed to operate waterworks, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.

(8)[~~(7)~~] After July 1, 1985, no new retirement plan shall be created pursuant to this section. Any city, county, urban county or agency thereof which provided a retirement plan for its employes, pursuant to this section, on or prior to July 1, 1985 shall place employes hired after July 1, 1985 in the county employes retirement system. The city, county, urban county or agency thereof shall offer employes hired on or prior to July 1, 1985 membership in the county employes retirement system under the alternate participation plan as described in KRS 78.530(3), but such employes may elect to retain coverage under this section. Selection of the alternate participation plan shall be optional for cities which provide a defined contribution pension plan.

Amend printed copy of Senate Committee Substitute to **HB 347**:

On title line by deleting the words "and declaring an emergency".

Representative Pearman moved that the House concur in the Senate Committee Substitute to **HB 347**. Agreed.

Representative Pearman moved that the House concur in the Senate Amendment No. 1 to the Senate Committee Substitute to **HB 347**. Agreed.

Representative Pearman moved that **HB 347**, by way of Senate committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 86. Nays 0. (See March 24, 1986, roll call on **HB 347**—Appendix A.)

HB 347, by way of Senate Committee Substitute as amended, was passed and the title agreed to.

Representative Pearman moved that the vote by which **HB 347**, by way of Senate committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 399, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to **HB 399** is as follows:

On page 5, after line 13, by adding the following:

"Section 2. KRS 16.576 is amended to read as follows:

(1) A member shall terminate employment on his normal retirement date.

(2) Any member with at least five (5) years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the board, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.

(3) The member shall have the right to elect to have his retirement allowance payable under subsection (4), (5) or (7) of this section or any one (1) of the plans set forth in KRS 61.635.

(4) Effective August 1, 1984, the member may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and thirty-five hundredths percent (2.35%) of final compensation for each year of service credit. The annual retirement allowance for a member covered by this section shall not exceed the maximum benefit as set forth in the internal revenue code.

(5) The member may elect to receive a monthly retirement allowance payable for ten (10) years certain, actuarially equivalent to the retirement allowance payable under subsection (4) of this section. If the member

should become deceased prior to the expiration of ten (10) years, his beneficiary shall receive the remaining payments monthly for the duration of the ten (10) years. *The provisions of KRS 61.702 notwithstanding, the member who retired on June 17, 1978 or thereafter, and his spouse and dependents or beneficiary shall continue to receive the insurance benefits to which they are entitled pursuant to KRS 61.702 after the expiration of ten (10) years.*

(6) Notwithstanding any other provisions of this section, upon written notification to the board, a member shall have the option to defer his election to receive his retirement allowance. The retirement allowance payable under a deferred option shall be increased to reflect the deferred receipt of benefits.

(7) In lieu of any other benefits due under KRS 16.510 to 16.652 a member who has attained age fifty-five (55) may elect to receive an annual retirement allowance, payable monthly or less frequently as determined by the board, which shall be determined by multiplying his accumulated contributions by two (2) and converting this amount to an annual retirement allowance based on an annuity rate adopted by the board which would pay the actuarial equivalent of twice his accumulated contributions over the lifetime of the retired member.".

Representative Hancock moved that the House concur in the Senate Amendment No. 1 to **HB 399**. Agreed.

Representative Hancock moved that **HB 399**, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 24, 1986, roll call on **HB 399**—Appendix A.)

HB 399, as amended by the Senate, was passed and the title agreed to.

Representative Hancock moved that the vote by which **HB 399**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 428, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to **HB 428** is as follows:

Amend printed copy of **HB 428**:

On page 9, line 16, by deleting after the word "*If*" the following : "*cleanup*" and by inserting the word "*disposal*"; and

On page 9, line 17, by deleting after the word "*hazardous*" the following : "*substance*" and by inserting the word "*waste.*"

Representative M. Brown moved that the House concur in the Senate Amendment No. 1 to **HB 428**. Agreed.

Representative M. Brown moved that **HB 428**, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 24, 1986, roll call on **HB 428**—Appendix A.)

HB 428, as amended by the Senate, was passed and the title agreed to.

Representative M. Brown moved that the vote by which **HB 428**, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 431, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to **HB 431** is as follows:

Amend printed copy of **HB 431**:

On page 7, line 25 before "*The clerk*" to add the following: "*This sum shall not be suspended or probated.*"

Representative Meyer moved that the House concur in the Senate Amendment No. 1 to **HB 431**. Agreed.

Representative Meyer moved that **HB 431**, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 89, Nays 1. (See March 24, 1986, roll call on **HB 431**—Appendix A.)

HB 431, as amended by the Senate, was passed and the title agreed to.

Representative Meyer moved that the vote by which HB 431, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 500, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 500 is as follows:

Amend printed copy of HB 500:

On page 16, line 1, by deleting lines 1 through 15 in their entirety; and renumbering accordingly.

On page 20, line 8, by inserting a bracket after the period; and

On page 20, lines 9 through 21, by deleting the strikethroughs; and

On Page 20, line 21, by deleting the bracket.

Representative Johnson moved that the House concur in the Senate Amendment No. 1 to HB 500. Agreed.

Representative Johnson moved that HB 500, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 84, Nays 6. (See March 24, 1986, roll call on HB 500—Appendix A.)

HB 500, as amended by the Senate, was passed and the title agreed to.

Representative Johnson moved that the vote by which HB 500, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 583, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 583 is as follows:

Amend printed copy of HB 583:

On page 4, line 16, after the word "*suspended*" by inserting and underlining the words "with or ."

Representative P. Clark moved that the House concur in the Senate Amendment No. 2 to HB 583. Agreed.

Representative P. Clark moved that HB 583, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 24, 1986, roll call on HB 583—Appendix A.)

HB 583, as amended by the Senate, was passed and the title agreed to.

Representative P. Clark moved that the vote by which HB 583, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the rules be suspended for a meeting of the Committee on Rules. Agreed.

Recess

Representative Stumbo moved that the house recess for five minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

HB 353, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 353 is as follows:

Amend printed coy of HB 353:

On page 1, line 13, to delete the word "*based*" and insert in lieu there of "*on emergency call.*"

On page 3, line 12, after the word "*is*" to delete the word "*based*" and insert in lieu there of "*on emergency call.*"

On page 4, line 9, after the word "*is*" to delete the word "*based*" and insert in lieu thereof "*on emergency call.*"

Representative Napier moved that the House concur in the Senate Amendment No. 1 to HB 353. Agreed.

Representative Napier moved that HB 353, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 75, Nays 0. (See March 24, 1986, roll call on HB 353—Appendix A.)

HB 353, as amended by the Senate, was passed and the title agreed to.

Representative Napier moved that the vote by which HB 353, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 398, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 398 is as follows:

HB 398, AN ACT relating to appropriations for the operation, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

GENERAL FUND

There is appropriated out of the General Fund for the fiscal year ending June 30, 1986, and, including any funds pursuant to KRS 48.700 as of June 30, 1986, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, and, including any funds pursuant to KRS 48.700 as of June 30, 1987, for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the following sums, or so much thereof as may be necessary, for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, and agencies of the State Government, and any and all other activities of the government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes, for which a specific appropriation is in Part I listed as follows:

A. GOVERNMENT OPERATIONS

1. EXECUTIVE OFFICE OF THE GOVERNOR

a. Governor

1986-87	$2,677,800
1987-88	$2,993,400

Included in the above appropriation is $130,000 in fiscal year 1986-87 and $340,000 in fiscal year 1987-88 for the Governor's Office of Child Development. Also included in the above appropriation in each year of the biennium is $18,000 for the Governor's expense allowance to meet additional expenses associated with the position of Governor of Kentucky as specified in KRS 64.710.

b. Secretary of the Cabinet

1986-87	$450,700
1987-88	$436,200

c. Governor's Office for Policy and Management

1986-87	$1,555,800
1987-88	$1,868,800

d. Governor's Office for Program Administration

1986-87	$329,100
1987-88	$354,500

e. State Planning Fund

1986-87	$500,000
1987-88	$500,000

The Governor is hereby authorized to expend funds for the improvement and advancement of governmental purposes and activities.

TOTAL—EXECUTIVE OFFICE OF THE GOVERNOR

1986-87	$5,513,400
1987-88	$6,152,900

2. LIEUTENANT GOVERNOR

1986-87	$496,400
1987-88	$503,400

Included in the above appropriation in each year of the biennium is $10,000 for the Lieutenant Governor's expense allowance to meet additional expenses associated with the position of Lieutenant Governor of Kentucky as specified in KRS 64.710.

3. SECRETARY OF STATE

a. General Operations

1985-86	$110,400
1986-87	$1,250,900
1987-88	$1,256,100

b. Restoration of Land Grant Books

1986-87	$44,000
1987-88	$44,000

TOTAL—SECRETARY OF STATE

1985-86	$110,400
1986-87	$1,294,900
1987-88	$1,300,100

4. BOARD OF ELECTIONS

1985-86	$145,200
1986-87	$1,187,000
1987-88	$1,238,000

Included in the above appropriation is $592,600 in fiscal year 1986-87 and $598,800 in fiscal year 1987-88 to pay the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (KRS 116.105). Any unexpended balance remaining at the close of each fiscal year shall lapse to the credit of the General Fund. Any amount that the state is required to pay in excess of the above amounts under the provisions of KRS 116.145 is hereby appropriated.

5. TREASURY

1986-87	$1,330,600
1987-88	$1,441,400

6. DEPARTMENT OF LAW

1985-86	$155,700
1986-87	$5,044,800
1987-88	$5,346,700

7. UNIFIED PROSECUTORIAL SYSTEM

a. Commonwealth's Attorney

1986-87	$8,350,900
1987-88	$8,781,600

b. County Attorney

1986-87	$8,651,900
1987-88	$9,086,000

TOTAL—UNIFIED PROSECUTORIAL SYSTEM

1986-87	$17,002,800
1987-88	$17,867,600

8. AUDITOR OF PUBLIC ACCOUNTS

1986-87	$2,807,000
1987-88	$2,891,200

The Auditor of Public Accounts shall report in writing each sixty (60) days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits.

No state agency shall enter into any contract with a non-governmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within thirty (30) days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

There is hereby appropriated to the Auditor of Public Accounts funds which are required in the auditing of federal disaster relief funds.

The Auditor shall maintain a record of all time and expenses for each audit or investigation.

Any additional expense incurred by the Auditor of Public Accounts for auditing federal funds, when such audits are mandated by a cognizant federal audit agency, shall be charged to the audited agency, when such costs may be charged against federal funds. The Auditor of Public Accounts is hereby authorized to receive these federal funds in a separate account to be established for this purpose. The Auditor shall maintain a record of all costs and expenditures associated with this provision.

9. DEPARTMENT OF AGRICULTURE

1986-87 .... $9,315,000

1987-88 .... $9,587,700

10. DEPARTMENT OF MILITARY AFFAIRS

a. General Operations

1986-87 .... $5,093,500

1987-88 .... $5,332,100

Included in the above appropriation is $152,500 in fiscal year 1986-87 and $152,500 in fiscal year 1987-88 for the Kentucky Early Warning System (KEWS) operation of which $10,000 each year is intended for the maintenance of radio equipment.

There is hereby appropriated to the Department funds which are required as a result of the Governor's call of the Kentucky National Guard to active duty; provided, however, that an emergency situation shall have been declared to exist by the Governor.

b. Disaster and Emergency Services

1985-86 .... $2,500,000

1986-87 .... $2,253,300

1987-88 .... $2,331,000

The above appropriation of $2,500,000 in fiscal year 1985-86 is intended for the state's matching share of the Individual Family Grants awarded in connection with the 1984 flood disaster.

Included in the above appropriation is $240,300 in fiscal year 1986-87 and $240,300 in fiscal year 1987-88 for Kentucky Early Warning System (KEWS) operation.

Also, included in the above appropriation is $103,000 in fiscal year 1986-87 and $106,100 in fiscal year 1987-88 for emergency expenses by the Division of Disaster and Emergency Services for disasters and emergencies. These funds may only be expended at the recommendation of the Adjutant General to the Governor.

There is hereby appropriated to the Department funds required to match federal aid to which the state would be eligible in the event of a Presidentially-declared disaster or emergency.

TOTAL—DEPARTMENT OF MILITARY AFFAIRS

1985-86	$2,500,000
1986-87	$7,346,800
1987-88	$7,663,100

11. DEPARTMENT OF PERSONNEL

a. General Operations

1986-87	$4,378,900
1987-88	$4,510,300

b. Pay-for-Performance

1986-87	$250,000
1987-88	$1,000,000

It is the intent of the General Assembly that the above appropriations be matched with like amounts of non-General Fund revenues available to state agencies. However, no state agency shall be penalized in its ability to grant pay-for-performance increases to its eligible employees because of an inability to financially match the General Funds necessary to provide such payments.

TOTAL—DEPARTMENT OF PERSONNEL

1986-87	$4,628,900
1987-88	$5,510,300

12. PERSONNEL BOARD

1985-86	$49,900
1986-87	$329,100
1987-88	$339,600

13. DEPARTMENT FOR LOCAL GOVERNMENT

1986-87	$5,607,100
1987-88	$5,783,700

Included in the above appropriation is $500,000 each year for grants to area development district agencies and an additional $250,000 each year for general operations.

14. COUNTY COSTS	1986-87	1987-88
a. Base Court Revenue	$5,431,000	$5,431,000
b. Sheriffs' Fees	1,334,500	1,374,500
c. Jury Fund	3,856,200	3,971,900
d. Witnesses	116,100	119,600
e. Special Bailiffs	25,800	26,600

f. Board of Assessment Appeals	20,000	20,600
g. Fugitives from Justice	358,000	368,700
h. Sheriffs' Expense Allowance	432,000	432,000
i. Premium on Sheriffs' Bonds	526,800	542,600
j. County Clerks—Making Tax Bills	585,200	602,700

Funds required to pay county costs funded by the General Fund are hereby appropriated and additional funds may be allotted from the General Fund surplus account by the Secretary of the Finance and Administration Cabinet.

TOTAL—COUNTY COSTS

1986-87	$12,685,600
1987-88	$12,890,200

15. SPECIAL FUNDS

a. Local Government Economic Assistance Fund

1986-87	$34,300,000
1987-88	$40,150,000

The above appropriations are based on the official estimate of the Secretary of Revenue for severance tax collections during the biennium, distributed in accordance with KRS 42.450 through 42.495. In the event actual severance tax receipts are different from the official estimate, the amount to be allotted to the Local Government Economic Assistance Fund shall be determined in accordance with KRS 42.450 through 42.495.

b. Area Development Fund

1986-87	$2,910,000
1987-88	$2,910,000

Funds appropriated for the Area Development Fund shall be limited to these amounts.

c. Kentucky Center for the Arts

1986-87	$3,108,200
1987-88	$3,110,800

Included in the above appropriations are $250,000 each fiscal year for miscellaneous maintenance projects and $2,858,200 in FY 1986-87 and $2,860,800 in FY 1987-88 for debt service payments.

TOTAL—SPECIAL FUNDS

1986-87	$40,318,200
1987-88	$46,170,800

16. CAPITAL PLAZA

1986-87	$2,341,500
1987-88	$2,343,700

Included in the above appropriation is $1,789,600 in fiscal year 1986-87 and $1,753,800 in fiscal year 1987-88 which shall be used for debt service for the Capital Plaza.

Also included in the above appropriation is $65,200 in FY 1987-88 for payment of debt service for a $500,000 bond project to replace the bleachers at the Farnham Dudgeon Civic Center with "chair-back" seats.

17. GENERAL OBLIGATION BONDS

a. Park Bonds

1986-87	$560,000
1987-88	$565,000

b. Veterans Bonus Bonds

1986-87	$7,875,000
1987-88	$7,880,000

c. 1965 General Purpose Bonds

1986-87	$2,070,000
1987-88	$2,070,000

TOTAL—GENERAL OBLIGATION BONDS

1986-87	$10,505,000
1987-88	$10,515,000

18. FINANCIAL DISCLOSURE REVIEW COMMISSION

1985-86	$20,800
1986-87	$50,900
1987-88	$52,400

19. MISCELLANEOUS APPROPRIATIONS

a. Board of Claims Awards

1986-87	$500,000
1987-88	$500,000

Funds are appropriated for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $500, in cases where the operating agency admits negligence, shall be paid from funds available for the operations of such agencies.

b. Judgments

1986-87	$500,000
1987-88	$500,000

For payment of such judgments as may be rendered against the Commonwealth by courts and orders of the

State Personnel Board; such payments, where applicable, shall be subject to the provisions of KRS Chapter 45. Also, to pay medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.941 and 164.892. However, in no event shall the total payments exceed the sum of $5,500,000 in any fiscal year.

c. Prior Year Claims

1986-87	$100,000
1987-88	$100,000

d. Unredeemed Checks Refunded

1986-87	$60,000
1987-88	$60,000

Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with the provisions of KRS 41.370.

e. Blanket Employees Bonds

1986-87	$140,000
1987-88	$140,000

For payment of premiums on blanket surety bonds as provided by KRS 62.170.

f. Frankfort Planning Commission

1986-87	$1,000
1987-88	$1,000

g. Frankfort Cemetery

1986-87	$2,500
1987-88	$2,500

h. Public Improvements

1986-87	$5,000
1987-88	$5,000

Funds are appropriated for paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

i. Police and Firemen—Life Insurance

1986-87	$50,000
1987-88	$50,000

Funds are appropriated for payment of benefits for state and local police and firemen in accordance with KRS 61.315.

j. Workers' Compensation

1986-87	$40,000
1987-88	$40,000

Fee officers in counties over 75,000 in population.

k. Master Commissioners—Employers Retirement

1986-87	$63,000
1987-88	$63,000

l. Master Commissioners—Social Security

1986-87	$100,000
1987-88	$100,000

m. Money Refunded

1986-87	$2,000
1987-88	$2,000

For refunding money paid into the State Treasury, which may later be determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and with the approval of the Secretary of the Finance and Administration Cabinet and the Attorney General.

TOTAL—MISCELLANEOUS APPROPRIATIONS

1986-87	$1,563,500
1987-88	$1,563,500

Funds required to pay the costs of items included within the Miscellaneous Appropriations category are hereby appropriated, and any required expenditure over the above amounts is to be paid from the General Fund Surplus Account.

20. COMMISSION ON HUMAN RIGHTS

1986-87	$1,254,500
1987-88	$1,316,700

21. COMMISSION ON WOMEN

1986-87	$194,100
1987-88	$201,000

TOTAL—GOVERNMENT OPERATIONS

1985-86	$2,982,000
1986-87	$130,817,100
1987-88	$140,679,000

B. COMMERCE

22. OFFICE OF THE SECRETARY

1986-87	$25,439,700
1987-88	$27,625,600

Included in the above appropriation is $10,000,000 in fiscal year 1986-87 and $10,000,000 in fiscal year 1987-88 for debt service payments on the Economic Development Bond program for the previous $100 million authorization. Also included is $2,110,000 in fiscal year 1986-87 and $4,220,000 in fiscal year 1987-88 to pay debt service on an economic development bond authorization of $30 million in FY 1986-87 and $10 million in FY 1987-88. Also included is $11,209,700 in fiscal year 1986-87 and $11,209,700 in fiscal year 1987-88 to pay debt service for a $92 million economic development bond authorization for the FY 1985-86 economic development project.

23. DEPARTMENT OF ECONOMIC DEVELOPMENT

1986-87	$3,562,800
1987-88	$3,521,700

24. KENTUCKY DEVELOPMENT FINANCE AUTHORITY

1986-87	$6,076,000
1987-88	$6,728,000

Included in the above appropriation is $5,424,000 in each fiscal year for debt service payments associated with the $50 million bond issuance for the Kentucky Development Finance Authority loan program. Also included in the above appropriation is $652,000 in FY 1986-87 and $1,304,000 in FY 1987-88 for debt service payments for issuance of $5,000,000 in bonds in each fiscal year.

25. DEPARTMENT OF THE ARTS

1986-87	$3,521,700
1987-88	$3,617,900

Included in the above appropriation is $150,000 in fiscal year 1986-87 and $150,000 in fiscal year 1987-88 for the Governor's Institute for the Arts. Also included in the above appropriation is $1,500,000 in each fiscal year for the Development and Challenge Grant programs to be administered by the Kentucky Arts Council.

Included in the above appropriation is $80,000 each fiscal year for Outdoor Drama Grants.

TOTAL—COMMERCE

1986-87	$38,600,200
1987-88	$41,680,000

C. CORRECTIONS

26. CORRECTIONS CABINET

a. Corrections Management

1985-86	$26,900
1986-87	$10,192,900
1987-88	$13,834,300

Included in the above appropriation for fiscal year 1985-86 is $26,900 for back pay under the Continuous Service Award Litigation. Also included in the above appropriation is $3,885,300 in fiscal year 1986-87 and $4,184,500 in fiscal year 1987-88 for continuing debt service for State Property and Buildings Commission Project 32 bonds. Included in the fiscal year 1986-87 appropriation is $2,687,500 and $5,860,000 in fiscal year 1987-88 for debt service to fund the new medium security correctional facility and the second 152-bed dormitory at the Kentucky State Reformatory, as identified in Part V of this Act. It is the intention of the General Assembly that the $3.7 million bond authorization and related debt service fund the construction of a 152-bed facility on the grounds of the Kentucky State Reformatory in lieu of renovating an existing dorm. It is intended that this authorized project be identical in design to the $3.1 million 152-bed facility authorized in FY 1984 and reauthorized within this budget. It is intended that the design of the first facility be used as a prototype for the design of the second facility and that every effort be made to minimize re-design costs. It is intended that in no event shall the bid for the second facility be let for other than an 152-bed facility identical in design and scope of the first project and at a cost of $3.7 million.

Also included in the above appropriation is $516,900 in fiscal year 1986-87 and $543,900 in fiscal year 1987-88 for the operation of the Parole Board.

b. Adult Institutions

1985-86	$75,500
1986-87	$52,843,900
1987-88	$56,424,300

The budget does not provide funds for a 100-bed Geriatric/Special Needs Unit at Anchorage. It is the intent of the General Assembly that no monies be allotted or expended for renovation or operations of said facility during the biennium.

c. Community Services and Local Facilities

1985-86	$327,600
1986-87	$17,443,200
1987-88	$20,193,900

Included in the above appropriation is $434,000 in FY 1987 and $456,000 in FY 1988 for the expansion of the Intensive Supervision Program. It is the intent of the General Assembly that these expansion monies shall not be allotted until the average daily number of persons served by the program, based on current admittance criteria, exceeds 500. At such time that the average daily caseload exceeds 500, new staff may be employed only as persons eligible for the program are actually available.

d. Local Jails Support

1986-87	$15,038,400
1987-88	$15,476,600

Included in the above appropriation is $927,000 in fiscal year 1986-87 and $954,800 in fiscal year 1987-88 for medical care contracts to be distributed, upon approval of the Corrections Cabinet, to counties by the formula for operational fund disbursement codified in KRS 441.206; $103,000 in fiscal year 1986-87 and $106,100 in fiscal year 1987-88 is provided, on a partial reimbursement basis, for medical claims in excess of $2,500.

It is the intent of the General Assembly that the $927,000 in fiscal year 1986-87 and $954,800 in fiscal year 1987-88 for medical contracts be maintained in an individual account specifically for medical contracts and that a county must be certified by the Corrections Cabinet in order to receive its pro rated share. In order to obtain certification, a county must submit a notarized statement to the Cabinet which states that it has, to the best of its ability, investigated and obtained the most feasible medical contract or contracts possible. A copy of the contract shall be appended to the letter requesting certification. Upon receipt of the letter requesting certification, the Corrections Cabinet shall review and if approvable, distribute the funds as appropriate. If the contract is not approvable, the Cabinet must respond in writing to the county of its decision and basis for objection. In no event shall the Cabinet release funds without giving proper certification. In no event shall monies be expended for medical services or supplies that are not provided through an approved contract.

It is the intention of the General Assembly that $103,000 in fiscal year 1986-87 and $106,100 in fiscal year 1987-88 be maintained in a separate account for catastrophic medical expenses for indigents. It is the intention of the General Assembly that any medical claim which exceeds $2,500 may be reimbursed for that amount in excess of $2,500. In no event shall this apply to expenses of an elective, as opposed to emergency, basis and expenses shall be paid according to the Kentucky Medical Assistance Schedule.

TOTAL—CORRECTIONS

1985-86 .... $430,000

1986-87 .... $95,518,400

1987-88 .... $105,929,100

D. EDUCATION AND HUMANITIES

27. DEPARTMENT OF EDUCATION

a. General Administration

1986-87 .... $14,323,200

1987-88 .... $16,128,400

Included in the above appropriation is $132,200 in fiscal year 1986-87 and $133,200 in fiscal year 1987-88 for debt service, and $2,413,900 in fiscal year 1986-87 and $2,486,300 in fiscal year 1987-88 for maintenance of facilities and building insurance costs. The amounts herein identified shall be expended for these purposes and no others, except as provided in this Act. Any surplus shall lapse to the General Fund. The above appropriation also includes $1,500,000 in fiscal year 1986-87 and $3,000,000 in fiscal year 1987-88 for an Educational Excellence Incentive Fund as provided for in House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $2,500,000 in fiscal year 1986-87 and $2,500,000 in fiscal year 1987-88 for an Educational Innovation Incentive Fund as provided for in House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

b. Local District Health and Life Insurance

1986-87 .... $43,889,100

1987-88 .... $47,694,300

Included in the above appropriation is $488,500 in fiscal year 1986-87 and $512,600 in fiscal year 1987-88 to provide life insurance to each full-time certified and non-certified employee of local boards of education. Also included in the above appropriation is $43,218,900 in fiscal year 1986-87 and $46,990,900 in fiscal year 1987-88 to purchase medical insurance for certified and non-certified full-time employees of local boards of education pursuant to applicable statutes and regulations. If the costs for life insurance or health insurance exceed the levels of appropriated funds, any unexpended School Foundation Program funds may be used to offset such expenditures, subject to the approval of the Secretary of the Finance and Administration Cabinet.

c. Education for Exceptional Children

1986-87 .... $10,146,500

1987-88 .... $10,469,400

Of the above appropriation, at least $3,227,300 in fiscal year 1986-87 and at least $3,340,400 in fiscal year 1987-88 is included for the Kentucky School for the Blind, and at least $5,094,000 in fiscal year 1986-87 and at least $5,249,000 in fiscal year 1987-88 is included for the Kentucky School for the Deaf.

Included in the above amounts is $153,000 in fiscal year 1986-87 and $159,700 in fiscal year 1987-88 to provide vocational services to secondary students at Kentucky School for the Deaf.

Also included in the above amounts is $138,500 in fiscal year 1986-87 and $142,700 in fiscal year 1987-88 for Kentucky School for the Deaf,and $190,000 in fiscal year 1986-87 and $212,000 in fiscal year 1987-88 for Kentucky School for the Blind to provide support services to local school districts.

Also included in this appropriation is $350,000 in each year of the 1986-88 biennium for debt service for the addition to the classroom building at the Kentucky School of the Blind.

d. School Foundation Program

1985-86	$6,000,000
1986-87	$979,535,500
1987-88	$1,059,192,300

Accumulated earnings for the Common School Fund shall each fiscal year be transferred to the School Foundation Program.

Funds appropriated to the School Foundation Program shall be allotted to school districts in accordance with KRS 157.310 through 157.430 and 157A.090, except that the total of the funds allotted shall not exceed the appropriations for this purpose except as provided in this Act. If funds appropriated to the School Foundation Program are insufficient to provide the amount of money required under KRS 157.390(6), allotments to local school districts shall be reduced in accordance with KRS 157.430.

The amount to be included for the 1986-87 school year in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule, for a term of 185 days for each rank:

Rank	I	II	III	IV	V
Experience					
0-3 years	19,400	17,370	15,330	13,200	12,170
4-9 years	21,430	19,400	17,370	13,200	12,170
10-14 years	23,580	21,540	19,490	13,200	12,170
15 years & over	23,980	21,940	19,890	13,200	12,170

Beginning with the school year 1987-88, the amount to be included in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule, for a term of 185 days, for each rank:

Rank	I	II	III	IV	V
Experience					
0-3 years	20,370	18,240	16,100	13,860	12,780
4-9 years	22,500	20,370	18,240	13,860	12,780
10-14 years	25,260	23,120	20,970	13,860	12,780
15-19 years	26,080	23,940	21,790	13,860	12,780
20 years & over	26,480	24,340	22,190	13,860	12,780

No working budget or salary schedule shall be approved in which the average salary paid any rank of teachers is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety-three percent (93%) of the School Foundation Program allotment for that rank for full-time service during the regular school year or the allotment under KRS 157.390(2) shall be reduced by an amount equal to the amount by which the district failed to meet salary requirements, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board of Education shall certify such contention to the Revenue Cabinet. Said Cabinet shall then determine whether there has, in fact, been a decline in local tax resources of such district, and, if so, the amount of such decline. The Revenue Cabinet shall then certify its determination to the State Board of Education, and said Board shall accept such certified determination as final.

The State Board of Education shall not approve any working budgets or salary schedule summaries for local boards of education for the school years 1986-87 and 1987-88 in which the total amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries is not equal to the amount for 185 days on the salary schedule summary for school foundation program teachers' instructional salaries in the preceding year, plus the additional amount for teachers' salaries received by the district under this appropriation for a 185 day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year in each local school district.

Local school district personnel who are employed beyond the regular school term of 185 days shall be so employed in accordance with the provisions of KRS 157.390(2)(a) and 702 KAR 1:025. Funding for these extended employment days shall not exceed $21,623,000 in fiscal year 1986-87 and $23,677,800 in fiscal year 1987-88.

Included in the above appropriations are funds to extend the employment of all vocational agriculture units funded in the school foundation program to two hundred forty (240) days, in the event of passage of enabling legislation.

The allotment of any school district classroom units, pursuant to KRS 157.360(1) shall not exceed the number of teachers employed by that school district.

In fiscal year 1986-87, the allotments to school districts of basic classroom units for grades one (1) through three (3) shall be made on the basis of one for every twenty-three (23) pupils in average daily attendance and for grades four (4) through twelve (12) on the basis of one (1) for every twenty-seven (27) pupils in average daily attendance. In fiscal year 1987-88, the allotments to school districts for grades one (1) through three (3) shall be made on the basis of one (1) for every twenty-two (22) pupils in average daily attendance; the allotments to school districts for grades four (4) through six (6) shall be made on the basis of one (1) every twenty-six (26) pupils in average daily attendance; and the allotments to school districts for grades seven (7) through twelve (12) shall be made on the basis of one (1) for every twenty-seven (27) pupils in average daily attendance.

All classes shall be within the maximum class size limitations, as required by KRS 157.360, by September 15 of each school year. If a district has a space limitation as defined by state board of education regulations, an increase of up to ten percent (10%) above the maximum class size shall be approved by the state board of education, except the number above the maximum class size shall not exceed three (3) students in any class. If a district's enrollment increases after September 15 of any school year, the state board of education may grant an exception under the space limitation regulations. An exempt class with enrollment exceeding ten percent (10%) shall reduce enrollment as provided by state board of education regulations.

Notwithstanding the provisions of KRS 157.360(5), (6), and (10) the allotments, provision for which is made under this Act, for classroom units shall be as follows:

	1986-87	1987-88
Vocational Education	2,538	2,538
Exceptional Children	4,285	4,360

Provided, however, that if the budgeted units in any category of classroom units—Vocational Education, Exceptional Children, Kindergarten, classroom units for elementary and secondary schools, and units related to school administration—prove to be excessive, the surplus may be reallocated to any other category or categories by the Superintendent of Public Instruction, upon the approval of the State Board of Education and the Secretary of the Finance and Administration Cabinet.

Kindergarten units shall be allotted in fiscal year 1986-87 and fiscal year 1987-88 on the basis of one for every two classes with 25 pupils in average daily attendance in each class. The number of units allotted shall be based on end-of-year prior year average daily attendance including the percent of kindergarten increase in average daily attendance the first two months of the current year over the first two months of the previous school year.

Included in this appropriation is $6,700,000 in fiscal year 1986-87 and $7,000,000 in fiscal year 1987-88 for a kindergarten aide for each kindergarten unit allotted.

The allotments of basic classroom units shall be made on the average daily attendance (ADA) for the end of the previous school year in public school grades one (1) through twelve (12) after the following deductions, (a) an average daily attendance of nine and six-tenths (9.6) in fiscal year 1986-87 and in fiscal year 1987-88 shall be deducted for each vocational education unit allotted, and (b) an average daily attendance of seven and two-tenths (7.2) in fiscal year 1986-87 and in fiscal year 1987-88 shall be deducted for each exceptional children unit allotted.

The total number of administrative and special instructional services (ASIS) units allotted under KRS 157.360(7) shall be the sum of the total allotted number of basic units, kindergarten units, vocational units, and exceptional children units divided by nine.

The State Board of Education shall promulgate regulations upon the recommendation of the Superintendent of Public Instruction which shall cause ASIS units to be allocated with first priority given to funding units required for accreditation, and second priority given to adding units for classroom instruction. The third priority of funding shall be given to other needs for ASIS units in local school districts.

Allotments for ASIS classroom units pursuant to KRS 157.360(7) shall only be for those personnel who are qualified for their respective positions under applicable provisions of law and regulations and who maintain programs which have been approved pursuant to applicable regulations.

The amount to be included in the Foundation Program for other current expenses in the 1986-88 biennium shall be determined by multiplying the number of classroom units by: $4,890 in the 1986-87 school year and $5,110 in the 1987-88 school year.

The amount to be included in the Foundation Program for capital outlay shall be determined by multiplying the number of classroom units by: $1,800 in the 1986-87 school year and $1,800 in the 1987-88 school year.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board of Education may adopt regulations for the housing of school children. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than 185 days in accordance with KRS 158.070, or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units.

Any undistributed balance in the Foundation Program fund at the end of the fiscal years 1986-87 and 1987-88 shall lapse to the General Fund except where provisions to the contrary are provided in this Act.

The total appropriation for the School Foundation Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 et. seq. If the required expenditures exceed these estimates, the Secretary of the Finance and Administration Cabinet, with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, of the total appropriation to the Foundation Program is subject to Part VI, General Provisions, of this Act, and the provisions of KRS Chapter 48.

Included in this appropriation is $6,000,000 in fiscal year 1985-86, $84,451,500 in fiscal year 1986-87, and $86,805,000 in fiscal year 1987-88 for the costs of transporting pupils to and from school. Calculations of the allotments of pupil transportation funds to school districts shall be made in accordance with KRS 157.370 and 157A.090, except that the total of the funds allotted under KRS 157.390(5) shall not exceed $84,451,500 in fiscal year 1986-87 and $86,805,000 in fiscal year 1987-88 provided, however, that these sums may be increased by any excess funds appropriated for the School Foundation Program, but no such increases shall exceed the total transportation cost calculated in accordance with KRS 157.370 and 157A.090, subject to the approval of the Superintendent of Public Instruction and the Secretary of the Finance and Administration Cabinet, except where provisions to the contrary are stated in this Act.

In the event that the funds appropriated for pupil transportation in fiscal year 1986-87 and fiscal year 1987-88 are insufficient to provide allotments to local school districts in accordance with KRS 157.370 and 157A.090, notwithstanding KRS 157.430, the allotments of funds for pupil transportation only to local school districts shall be ratably reduced without reducing other allotments under this appropriation.

Included in the School Foundation Program appropriation is $2,022,900 in fiscal year 1986-87 and $2,083,600 in fiscal year 1987-88 for Vocational Transportation.

e. Power Equalization

1986-87	$69,706,300
1987-88	$96,278,300

Funds are appropriated for the purpose of equalizing expenditures among students in local school districts in accordance with KRS 157.545—157.580. In the event that funds appropriated for Power Equalization are insufficient to provide allotments to local school districts in accordance with KRS 157.545—157.580, the allotments to local school districts shall be ratably reduced.

f. Instruction

1986-87	$30,302,100
1987-88	$41,665,900

The above appropriation includes $13,227,200 in fiscal year 1986-87 and $13,833,800 fiscal year 1987-88 for a program of Essential Skills Remediation for Students.

The above appropriation also includes $2,500,000 in fiscal year 1986-87 and $2,600,000 in fiscal year 1987-88 for the Teacher Testing and Internship Program.

The above appropriation also includes $5,692,900 in fiscal year 1986-87 and $6,100,100 in fiscal year 1987-88 for the Gifted and Talented Program.

The above appropriation also includes $9,000,000 in fiscal year 1987-88 for the Effective Teacher/Evaluation Fund established by House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $1,000,000 in fiscal year 1986-87 and $2,000,000 in fiscal year 1987-88 for a writing program in grades 7-10 as provided for by House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $150,000 in fiscal year 1986-87 and $150,000 in fiscal year 1987-88 for teacher institutes as provided for by House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $500,000 in fiscal year 1986-87 and $500,000 in fiscal year 1987-88 for in-service teacher training improvements as provided for in House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $550,000 in fiscal year 1986-87 and $550,000 in fiscal year 1987-88 for dropout prevention programs as provided for in House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $250,000 in fiscal year 1986-87 and $250,000 in fiscal year 1987-88 for a principal testing and internship program as provided for by House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

The above appropriation also includes $1,100,000 in fiscal year 1986-87 and $1,175,000 in fiscal year 1987-88 for expanded adult education programs as provided for in House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the Kentucky General Assembly.

The above appropriation also includes $250,000 in fiscal year 1986-87 and $250,000 in fiscal year 1987-88 for community education grants as provided for in House Bill 6 and House Concurrent Resolution 5 enacted by the 1985 Extraordinary Session of the General Assembly.

g. Local Services

1986-87	$17,227,100
1987-88	$19,721,900

Included in the above appropriation is $3,115,900 for fiscal year 1986-87 and $3,213,800 for fiscal year 1987-88 for reimbursement to local school districts for the Out-of-District Children program operated in accordance with KRS 158.135 and applicable regulations. Funds to be expended for the Out-of-District Children program shall be limited to these amounts, and if sufficient funds are not available within these allocated amounts to reimburse each district for the total allowed cost of the program, each allocation shall be ratably reduced to the level of available funds.

The above appropriation also includes $353,400 in fiscal year 1986-87 and $387,900 in fiscal year 1987-88 for school district audits; and $11,789,500 in fiscal year 1986-87 and $14,071,200 in fiscal year 1987-88 for the purchase of textbooks for grades kindergarten through eight. Local school districts shall establish, pursuant to State Board of Education regulations, a process whereby pupils may rent textbooks for a reasonable fee. Textbooks purchased by the State Board of Education, prior to July 1, 1984, for grades nine through twelve shall continue to be loaned or rented to pupils until they are no longer selected and listed by the State Textbook Commission. Rental fees collected by the district shall be used for the maintenance of the textbooks and the purchase of new textbooks.

The textbooks selected by the textbook commission for each subject and grade shall be used as basal text in school district for a period of six (6) years.

No appropriation is included in this Act for the replacement of student fees; therefore, public schools may charge students for necessary fees and rentals, and may require students to purchase necessary instructional materials.

The above appropriation also includes $250,000 in fiscal year 1986-87 and $250,000 in fiscal year 1987-88 for a management assistance program as provided for in House Bill 6 and House Concurrent Resolution 5 as enacted by the 1985 Extraordinary Session of the General Assembly.

h. Vocational Education

1985-86	$150,000
1986-87	$48,198,000
1987-88	$53,677,000

Included in the above appropriation is $3,300,000 in FY 1987-88 to support locally operated vocational education departments and centers.

i. Vocational Rehabilitation

1986-87	$4,359,600
1987-88	$4,490,400

j. Administrative Services and Budget Management

1986-87	$4,041,000
1987-88	$4,210,900

Included in the above appropriation is $100,000 in fiscal year 1986-87 for a statewide survey of drug and alcohol abuse among students in public school grades seven through twelve. Also, included in the above appropriation is $75,000 in fiscal year 1987-88 for the identification and replication of effective local drug abuse prevention programs and the development of a model policy on drug and alcohol abuse prevention. Both of the above projects relating to drug abuse shall be conducted by the Kentucky Department of Education through Kentucky State University.

TOTAL—DEPARTMENT OF EDUCATION

1985-86	$6,150,000
1986-87	$1,221,728,400
1987-88	$1,353,528,800

28. ADULT AND VOCATIONAL/TECHNICAL EDUCATION IMPROVEMENT PLAN

1986-87	$700,000
1987-88	$3,900,000

The above appropriation is for the purpose of implementing recommendations made by the Commission on Vocational/Technical Education, including the establishment of a new governance structure for adult and postsecondary vocational/technical education.

29. CAREER LADDER COMMISSION

1985-86	$200,000
1986-87	$2,500,000
1987-88	$2,500,000

30. COMMISSION ON VOCATIONAL/TECHNICAL EDUCATION

1985-86	$100,000

31. BLUEGRASS STATE SKILLS CORPORATION

1986-87	$687,300
1987-88	$692,900

The appropriations included above are hereby transferred to the Department of Economic Development in the Commerce Cabinet for skills training programs.

32. KENTUCKY EDUCATIONAL TELEVISION

1986-87	$8,707,000
1987-88	$8,946,900

Included in the above appropriation is $610,800 in fiscal year 1986-87 and $607,500 in fiscal year 1987-88 for debt service. Also included in the above appropriation is $300,000 in fiscal year 1986-87 and $300,000 in fiscal year 1987-88 for GED Study-at-Home Program. Funds for extending broadcast hours are provided in the above appropriation at $311,400 in fiscal year 1986-87 and $330,000 in fiscal year 1987-88.

33. HISTORICAL SOCIETY

1986-87	$1,675,400
1987-88	$1,725,000

34. LIBRARY AND ARCHIVES

a. General Operations

1986-87	$6,404,600
1987-88	$6,634,200

Included in the above appropriation is $1,420,000 in fiscal year 1986-87 and $1,420,000 in fiscal year 1987-88 for debt service.

b. Direct Local Aid

1986-87	$3,561,800
1987-88	$3,574,300

Included in the above appropriation is $965,300 in each fiscal year for state-aid grants to local public libraries.

35. DEPARTMENT FOR THE BLIND

1986-87	$1,293,700
1987-88	$1,332,500

36. KENTUCKY SCHOOL BUILDING AUTHORITY

1986-87	$6,662,600
1987-88	$6,676,200

Funds are appropriated for the purpose of meeting the debt service requirements on bonds and bond anticipation notes previously issued or authorized by the Authority. Also included in the above appropriation is debt service in the amount of $214,400 in fiscal year 1986-87 and $214,400 in fiscal year 1987-88 for the Letcher County project and debt service in the amount of $139,000 in fiscal year 1986-87 and $139,000 in fiscal year 1987-88 for the Jessamine County project.

37. TEACHERS' RETIREMENT SYSTEM

1986-87	$162,711,400
1987-88	$169,101,300

Funds are appropriated to comply with the obligations of the state under the Teachers' Retirement System statutes as provided in KRS 161.220 through 161.716.

The above appropriation is based upon estimated funds needed to meet the requirements of KRS 161.220 through 161.716. In the event the above appropriations are in excess of these requirements, such excess funds shall lapse to the credit of the General Fund.

In accordance with KRS 161.420, in each fiscal year an amount not greater than four percent (4%) of the receipts of the state accumulation shall be set aside into the expense fund or expended for the administration of the retirement system. No General Fund dollars are provided in fiscal year 1986-87 or fiscal year 1987-88 for the cost of administration.

38. ORAL HISTORY COMMISSION

1986-87	$99,200
1987-88	$102,000

39. HERITAGE COUNCIL

1986-87	$673,000
1987-88	$655,000

Included in the above appropriation is $245,000 in fiscal year 1986-87 and $215,000 in fiscal year 1987-88 for the Kentucky Main Street Program.

40. COMMISSION ON THE DEAF AND HEARING IMPAIRED

1986-87	$215,300
1987-88	$227,700

Included in the above appropriation is $25,000 in fiscal year 1986-87 and $30,000 in fiscal year 1987-88 for grants to be administered by the Commission on the Deaf and Hearing Impaired for interpreter service for postsecondary deaf or hearing impaired students.

41. OFFICE OF THE SECRETARY

1986-87	$242,600
1987-88	$262,200

Included in the above appropriation is $17,700 in fiscal year 1986-87 and $25,600 in fiscal year 1987-88 for the Client Assistance Program for operations.

42. GOVERNOR'S COMMISSION ON LITERACY

1986-87	$800,000
1987-88	$825,000

Included in the above appropriation is $735,000 in fiscal year 1986-87 and $757,000 in fiscal year 1987-88 for grants to be made available to local groups capable of conducting literacy training.

43. SCHOOL FACILITIES CONSTRUCTION COMMISSION

1985-86	$100,000
1986-87	$3,109,100
1987-88	$10,114,100

TOTAL EDUCATION AND HUMANITIES

1985-86	$6,550,000
1986-87	$1,421,771,400
1987-88	$1,570,798,100

E. ENERGY

44. KENTUCKY ENERGY CABINET

a. Administration and Support

1986-87	$922,900
1987-88	$963,200

b. Department of Energy Research and Development

1986-87	$6,867,700
1987-88	$7,109,000

c. Energy Demonstration Trust Fund

1986-87	$4,093,900
1987-88	$4,421,000

Included in the above appropriation is $3,460,000 in fiscal year 1986-87 and $3,280,000 in fiscal year 1987-88 for payments to the Tennessee Valley Authority for construction of the atmospheric fluidized bed combustion (AFBC) project located at the Shawnee plant near Paducah.

d. Department of Energy Production and Utilization

1986-87	$808,300
1987-88	$841,600

TOTAL—ENERGY CABINET

1986-87	$12,692,800
1987-88	$13,334,800

F. FINANCE AND ADMINISTRATION

45. FINANCE AND ADMINISTRATION CABINET

a. Office of the Secretary

1986-87	$2,584,700
1987-88	$2,886,800

Included in the above appropriation is $165,000 in fiscal year 1986-87 and $175,000 in fiscal year 1987-88 for payment to the City of Frankfort for the provision of fire and police protection and other services for state-owned property in accordance with KRS 45.155. Also included in the above appropriation is $250,000 in fiscal year 1987-88 for the gubernatorial transition.

b. Department of Administration

1985-86	$81,100
1986-87	$5,866,400
1987-88	$5,406,400

c. Department of Facilities Management

1986-87	$6,987,000
1987-88	$8,453,600

Included in the above appropriation is $1,230,000 in fiscal year 1987-88 which shall be used for debt service for the Capitol and Capitol Annex mechanical and electrical renovation.

TOTAL—FINANCE AND ADMINISTRATION

1985-86	$81,100
1986-87	$15,438,100
1987-88	$16,746,800

G. HIGHER EDUCATION

46. COUNCIL ON HIGHER EDUCATION

1986-87	$9,955,900
1987-88	$13,535,800

Included in the above appropriation is $500,000 in fiscal year 1986-87 for the Enrollment Related Revenue Replacement Fund to address the potential continued decreases in enrollment at Morehead State University. This Fund is available only in the event that the fall semester full-time student headcount enrollment for the 1986-87 school year falls below 4,146. These funds will be made available subject to certification by the Morehead State University Board of Regents that all institutional financial remedies have been exhausted and confirmation from the Council on Higher Education that this extraordinary financial assistance to the institution is warranted. Subject to these assurances, this fund will replace lost revenues related to enrollment below the 4,146 level on a dollar for dollar basis up to $500,000. Funds not expended for this purpose will lapse to the credit of the General Fund at the end of fiscal year 1986-87.

Included in the above appropriation for the Council on Higher Education is $2,000,000 in fiscal year 1987-88 for the purpose of establishing four Endowed Chairs in the state university system. It is the intent of the General Assembly that each chair be endowed at a level of $1,000,000 to include $500,000 in General Fund appropriation to be matched with $500,000 in private funds. Also included in the above appropriation for the Council on Higher Education is $75,000 in fiscal year 1986-87 and $1,875,000 in fiscal year 1987-88 to implement the concept of Centers of Excellence. It is the intent of the General Assembly that during fiscal year 1986-87 guidelines and criteria be developed to identify programs and select locations for the Centers of Excellence by an *Ad hoc* Group consisting of the Conference of Presidents and the Chairman and two members of the Council on Higher Education, to be chaired by the Chairman of the Council on Higher Education. The Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Education shall be apprised, on a regular basis, as to the development program of criteria and location selection of the Centers of Excellence and Endowed Chairs.

47. HIGHER EDUCATION ASSISTANCE AUTHORITY

1986-87	$9,324,900
1987-88	$10,567,100

Included in the above appropriation is at least $4,037,400 in fiscal year 1986-87 and at least $4,158,500 in fiscal year 1987-88 for Kentucky Tuition Grants. The above appropriation also includes $4,287,500 in fiscal year 1986-87 and $4,908,600 in fiscal year 1987-88 for State Student Incentive Grants.

Included in the above appropriation is $500,000 in fiscal year 1986-87 and $1,000,000 in fiscal year 1987-88 for Teacher's Scholarships, as enacted in House Concurrent Resolution 5 and House Bill 6 of the 1985 Extraordinary Session of the General Assembly. Also included is $500,000 in fiscal year 1986-87 and $500,000 in fiscal year 1987-88 for Math and Science Scholarships as enacted in House Bill 6 of the 1985 Extraordinary Session of the General Assembly.

48. KENTUCKY STATE UNIVERSITY

1986-87	$13,872,000
1987-88	$14,455,400

Included in the above appropriation is $1,716,000 in fiscal year 1986-87 and $1,712,300 in fiscal year 1987-88 for debt service.

49. EASTERN KENTUCKY UNIVERSITY

1986-87	$38,690,200
1987-88	$40,635,900

Included in the above appropriation is $3,409,200 in fiscal year 1986-87 and $3,413,000 in fiscal year 1987-88 for debt service.

50. MOREHEAD STATE UNIVERSITY

1986-87	$23,495,100
1987-88	$24,617,100

Included in the above appropriation is $1,812,900 in fiscal year 1986-87 and $1,817,100 in fiscal year 1987-88 for debt service.

51. MURRAY STATE UNIVERSITY

1986-87	$28,325,300
1987-88	$31,222,500

Included in the above appropriation is $1,623,400 in fiscal year 1986-87 and $3,222,000 in fiscal year 1987-88 for debt service.

52. NORTHERN KENTUCKY UNIVERSITY

1986-87	$22,186,600
1987-88	$24,618,900

Included in the above appropriation is $2,354,300 in fiscal year 1986-87 and $3,588,000 in fiscal year 1987-1988 for debt service.

53. WESTERN KENTUCKY UNIVERSITY

1986-87	$37,332,900
1987-88	$39,176,500

Included in the above appropriation is $2,472,900 in fiscal year 1986-87 and $2,471,700 in fiscal year 1987-88 for debt service.

54. UNIVERSITY OF LOUISVILLE

1986-87	$104,046,300
1987-88	$112,419,300

Included in the above appropriation is $9,279,200 in fiscal year 1986-87 and $10,848,200 in fiscal year 1987-88 for debt service. Also included in the above appropriation is $10,913,700 in fiscal year 1986-87 and $11,459,400 in fiscal year 1987-88 to fulfill the Commonwealth's contractual obligation relating to indigent care furnished by Humana Hospital-University. The appropriation related to indigent care in the first year of the biennium shall continue into the second year, for this purpose. Any unused portion of the appropriation relating to indigent care shall lapse to the credit of the General Fund at the end of fiscal year 1987-88.

55. UNIVERSITY OF KENTUCKY

1986-87	$202,270,300
1987-88	$228,508,100

Included in the above appropriation is $10,523,400 in fiscal year 1986-87 and $17,831,300 in fiscal year 1987-88 for debt service. Of the stated debt service amounts, $2,657,700 in fiscal year 1986-87 and $5,912,600 in fiscal year 1987-88 are for the Community College System.

Included in the above appropriation is an amount for the Community College System which shall not be less than $35,865,600 in fiscal year 1986-87 and $43,203,300 in fiscal year 1987-88

TOTAL—HIGHER EDUCATION

1986-87	$489,499,100
1987-88	$539,756,700

H. HUMAN RESOURCES

56. CABINET FOR HUMAN RESOURCES

a. Department for Social Insurance

1. Administration

1986-87	$27,396,600
1987-88	$30,306,300

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, such amount, with the approval of the Governor, may be used for Public Assistance Benefits to the needy or Medicaid Benefits in accordance with the statutes governing the functions and activities of the Departments for Social Insurance and Medicaid Services. In no instance shall these excess funds be used, without the prior written approval of the Governor, to:

1. establish a new program,

2. expand the services of an existing program,

3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Cabinet for Human Resources and the Finance and Administration Cabinet.

2. Benefits

1986-87	$50,598,800
1987-88	$51,191,700

To be used for the payment of benefits in accordance with the statutes governing the functions and activities of the Department for Social Insurance. No portion of this appropriation may be used for the costs of administration.

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for benefits, such amount, with the approval of the Governor, may be used for Medicaid benefits in accordance with statutes governing the functions and activities for the Department for Medicaid Services. In no instance shall these excess funds be used to:

1. establish a new program,

2. expand the services of an existing program,

3. increase rates or payment levels in an existing program.

b. Department for Medicaid Services

1. Administration

1986-87	$9,772,900
1987-88	$10,461,000

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, such amount, with the approval of the Governor, may be used for Medicaid Benefits and/or Public Assistance Benefits to the needy in accordance with the statutes governing the functions and activities of the Department for Medicaid Services and for the Department for Social Insurance. In no instance shall these excess funds be used, without the prior written approval of the Governor, to:

1. establish a new program,

2. expand the services of an existing program,

3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Cabinet for Human Resources and the Finance and Administration Cabinet.

2. Benefits

1986-87	$192,518,000
1987-88	$215,117,000

To be used for the payment of benefits in accordance with the statutes governing the functions and activities of the Department for Medicaid Services. No portion of this appropriation may be used for the costs of administration.

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for benefits of the Department, such amount, with the approval of the Governor, may be used for Public Assistance Benefits to the needy in accordance with the statutes governing the functions and activities of the Department for Social Insurance. In no instance shall these excess funds be used to:

1. establish a new program,

2. expand the services of an existing program.

3. increase rates or payment levels in an existing program.

The Secretary of the Cabinet for Human Resources is hereby directed to develop by July 1, 1986, a Medicaid Reduction Plan for implementation should a fiscal year's projected expenditures exceed available revenues. Such a plan should provide all interested parties with as much information on a timely basis as possible. The Medicaid Reduction Plan shall be submitted for review, after approval of the Governor, to the Interim Joint Committee on Appropriations and Revenue prior to July 1, 1986.

The Secretary of the Cabinet for Human Resources is directed to set the rimbursement rate for long-term care facilities at the minimum reasonable amount calculated to reimburse an economically and efficiently operated long-term care facility for its allowable cost related to patient care, but such reimbursement shall not exceed one hundred and two percent (102%) of the median cost of all similar facilities participating in the Kentucky Medical Assistance Program which the General Assembly finds to be reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

c. Department for Employment Services

1986-87	$9,673,500
1987-88	$11,281,700

Included in the above appropriations is $9,400,000 in fiscal year 1986-87 and $11,000,000 in fiscal year 1987-88 for training services associated with the Industrial Development Training Project. Any unexpended balance in FY 1986-87 shall be continued in FY 1987-88.

d. Department for Health Services

1986-87	$40,622,900
1987-88	$41,783,600

Each recipient Area Development District shall participate in the health planning process.

e. Department for Mental Health/Mental Retardation Services

1986-87	$78,712,700
1987-88	$83,426,900

Included in the above appropriation is $4,208,500 in fiscal year 1986-87 and $4,193,600 in fiscal year 1987-88 for debt service.

f. Department for Social Services

1986-87	$67,027,100
1987-88	$74,188,200

All agencies having contracts with this Department, as a condition of such contracts, are required to assist the Department upon request, in training involving such contracted services and related agency skills and resources.

g. Administration and Program Support

1986-87	$13,475,700
1987-88	$15,548,400

All agencies having contracts with this Cabinet, as a condition of such contracts, are required to assist the Cabinet, upon request, in training involving such contracted services and related agency skills and resources.

The Secretary of the Cabinet for Human Resources shall be responsible to focus the Cabinet's resources, insofar as possible, on direct services and minimize indirect administrative expenses. To this end, the Cabinet is hereby authorized to promulgate administrative regulations to accomplish this legislative intent and limit administrative cost.

Limits are hereby established for all contracts except Medicaid Benefits, (including Program Administration Contracts) between the Cabinet and non-state government agencies and individuals. Reimbursement by the Cabinet for Human Resources to a contractor for actual, allowable administrative costs shall be limited to not more than fifteen percent (15%) of actual, allowable expenditures under the contract. In cases where the contractor in turn subcontracts for delivery of services due to the cabinet, reimbursement by the Cabinet for actual, allowable administrative costs shall be limited to not more than twenty percent (20%) of the combined actual, allowable expenditures under the contract. The actual allocation of administrative costs between the contractor and the subcontractor within the twenty percent (20%) limitation shall be subject to negotiation between the contractor and subcontractor. The provision for allocation and definition of direct and indirect costs shall be set forth by administrative regulation.

In reference to Medicaid, reimbursement to providers shall be governed by the reimbursement policy established by the Cabinet and applicable Federal regulations except that every attempt shall be made to limit reimbursement of administrative expenses to only those services minimally required to facilitate direct service provisions to clients.

Auditors for the Cabinet and the State Auditor are hereby directed to complete audits of all Cabinet contracts, beginning with those effective July 1, 1986, and henceforth, with a statement of this intent as a criteria to be noted in such audit reports.

Included in the above appropriation is $3,801,000 in fiscal year 1986-87 and $5,062,300 in fiscal year 1987-88 for debt service.

TOTAL—HUMAN RESOURCES CABINET

1986-87	$489,798,200
1987-88	$533,304,800

57. Commission for Handicapped Children

1986-87	$5,633,000
1987-88	$6,058,000

58. Certificate of Need Authority

1986-87	$225,100
1987-88	$234,800

TOTAL—HUMAN RESOURCES

1986-87	$495,656,300
1987-88	$539,597,600

I. JUSTICE

59. JUSTICE CABINET

a. Department of Training

1986-87	$2,052,400
1987-88	$2,114,000

The General Assembly instructs the Secretary of Justice to develop plans to be submitted to the 1988 General Assembly for the merger of the Kentucky State Police training academy and the Department of Criminal Justice Training with the intention of utilizing facilities at the Department of Criminal Justice Training. The plan shall analyze personnel space and instructional requirements and detail specific savings possible through the merger.

b. Department of State Police

1986-87	$61,648,600
1987-88	$65,547,400

Included in the above appropriation is $752,000 in fiscal year 1986-87 and in fiscal year 1987-88 for the Kentucky Early Warning System (KEWS) operation.

Included in the above appropriation is debt service of $241,200 in fiscal year 1988 for an automated fingerprint system and $91,000 in fiscal year 1988 for a new post at Mayfield.

Also provided in the above appropriation is $1,835,000 in FY 1987 and $1,912,800 in FY 1988 for approximately 150 state police vehicles annually. It is the intention of the General Assembly that savings which may accrue from the purchase of gasoline may be used for additional vehicle purchases and/or vehicle liability insurance as described in the budget workpapers.

There is hereby appropriated to the Department of State Police funds which are required as a result of the Governor's call of the Kentucky State Police to extraordinary duty; provided, however, that an emergency situation shall have been declared to exist by the Governor.

c. Justice Administration

1985-86	$50,000
1986-87	$1,848,700
1987-88	$1,561,300

The above appropriation of $50,000 in fiscal year 1985-86 is intended to match available federal grant funds under the Juvenile Justice Program.

Included in the above appropriation is $54,600 in fiscal year 1987 and $60,000 in fiscal year 1988 for Federal grants match and program administration.

Also included in the above appropriation is $837,400 in fiscal year 1987 and $860,300 in fiscal year 1988 for the Medical Examiner Program. Included in the above appropriation is $50,000 additional funds in each year for personnel and support expansion at the Louisville and/or Lexington labs to be distributed as determined the most feasible by the program director and also $20,000 in each fiscal year for toxicology analysis provided by the Cabinet for Human Resources.

Also included in the above appropriation is $334,500 in fiscal year 1986-87 for various projects related to the Juvenile Code.

TOTAL—JUSTICE CABINET

1985-86	$50,000
1986-87	$65,549,700
1987-88	$69,222,700

J. LABOR

60. LABOR CABINET

a. General Administration and Support

1986-87	$241,600
1987-88	$245,000

b. Department of Workplace Standards

1986-87	$1,369,600
1987-88	$1,436,000

TOTAL—LABOR CABINET

1986-87	$1,611,200
1987-88	$1,681,000

K. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

61. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

a. Department for Natural Resources

1986-87	$7,672,100
1987-88	$7,844,600

Not less than $60,000 of the appropriation for each fiscal year shall be set aside for emergency forest fire suppression. Any expenditure for emergency fire suppression in excess of this amount in either fiscal year is hereby appropriated; provided, however, that the Secretary of the Finance and Administration Cabinet shall certify as to the advisability of such expenditure and the Governor shall approve such expenditure by written order.

b. Department for Environmental Protection

1986-87	$11,038,500
1987-88	$11,604,300

c. Department for Surface Mining Reclamation and Enforcement

1986-87	$8,400,900
1987-88	$8,592,900

Included in the above appropriation is $1,000,000 in each fiscal year for the return of permit and acreage fees per KRS 350.139; any required expenditure for this purpose in excess of this amount in either fiscal year is hereby appropriated to the Department.

d. General Administration and Support

1986-87	$2,954,800
1987-88	$3,045,600

TOTAL—NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

1986-87	$30,066,300
1987-88	$31,087,400

62. ENVIRONMENTAL QUALITY COMMISSION

1986-87	$86,200
1987-88	$88,600

63. KENTUCKY NATURE PRESERVES COMMISSION

1986-87	$215,400
1987-88	$227,900

64. FLOOD CONTROL ADVISORY COMMISSION

1986-87	$75,800
1987-88	$79,200

TOTAL—NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1986-87	$30,443,700
1987-88	$31,483,100

L. PUBLIC PROTECTION AND REGULATION

65. OFFICE OF THE SECRETARY

1986-87	$335,700
1987-88	$353,000

66. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1986-87	$1,560,300
1987-88	$1,608,400

67. BOARD OF CLAIMS/CRIME VICTIMS COMPENSATION BOARD

1986-87	$773,700
1987-88	$799,000

68. BOARD OF TAX APPEALS

1986-87	$218,800
1987-88	$225,800

69. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

1986-87	$2,332,700
1987-88	$2,527,900

70. DEPARTMENT OF INSURANCE

1986-87	$-0-
1987-88	$-0-

71. KENTUCKY STATE RACING COMMISSION

1985-86	$20,000
1986-87	$436,600
1987-88	$449,600

72. KENTUCKY HARNESS RACING COMMISSION

1985-86	$20,000
1986-87	$552,300
1987-88	$568,400

73. DEPARTMENT OF MINES AND MINERALS

1985-86	$161,000
1986-87	$7,281,400
1987-88	$7,688,300

74. DEPARTMENT OF PUBLIC ADVOCACY

1986-87	$7,026,600
1987-88	$8,193,400

75. PUBLIC SERVICE COMMISSION

1986-87	$4,446,800
1987-88	$4,819,900

Included in the above appropriation is $88,100 in fiscal year 1986-87 which may be used for the capital project in Part V.

76. REGISTRY OF ELECTION FINANCE

1985-86	$51,400
1986-87	$349,500
1987-88	$365,300

TOTAL—PUBLIC PROTECTION AND REGULATION CABINET

1985-86	$252,400
1986-87	$25,314,400
1987-88	$27,599,000

M. REVENUE CABINET

77. REVENUE CABINET

a. General Administration and Support

1986-87	$5,187,600
1987-88	$5,441,600

Included in the above appropriation is the funding for the Office of the Secretary, Revenue Estimating and Economic Analysis, and the programs of the Department of Professional and Support Services.

b. Property Valuation Administrators

1986-87	$11,640,400
1987-88	$11,997,900

c. Department of Processing and Enforcement

1986-87	$24,336,100
1987-88	$25,639,000

d. Department of Property Taxation

1986-87	$3,932,500
1987-88	$4,282,700

TOTAL—REVENUE CABINET

1986-87	$45,096,600
1987-88	$47,361,200

N. TOURISM

78. SECRETARY

1986-87	$606,700
1987-88	$633,700

79. BREAKS INTERSTATE PARK

1986-87	$239,400
1987-88	$175,000

For matching funds appropriated by the Commonwealth of Virginia relating to construction, maintenance, and operations at the Breaks Interstate Park. In accordance with the Breaks Interstate Compact this appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively, and any deficit in appropriations by this state may be removed.

80. DEPARTMENT OF TRAVEL DEVELOPMENT

1986-87	$4,001,100
1987-88	$4,039,400

81. DEPARTMENT OF PARKS

1986-87	$17,290,100
1987-88	$19,887,800

Included in the above appropriation is $16,300 in fiscal year 1986-87 and $113,100 in fiscal year 1987-88 for debt service for projects identified in Part V.

82. KENTUCKY HORSE PARK

1986-87	$2,068,200
1987-88	$2,117,100

Included is $1,400,000 in fiscal year 1986-87 and $1,400,000 in fiscal year 1987-88 for the debt service requirement of the Project 29 Revenue Bonds.

83. STATE FAIR BOARD

1986-87	$6,153,400
1987-88	$6,383,800

Included in the above appropriation is at least $5,653,400 in fiscal year 1986-87 and $5,883,800 in fiscal year 1987-88 for debt service. Also included in the above appropriation is $500,000 in fiscal year 1986-87 and $500,000 in fiscal year 1987-88 for the North American International Livestock Exposition.

TOTAL—TOURISM CABINET

1986-87	$30,358,900
1987-88	$33,236,800

O. TRANSPORTATION

84. TRANSPORTATION CABINET

a. General Administration and Support

1986-87	$270,800
1987-88	$281,500

b. Air Transportation

1986-87	$1,417,400
1987-88	$1,449,500

Included in the above appropriation is $71,100 in fiscal year 1986-87 and $73,200 in fiscal year 1987-88 for debt service.

c. Rail Transportation

1986-87	$78,400
1987-88	$82,000

d. Public Transportation

1986-87	$539,900
1987-88	$547,300

TOTAL—TRANSPORTATION CABINET

1986-87	$2,306,500
1987-88	$2,360,300

TOTAL—EXECUTIVE DEPARTMENT OF STATE GOVERNMENT

1985-86	$10,345,500
1986-87	$2,919,260,200
1987-88	$3,189,354,000

Included in the above amounts is $18,585,800 in fiscal year 1986-87 and $7,887,800 in fiscal year 1987-88 for capital projects directly funded in Part V.

PART II

TRUST AND AGENCY FUNDS

There is appropriated to the various officers, cabinets, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1987, and for the fiscal year ending June 30, 1988, all of the fees (which include fees for board and room, athletics, and student activities) and rental, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, contributions, income from investments and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Trust and Revolving, or an Agency Fund out of which shall be established separate Trust and Revolving or Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized. All funds received shall be deposited in the State Treasury and credited to the proper account as provided by KRS Chapters 12, 42, 45, and 48.

In the event receipts received and credited to any Trust and Revolving or Agency Fund account during fiscal year 1986-87 or fiscal year 1987-88 and any balance forwarded to the credit of any such account from the previous year, exceed, by the sum of five percent (5%), the appropriation made by specific sum to said account for the fiscal year in which the excess occurs, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the State Budget Director of the Governor's Office for Policy and Management upon approval of the Secretary of the Finance and Administration Cabinet; provided, however, that institutions of higher education may receive and expend all trust and agency funds without limitation.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Trust and Revolving or Agency Fund account, through the Finance and Administration Cabinet, during the fiscal year ending June 30, 1987, and during the fiscal year ending June 30, 1988, all receipts placed to the credit of the Trust and Revolving or Agency Fund for such year, out of which has been established a Trust and Revolving or Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before August 31, of the then current fiscal year, by the Finance and Administration Cabinet. On or before the beginning of each fiscal year, each agency, other than institutions of higher education, shall submit to the Finance and Administration Cabinet and the Legislative Research Commission schedules for each budget unit showing estimated receipts and estimated expenditures, a comparative statement of any revised estimated receipts and expenditures with amounts provided in the Executive Budget as adopted by the 1986 General Assembly, and statements which explain the occurrence of such variances.

In the event a budget unit not listed herein receives unanticipated monies, the Secretary of the Finance and Administration Cabinet, upon written request from the agency head with appropriate documentation of the amount, source, purpose, necessity and use of such monies, may authorize, upon recommendation of the Governor's Office for Policy and Management, the credit and expenditure of such funds for statutory purposes. The Secretary of the Finance and Administration Cabinet shall cause to be established a restricted account for the receipt and disbursement of such funds and shall establish the maximum sum which may be credited and expended from the authorized account. The Secretary of the Finance and Administration Cabinet, in consultation with the Interim Joint Committee on Appropriations and Revenue, shall provide appropriate notice pursuant to this event to the Legislative Research Commission.

A. GOVERNMENT OPERATIONS

1. SECRETARY OF STATE

All operating receipts from all activities of the Office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Fund.

2. BOARD OF ELECTIONS

1986-87	$150,000
1987-88	$111,300

3. TREASURY

1986-87	$216,400
1987-88	$165,000

4. DEPARTMENT OF LAW

1986-87	$2,139,400
1987-88	$2,283,400

Included in the above appropriation is $163,000 in FY 1986-87 and $165,500 in FY 1987-88 for the asbestos litigation team.

5. COUNTY ATTORNEY

1986-87	$12,800
1987-88	$-0-

6. AUDITOR OF PUBLIC ACCOUNTS

1986-87	$732,000
1987-88	$753,900

Each quarter, the Auditor of Public Accounts shall notify the Finance and Administration Cabinet concerning the collection status of the fees charged for county audits. If a county government is delinquent in its payment to the Auditor of Public Accounts, the Finance and Administration Cabinet shall withhold any monies due that county government for the term of one hundred and twenty (120) days or until the Auditor of Public Accounts has received full payment from the county. The Auditor of Public Accounts is authorized to increase the audit fees for conducting County Audits if additional revenues are needed to continue the operation of the office.

The "Single Audit Act of 1984" (OMB Circular No. A-128) will change the method by which federal monies to state agencies are audited. As a result of this federal change, the Auditor of Public Accounts is budgeted to receive additional agency receipts which shall be allotted by the Governor's Office for Policy and Management for programs authorized in the enacted budget for the Auditor of Public Accounts by the 1986 General Assembly.

7. DEPARTMENT OF MILITARY AFFAIRS

a. General Operations

1986-87 .... $644,200

1987-88 .... $663,600

b. Disaster and Emergency Services

1986-87 .... $75,000

1987-88 .... $75,000

8. DEPARTMENT OF PERSONNEL

a. General Operations

1986-87 .... $2,121,200

1987-88 .... $2,182,000

b. Workers' Compensation Benefits and Reserve

1986-87 .... $5,020,900

1987-88 .... $5,174,800

The above appropriations represent estimates of the funds necessary to operate this program. In the event that additional funds are required to adequately maintain this program, it is the intent of the General Assembly that such necessary funds are hereby appropriated.

9. DEPARTMENT OF LOCAL GOVERNMENT

1986-87 .... $1,695,400

1987-88 .... $1,676,900

10. COUNTY FEES

	1986-87	1987-88
Jefferson County	$11,104,800	$11,437,900
Kenton County	1,905,900	1,963,100
Campbell County	1,052,100	1,083,600
Fayette County	3,577,500	3,684,800
Daviess County	1,125,700	1,159,500
Pike County	1,270,300	1,308,400

County Fees for the following counties: Jefferson, Kenton, Fayette, Campbell, Daviess, and Pike are for paying the various officials of each county enumerated, seventy-five percent (75%) of the fees provided by law.

This is to be paid, by the State, to these officials when their claims for fees have been presented in the form and manner prescribed by law and approved by the Secretary of the Finance and Administration Cabinet. Each Fiscal Court of said counties are to receive twenty-five percent (25%) of said fees as required by KRS 64.350.

11. KENTUCKY RETIREMENT SYSTEMS

1986-87	$1,897,400
1987-88	$1,935,800

12. CAPITAL PLAZA

1986-87	$1,739,500
1987-88	$1,761,600

Included above is $1,410,400 in fiscal year 1986-87 and $1,446,200 in fiscal year 1987-88 for debt service payment of the Capital Plaza. Also included in the above appropriation is $329,100 in fiscal year 1986-87 and $315,400 in fiscal year 1987-88 for general operations.

13. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Board of Accountancy	$273,000	$281,000
b. Board of Architects	57,100	58,800
c. Athletic Commission	70,000	71,100
d. Board of Auctioneers	122,300	127,200
e. Board of Barbers	112,500	115,800
f. Board of Chiropractic Examiners	35,000	36,500
g. Board of Dental Examiners	184,000	185,000
h. Board of Embalmers and Funeral Directors	102,000	103,500
i. Board of Engineers and Land Surveyors	297,900	306,900
j. Board of Hairdressers and Cosmetologists	533,400	549,300
k. Board of Hearing Aid Dealers	10,800	11,300
l. Board of Landscape Architecture	11,700	12,000
m. Board of Medical Licensure	607,000	625,200
n. Board of Nurses	945,600	974,000
o. Nursing Home Administrators Licensure Board	44,900	47,600
p. Board of Ophthalmic Dispensers	12,000	12,400
q. Board of Optometric Examiners	36,500	37,500
r. Board of Pharmacy	288,400	302,400
s. Board of Physical Therapy	51,700	53,300
t. Board of Podiatry	3,000	3,000

u. Board of Proprietary Education	60,200	61,400
v. Board of Psychology	24,200	25,200
w. Real Estate Commission		
1. Examination and Licensing	625,100	664,000
2. Real Estate Education Research and Recovery	492,000	507,800
x. Board of Social Workers	41,000	43,000
y. Board of Speech Pathologists and Audiologists	12,500	13,100
z. Board of Veterinary Examiners	88,800	91,400

14. PUBLIC EMPLOYEES DEFERRED COMPENSATION SYSTEM

1986-87$173,700

1987-88 .... $171,300

15. KENTUCKY REINSURANCE ASSOCIATION

1986-87 .... $5,308,100

1987-88 .... $5,464,900

16. GOVERNMENTAL SERVICES CENTER

1986-87 .... $890,600

1987-88 .... $931,300

17. COMMISSION ON WOMEN

1986-87 .... $ 1,300

1987-88 .... $ 3,200

18. DEPARTMENT OF AGRICULTURE

1986-87 .... $500,900

1987-88 .... $526,600

B. COMMERCE

19. DEPARTMENT OF ECONOMIC DEVELOPMENT

1986-87 .... $380,800

1987-88 .... $344,800

20. KENTUCKY DEVELOPMENT FINANCE AUTHORITY

1986-87 .... $501,900

1987-88 .... $516,300

21. DEPARTMENT OF THE ARTS

1986-87	$217,700
1987-88	$221,700

22. TOBACCO RESEARCH BOARD

1986-87	$16,600
1987-88	$17,200

C. CORRECTIONS

23. CORRECTIONS CABINET

1986-87	$8,264,100
1987-88	$8,770,900

D. EDUCATION AND HUMANITIES

24. DEPARTMENT OF EDUCATION

a. General Administration

1986-87	$1,691,700
1987-88	$1,775,200

b. Education for Exceptional Children

1986-87	$399,000
1987-88	$505,200

c. Instruction

1986-87	$50,000
1987-88	$70,000

d. Local Services

1986-87	$ 5,000
1987-88	$1,000

e. Vocational Education

1986-87	$19,868,500
1987-88	$20,479,800

f. Vocational Rehabilitation

1986-87	$400,000
1987-88	$412,000

g. Administrative Services and Budget Management

1986-87	$153,800
1987-88	$155,800

25. KENTUCKY EDUCATIONAL TELEVISION

1986-87	$150,000
1987-88	$265,500

26. HISTORICAL SOCIETY

1986-87	$266,600
1987-88	$306,900

27. LIBRARY AND ARCHIVES

1986-87	$609,900
1987-88	$679,600

28. DEPARTMENT FOR THE BLIND

1986-87	$1,862,900
1987-88	$2,072,400

29. ORAL HISTORY COMMISSION

1986-87	$500
1987-88	$500

30. HERITAGE COUNCIL

1986-87	$500
1987-88	$500

31. TEACHERS' RETIREMENT SYSTEM

1986-87	$1,651,900
1987-88	$1,709,300

E. ENERGY

32. KENTUCKY ENERGY CABINET

1986-87	$527,500
1987-88	$410,000

F. FINANCE AND ADMINISTRATION

33. FINANCE AND ADMINISTRATION CABINET

a. Office of the Secretary

1986-87	$480,500
1987-88	$482,900

Included in the above appropriation is $130,400 in FY 1986-87 and $122,300 for the operations of the Office of Internal Audit.

b. State Office for Social Security

1986-87	$379,400
1987-88	$398,800

c. Department of Administration

1986-87	$7,611,000
1987-88	$8,076,100

d. Department of Facilities Management

1986-87	$24,722,400
1987-88	$25,343,700

e. Department of Information Systems

1986-87	$24,648,300
1987-88	$26,767,800

G. HIGHER EDUCATION

34. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

1986-87	$8,619,200
1987-88	$7,093,900

Included in the above appropriation is at least $959,700 in fiscal year 1986-87 and at least $51,300 in fiscal year 1987-88 for State Student Incentive Grants. Also included in the above appropriation is at least $2,307,000 in fiscal year 1986-87 and at least $1,406,700 in fiscal year 1987-88 for Kentucky Tuition Grants. Furthermore, included in the above appropriation is $200,000 in fiscal year 1986-87 and $200,000 in fiscal year 1987-88 to be granted to the Governor's Scholars Program. The above appropriation also includes $1,234,600 in fiscal year 1986-87 and $1,336,100 in fiscal year 1987-88 for the Work Study Program, from which funds may be expended for Distinguished Scholarship Awards.

35. UNIVERSITY OF KENTUCKY

1986-87	$251,605,100
1987-88	$262,187,000

Included in the above appropriation is $1,811,800 for debt service in fiscal year 1987-88 to support one-half of the $20,370,000 of bond supported equipment purchases authorized in the capital construction section of this Act. Included in the General Fund section of this Act under the University of Kentucky, debt service is provided to support the other half of these equipment purchases.

36. UNIVERSITY OF LOUISVILLE

1986-87	$86,962,000
1987-88	$88,546,200

37. EASTERN KENTUCKY UNIVERSITY

1986-87	$35,844,200
1987-88	$36,693,700

38. WESTERN KENTUCKY UNIVERSITY

1986-87	$26,150,700
1987-88	$26,628,000

39. MOREHEAD STATE UNIVERSITY

1986-87	$17,459,800
1987-88	$17,459,800

40. MURRAY STATE UNIVERSITY

1986-87	$24,272,100
1987-88	$24,627,400

41. KENTUCKY STATE UNIVERSITY

1986-87	$6,003,500
1987-88	$6,061,500

42. NORTHERN KENTUCKY UNIVERSITY

1986-87	$15,299,600
1987-88	$15,696,300

H. HUMAN RESOURCES

43. CABINET FOR HUMAN RESOURCES

a. Department for Social Insurance

1. Administration

1986-87	$1,801,400
1987-88	$2,567,200

2. Benefits

1986-87	$2,270,000
1987-88	$2,600,000

b. Department for Employment Services

1986-87	$2,020,200
1987-88	$2,080,800

c. Department for Health Services

1986-87	$2,799,200
1987-88	$2,972,400

d. Department for Mental Health/Mental Retardation

1986-87	$37,646,900
1987-88	$38,391,000

e. Department for Social Services

1986-87	$6,074,600
1987-88	$5,772,600

f. Administration and Program Support

1986-87	$6,058,000
1987-88	$6,227,200

Included in the above appropriation is $270,000 in fiscal year 1986-87 and $300,000 in fiscal year 1987-88 for debt service on the L & N Building.

g. Commission for Handicapped Children

1986-87	$525,000
1987-88	$581,400

h. Certificate of Need Authority

1986-87	$118,900
1987-88	$122,400

I. JUSTICE

44. JUSTICE CABINET

a. Department of Training

1986-87	$8,885,000
1987-88	$9,313,600

Under the provisions of the Kentucky Law Enforcement Foundation Program Fund, an eligible local unit of government shall be entitled to receive a supplement to each qualified police officer's annual base salary from the Law Enforcement Foundation Program Fund, to be paid to each officer in addition to his regular salary as prescribed by KRS 15.460 and KRS 15.500. Included in the above appropriation is $8,500,000 in fiscal year 1986-87 and $8,925,000 in fiscal year 1987-88 receipts pursuant to KRS 136.392 for the purpose of the

Kentucky Law Enforcement Foundation Program as enacted by the 1984 General Assembly. Also, included is $153,000 in fiscal year 1986-87 and $174,600 in fiscal year 1987-88 for the operation of the Kentucky Law Enforcement Council program and the administration of the Kentucky Law Enforcement Foundation Program Fund.

It is the intention of the General Assembly that no changes be made in the KLEFPF fund during the FY 1986-88 Biennium as there is the potential that should all currently eligible persons participate, the fund could not provide benefits at the current level. It is recommended that during the Biennium, the Department of Training pursue an aggressive policy of training the 1,000 eligible non-participants by providing local training, by arranging personnel substitutions through local or state law enforcement agencies, by studying the effect of requiring all agency members to participate, by studying any change resulting from not requiring the chief to pursue training, or any other means feasible in order to establish a reliable level of participation for future decision-making. It is also recommended that during the interim reliable measurements of fund receipts be developed for fund projections.

b. Department of State Police

1986-87	$1,474,000
1987-88	$1,600,500

c. Justice Administration

1986-87	$829,000
1987-88	$828,600

J. LABOR

45. LABOR CABINET

a. General Administration and Support

1986-87	$2,197,000
1987-88	$2,292,500

b. Department of Worker Claims

1986-87	$70,087,400
1987-88	$71,939,500

Included in the above appropriation is $83,000 in fiscal year 1986-87 which may be used for the capital project in Part V.

K. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

46. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

a. Department for Natural Resources

1986-87	$5,977,100
1987-88	$6,913,300

Included in the above appropriation is $150,000 in fiscal year 1986-87 and $158,000 in fiscal year 1987-88 from the Water Patrol Fund as established by KRS 235.330 for operation and maintenance of the locks and dams on the Kentucky River.

b. Department for Environmental Protection

1986-87	$602,300
1987-88	$935,900

c. Department for Surface Mining Reclamation and Enforcement

1986-87	$124,300
1987-88	$128,000

d. General Administration and Support

1986-87	$197,400
1987-88	$265,000

47. KENTUCKY NATURE PRESERVES COMMISSION

1986-87	$67,400
1987-88	$51,000

L. PUBLIC PROTECTION AND REGULATION

48. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1986-87	$3,500
1987-88	$3,500

49. DEPARTMENT OF FINANCIAL INSTITUTIONS

1986-87	$3,018,200
1987-88	$2,903,300

50. BOARD OF CLAIMS/CRIME VICTIMS' COMPENSATION

1986-87	$400,500
1987-88	$386,600

51. DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION

1986-87	$12,212,400
1987-88	$12,525,900

52. DEPARTMENT OF INSURANCE

1986-87	$4,823,200
1987-88	$5,780,900

Included in the above appropriation is $277,900 in fiscal year 1986-87 and $272,500 in fiscal year 1987-88 which may be used for the capital project in Part V.

53. KENTUCKY STATE RACING COMMISSION

1986-87	$3,577,200
1987-88	$3,625,900

54. BACKSIDE IMPROVEMENT COMMISSION

1986-87	$548,200
1987-88	$550,400

55. KENTUCKY HARNESS RACING COMMISSION

1986-87	$1,173,200
1987-88	$1,223,800

56. DEPARTMENT OF MINES AND MINERALS

1986-87	$1,109,100
1987-88	$1,109,100

57. DEPARTMENT OF PUBLIC ADVOCACY

1986-87	$145,900
1987-88	$155,900

58. PUBLIC SERVICE COMMISSION

1986-87	$ 8,300
1987-88	$ 8,500

M. REVENUE

59. REVENUE CABINET

a. General Administration and Support

1986-87	$35,000
1987-88	$35,000

General Administration and Support is comprised of the Office of the Secretary, the Office of Revenue Estimating and Economic Analysis, and the Department of Professional and Support Services.

b. Property Valuation Administrators

1986-87	$717,000
1987-88	$1,007,900

c. Department of Processing and Enforcement

1986-87	$749,300
1987-88	$771,800

d. Department of Property Taxation

1986-87	$1,216,200
1987-88	$905,900

N. TOURISM

60. DEPARTMENT OF TRAVEL DEVELOPMENT

1986-87	$21,600
1987-88	$12,800

61. DEPARTMENT OF PARKS

1986-87	$31,369,800
1987-88	$30,530,600

Included in the above appropriation is $850,000 in fiscal year 1986-87 and $850,000 in fiscal year 1987-88 for the debt service on revenue bonds issued for Project 14 and Project 16 issued in 1965 and 1967, respectively.

62. KENTUCKY HORSE PARK

1986-87	$3,179,400
1987-88	$3,267,200

63. KENTUCKY STATE FAIR BOARD

1986-87	$14,269,600
1987-88	$14,527,300

64. FISH AND WILDLIFE RESOURCES

1986-87	$11,910,500
1987-88	$12,553,900

Included in the above appropriation is $20,000 in FY 1986-87 and $180,000 in FY 1987-88 for the Taylorsville Lake project.

O. TRANSPORTATION

65. TRANSPORTATION CABINET

a. Air Transportation

1986-87	$50,000
1987-88	$50,000

b. Public Transportation

1986-87	$58,900
1987-88	$58,900

c. Highways

1986-87	$515,000
1987-88	$515,000

PART III

FEDERAL FUNDS

There is appropriated to the various officers, cabinets, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1987, and for the fiscal year ending June 30, 1988, Federal subventions, grants, contracts and other Federal Funds received, income from investments and other miscellaneous Federal receipts received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Federal Fund out of which shall be established separate accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized. All Funds received shall be deposited in the State Treasury and credited to the proper account as provided by KRS Chapter 12, 42, 45, and 48.

In the event receipts received and credited to any Federal Fund account during fiscal year 1986-87 or fiscal year 1987-88, and any balance forwarded to the credit of any such account from the previous fiscal year, exceed, by the sum of five percent (5%), the appropriation made by specific sum to said account for the fiscal year in which the excess occurs, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the State Budget Director of the Governor's Office for Policy and Management upon approval of the Secretary of the Finance and Administrative Cabinet; provided, however, that institutions of higher education may receive and expend all Federal Funds without limitation.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Federal Fund account, through the Finance and Administration Cabinet, during the fiscal year ending June 30, 1987, and during the fiscal year ending June 30, 1988, all receipts placed to the credit of the Federal Fund for such year, out of which has been established a Federal Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before August 31, of the then current fiscal year, by the Finance and Administration Cabinet. On or before the beginning of each fiscal year, each agency, other than institutions of higher education, shall submit to the Finance and Administration Cabinet and the Legislative Research Commission schedules for each budget unit showing estimated receipts and estimated expenditures for the ensuing fiscal year, a comparison of any revised estimates with the amounts provided in the Executive Budget as adopted by the 1986 General Assembly, and statements which explain the occurrence of such variances.

In the event a budget unit not listed herein receives unanticipated monies, the Secretary of the Finance and Administration Cabinet, upon written request from the agency head with appropriate documentation of the amount, source, purpose, necessity and use of such monies, may authorize, upon recommendation of the Governor's Office for Policy and Management the credit and expenditure of such funds for statutory purposes. The Secretary of the Finance and Administration Cabinet shall cause to be established a restricted account for the receipt and disbursement of such funds and shall establish the maximum sum which may be credited and expended from the authorized account. The Secretary of the Finance and Administration Cabinet, in consultation with the Interim Joint Committee on Appropriations and Revenue, shall provide appropriate notice pursuant to this event to the Legislative Research Commission.

No state agency which shall be entitled to receive federal funds which would represent one hundred percent (100%) of the cost of a program in which the state participates shall decline to accept or receive such entitlement without notification to the Interim Joint Committee on Appropriations and Revenue of the Legislative Research Commission.

A. GOVERNMENT OPERATIONS

1. DEPARTMENT OF LAW

1986-87 .... $1,420,500

1987-88 .... $1,378,200

2. COMMONWEALTH'S ATTORNEY

1986-87 .... $10,000

1987-88$-0-

3. DEPARTMENT OF AGRICULTURE

1986-87 .... $2,150,100

1987-88 .... $1,880,400

4. DEPARTMENT OF MILITARY AFFAIRS

a. General Operations

1986-87 .... $967,500

1987-88 .... $937,700

b. Disaster and Emergency Services

1986-87 .... $1,285,900

1987-88 .... $1,442,600

5. DEPARTMENT OF LOCAL GOVERNMENT

1986-87 .... $30,485,900

1987-88 .... $30,592,700

B. COMMERCE

6. DEPARTMENT OF THE ARTS

1986-87 .... $497,800

1987-88 .... $497,800

C. CORRECTIONS

7. CORRECTIONS CABINET

1986-87 .... $376,500

1987-88 .... $376,500

D. EDUCATION AND HUMANITIES

8. DEPARTMENT OF EDUCATION

a. General Administration

1986-87 .... $75,115,000

1987-88 .... $75,866,100

b. Education for Exceptional Children	
1986-87	$21,834,300
1987-88	$22,459,400
c. Instruction	
1986-87	$75,832,200
1987-88	$78,140,600
d. Local Services	
1986-87	$24,000
1987-88$-0-	
e. Vocational Education	
1986-87	$16,906,200
1987-88	$17,413,400
f. Vocational Rehabilitation	
1986-87	$19,333,900
1987-88	$20,039,000
g. Administrative Services and Budget Management	
1986-87	$2,227,400
1987-88	$2,322,000
9. OFFICE OF THE SECRETARY	
1986-87	$93,300
1987-88	$93,400
10. LIBRARIES AND ARCHIVES	
1986-87	$1,559,500
1987-88	$1,520,100
11. KENTUCKY EDUCATIONAL TELEVISION	
1986-87	$18,000
1987-88	$18,000
12. DEPARTMENT FOR THE BLIND	
1986-87	$3,350,400
1987-88	$3,454,900

13. GOVERNOR'S COUNCIL ON VOCATIONAL EDUCATION

1986-87	$120,000
1987-88	$120,000

14. HERITAGE COUNCIL

1986-87	$633,200
1987-88	$606,500

E. ENERGY

15. KENTUCKY ENERGY CABINET

1986-87	$1,086,500
1987-88	$935,200

F. HIGHER EDUCATION

16. HIGHER EDUCATION ASSISTANCE AUTHORITY

1986-87	$927,600
1987-88	$927,600

17. UNIVERSITY OF KENTUCKY

1986-87	$36,971,800
1987-88	$37,932,100

18. UNIVERSITY OF LOUISVILLE

1986-87	$8,252,200
1987-88	$8,252,200

19. EASTERN KENTUCKY UNIVERSITY

1986-87	$6,858,700
1987-88	$6,878,000

20. WESTERN KENTUCKY UNIVERSITY

1986-87	$5,029,100
1987-88	$5,029,100

21. MOREHEAD STATE UNIVERSITY

1986-87	$3,402,000
1987-88	$3,402,000

22. MURRAY STATE UNIVERSITY

1986-87	$5,883,300
1987-88	$6,304,200

23. KENTUCKY STATE UNIVERSITY

1986-87	$6,343,600
1987-88	$6,549,200

24. NORTHERN KENTUCKY UNIVERSITY

1986-87	$1,968,700
1987-88	$1,968,700

G. HUMAN RESOURCES

25. CABINET FOR HUMAN RESOURCES

a. Department for Social Insurance

1. Administration

1986-87	$48,367,500
1987-88	$50,327,100

2. Benefits

1986-87	$122,931,200
1987-88	$125,108,300

b. Department for Medicaid Services

1. Administration

1986-87	$17,122,900
1987-88	$18,033,500

2. Benefits

1986-87	$455,687,000
1987-88	$509,192,000

c. Department for Employment Services

1. Administration—Unemployment Insurance

1986-87	$17,692,500
1987-88	$18,540,300

2. Benefits—Unemployment

1986-87	$173,685,000
1987-88	$205,768,000

3. Employment Services

1986-87	$84,526,900
1987-88	$87,351,200

d. Department for Health Services

1986-87	$66,935,100
1987-88	$68,982,200

e. Department for Mental Health/Mental Retardation Services

1986-87	$8,250,000
1987-88	$7,793,000

f. Department for Social Services

1986-87	$70,219,900
1987-88	$70,133,400

g. Administration and Program Support

1986-87	$14,721,500
1987-88	$13,739,200

Included in the above appropriation is $1,303,100 in fiscal year 1986-87 for debt service on the L&N Building.

h. Commission for Handicapped Children

1986-87	$3,076,400
1987-88	$3,076,400

i. Certificate of Need Authority

1986-87	$252,200
1987-88	$258,400

H. JUSTICE

26. JUSTICE CABINET

a. Justice Administration

1986-87	$2,577,200
1987-88	$2,583,600

b. Department of State Police

1986-87	$3,227,500
1987-88	$3,360,900

I. LABOR

27. LABOR CABINET

a. Department of Workplace Standards

1986-87	$3,769,600
1987-88	$3,931,800

b. Kentucky Occupational Safety and Health Review Commission

1986-87	$290,400
1987-88	$314,700

J. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

28. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

a. Department for Natural Resources

1986-87	$4,368,800
1987-88	$4,235,200

b. Department for Environmental Protection

1986-87	$5,761,300
1987-88	$5,501,900

c. Department for Surface Mining Reclamation and Enforcement

1986-87	$11,525,200
1987-88	$11,720,700

d. General Administration and Support

1986-87	$1,339,200
1987-88	$1,385,400

K. PUBLIC PROTECTION AND REGULATION

29. DEPARTMENT OF MINES AND MINERALS

1986-87	$777,400
1987-88	$777,400

30. DEPARTMENT OF PUBLIC ADVOCACY

1986-87	$229,700
1987-88	$227,800

31. PUBLIC SERVICE COMMISSION

1986-87	$173,100
1987-88	$169,000

32. DEPARTMENT OF INSURANCE

1986-87	$156,700
1987-88	$197,700

33. BOARD OF CLAIMS/CRIME VICTIMS COMPENSATION

1986-87	$218,800
1987-88	$300,000

34. DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION

1986-87	$13,800
1987-88	$13,800

L. TRANSPORTATION

35. TRANSPORTATION CABINET

a. Air Transportation

1986-87	$11,900
1987-88	$12,300

b. Rail Transportation

1986-87	$237,000
1987-88	$70,000

c. Public Transportation

1986-87	$2,621,800
1987-88	$2,700,300

d. Highways

1986-87	$260,107,400
1987-88	$260,387,700

If federal receipts due to the Commonwealth are in excess of the above appropriations, such funds are hereby appropriated.

PART IV

ROAD FUND

KRS 48.010(13)(g) provides that the Road Fund shall consist of money derived from excise or license taxation relating to gasoline and other motor fuels, and monies derived from fees, excise or license taxation relating to registration, operation or use of vehicles for use on public highways.

The following monies are appropriated from the Road Fund:

A. TRANSPORTATION

1. TRANSPORTATION CABINET

a. General Administration and Support

1986-87	$40,925,900
1987-88	$38,499,700

b. Highways

1986-87	$474,694,100
1987-88	$477,730,300

1. Included within the above appropriation is $22,091,300 in fiscal year 1986-87 and $20,926,600 in fiscal year 1987-88 for state construction projects. The Secretary of Transportation may use State Construction appropriations for emergencies which occur on county roads, e.g., bridge failures, severe snow and ice, slips and slides.

2. Included within the above appropriation is $45,446,200 in fiscal year 1986-87 and $45,458,500 in fiscal year 1987-88 for Toll Road lease rental payments.

3. Included within the above appropriation is $18,346,700 in fiscal year 1986-87 and $18,324,500 in fiscal year 1987-88 for debt service on general obligation highway bonds.

4. Included within the above appropriation is $43,168,300 in fiscal year 1986-87 and $43,178,200 in fiscal year 1987-88 for Resource Recovery Road lease rental payments. It is the intent of the General Assembly that the Secretary of Transportation shall use Road Fund resources to meet the lease rental payments to the Kentucky Turnpike Authority for Resource Recovery Road projects in the amount certified by the Transportation Cabinet, pursuant to KRS 143.090. However, in the event that Road Fund resources are not sufficient to meet lease rental payments, the additional amount required shall be transferred from the proceeds of the tax levied on severance or processing of coal by KRS 143.020 to meet the obligation.

5. Included within the above appropriation is $36,045,300 in fiscal year 1986-87 and $36,045,100 in fiscal year 1987-88 for Economic Development Road lease rental payments.

6. Included within the above appropriation is $32,526,000 in fiscal year 1986-87 and $32,370,000 in fiscal year 1987-88 for the County Road Aid Program.

7. Included within the above appropriation is $46,287,000 in fiscal year 1986-87 and $46,065,000 in fiscal year 1987-88 for the Rural Secondary program.

8. Included within the above appropriation is $13,969,500 in fiscal year 1986-87 and $13,902,500 in fiscal year 1987-88 for the Municipal Aid program.

9. Included within the above appropriation is $500,000 in fiscal year 1986-87 and $500,000 in fiscal year 1987-88 for the Coal Recovery Road Fund.

10. Included within the above appropriation is an amount which shall not be more than $30,000 in fiscal year 1986-87 for the casting and placement of appropriate markers at the Greenup Dam Bridge in memory of Jesse Stuart and at the South Shore Bridge in memory of U.S. Congressman Carl D. Perkins.

11. Included within the above appropriation is $13,059,100 in fiscal year 1986-87 and $13,059,400 in fiscal year 1987-88 for resurfacing of the state highway system.

TOTAL—TRANSPORTATION CABINET

1986-87	$519,003,000
1987-88	$519,729,700

Included in the above amounts are $3,825,000 in fiscal year 1986-87 and $514,900 in fiscal year 1987-88 for capital projects directly funded in Part V.

ROAD FUND SURPLUS EXPENDITURE PLAN

Pursuant to KRS 48.140, there is hereby established a plan for the expenditure of Road Fund tax receipts up to two and one-half percent (2.5%) in excess of the tax receipts estimate for the Road Fund as determined by subsection (3) of KRS 48.120. This Road Fund surplus expenditure plan provides for additional moneys for non-recurring expenditures of the Transportation Cabinet for which an appropriation was not made in this Appropriation Act, or for a program or service authorized by law for which an appropriation was not made or which program was not fully funded.

Whereas Road Fund tax receipts are appropriated for the operation, maintenance, and support of the Transportation Cabinet based on detailed estimates provided by the Revenue Cabinet in the amount of $481,325,000 in fiscal year 1985-86 and $506,420,000 in fiscal year 1986-87, therefore the General Assembly does hereby authorize the expenditure of excess receipts up to a maximum of $12,003,100 in fiscal year 1986-87 and $12,660,500 in fiscal year 1987-88 as provided in this Road Fund surplus expenditure plan.

The Secretary of the Finance and Administration Cabinet shall determine, after the close of fiscal year 1985-86 and fiscal year 1986-87, based on the official financial records of the Commonwealth, and in accordance with KRS 48.120, the amount of excess Road Fund tax receipts available for expenditure through the Road Fund surplus expenditure plan. The amount of excess receipts available shall be determined after all allocations required by statutory Road Fund revenue sharing programs have been adjusted pursuant to the applicable statutes. The Secretary of the Finance and Administration Cabinet shall communicate this information to the Secretary of Transportation in a timely manner.

The Secretary of Transportation is hereby authorized to expend these excess tax receipts, up to the amount reported by the Secretary of the Finance and Administration Cabinet, for the purposes stated herein: Twenty percent (20%) of the available receipts shall be used for non-recurring State Construction projects and thirty-five percent (35%) of the available receipts shall be used for non-recurring State Resurfacing projects. Thirty-five percent (35%) of the available receipts shall be used toward the accelerated retirement of the Road Fund's Debt Service obligations and ten percent (10%) of the available receipts shall be used for any other non-recurring highway related activity as deemed necessary by the Secretary of the Transportation Cabinet.

PART V

CAPITAL CONSTRUCTION FUND

Monies in the Capital Construction fund are appropriated for the following capital projects. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 1986-88 biennium.

A. COMMERCE

	1986-87	1987-88
1. Office of the Secretary		
a. Economic Development Projects/Bond Fund (1985-86—$92,000,000)		
Bond Fund	30,000,000	10,000,000

Included in the above bond is $798,000 for the Taylorsville Lake Development Project in FY 1987-88.

B. CORRECTIONS

For the major equipment purchases displayed in this section as agency fund supported projects, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation.

1. New Medium Security Institution		
Bond Fund (1985-86—$44,000,000)		
2. Kentucky State Reformatory—Construction of New Dormitory-Prototype		
Bond Fund	3,700,000	
3. Northpoint Training Center—Roof Replacement		
Bond Fund	816,000	
4. Luther Luckett Correctional Complex—Sewage System Renovation		
Bond Fund	317,100	
5. Blackburn Correctional Complex—Replacement of Sewer Distribution Lines		
Investment Income	387,400	
6. Blackburn Correctional Complex—Roof Replacement		
Bond Fund	502,500	
7. Kentucky State Penitentiary—Flashing, Guttering, and Downspout Repair of Administration Building and Cellhouses 1, 2, and 4		
Bond Fund	122,000	
8. Miscellaneous Maintenance Projects		
Bond Fund	250,000	250,000
Investment Income	250,000	250,000
TOTAL	500,000	500,000
9. Northpoint Training Center—Fire Truck		
Agency Fund		70,000
10. Correctional Industries—Tractor/Refrigerator Van		
Agency Fund		75,000
11. Correctional Industries—Metal Press		
Agency Fund		125,000
12. Kentucky Correctional Institution for Women—Facility Upgrade		
Bond Fund		
13. Kentucky State Reformatory—Construction New Dormitory		
Bond Fund		

14. Kentucky State Penitentiary—Sewage and Water Plant Upgrade		
Bond Fund		

C. EDUCATION AND HUMANITIES

1. Kentucky Educational Television		
a. Six Electronic Field Production Cameras		
Investment Income	240,000	120,000
b. Roof Replacement—Network Center		
Investment Income	38,000	
Bond Fund	162,000	
Total	200,000	
2. Department of Education		
a. Computer Numerical Control Vertical Milling Center—Breckinridge County Area Vocational Education Center		
General Fund	69,000	
3. School Facilities Construction Commission		
a. School Facilities Construction Commission		
Bond Fund	26,400,000	61,600,000

D. ENERGY

1. Roof Replacement and Repair		
General Fund	77,000	5,000
2. Laboratory Ventilation System		
General Fund	400,000	

E. FINANCE AND ADMINISTRATION

The Bond fund project listed below is authorized in fiscal year 1986-87 so that preliminary work on the project may proceed. However, debt service has been included beginning in the second year. Therefore, the sale of these bonds cannot take place until after January 1, 1987.

1. Department for Administration		
a. 4361 Upgrade		
General Fund	128,200	
2. Department for Facilities Management		
a. Emergency Repair, Maintenance and Replacement Fund		
Investment Income	3,000,000	3,000,000

General Fund	1,750,000	2,000,000
Total	4,750,000	5,000,000
b. Capital Construction and Equipment Purchase Contingency Fund		
Investment Income	500,000	500,000
General Fund	1,012,200	588,800
Total	1,512,200	1,088,800
c. Capitol and Capitol Annex Mechanical Renovation		
Investment Income	1,180,000	
Bond Fund	10,000,000	
Total	11,180,000	
d. Health Service Building Asbestos Abatement		
Investment Income	3,000,000	
e. Centralized Laboratory Building-Planning		
General Fund	1,250,000	
f. Capitol Grounds Master Plan		
Investment Income (1985-86—$500,000)		
General Fund	500,000	500,000
Investment Income	1,500,000	
Total	2,000,000	500,000
g. Mines and Minerals Building		
Investment Income	3,066,100	
h. Miscellaneous Projects		
Investment Income	550,000	550,000

3. Information Systems

For the major equipment purchases displayed in this section as agency fund supported projects, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation. This debt program is consistent with the definition of Building Projects in KRS 56.440(1)(4).

a. 2 Cache Disk Controllers @ $432,200 each		
Bond Fund	432,200	432,200
b. 4 Cache Disk Controllers @ $120,000 each		
Agency Fund	240,000	240,000

c. 7 Disk Storage/Control Devices @ $130,000 each		
Bond Fund	390,000	520,000
d. 12 Disk Drives @ $110,000 each		
Bond Fund	550,000	770,000
e. Computer Memory Upgrade		
Bond Fund	400,300	
f. 2 Communications Controllers @ $200,599 each		
Bond Fund	200,500	200,500
g. 4 Magnetic Tape Controllers @ $95,200 each		
Bond Fund	380,800	
h. 16 Magnetic Tape Drives @ $75,200 each		
Bond Fund	1,203,200	
i. Internet Expansion		
Bond Fund	303,000	
j. Distributed Processor System		
Agency Fund	840,000	840,000
k. High Speed Page Printer		
Bond Fund	400,600	
l. Network Performance Management System		
Bond Fund	250,500	
m. 4 Disk Controller Upgrades @ $364,200 each		
Bond Fund	1,456,800	
n. Central Site CPU Replacement		
Bond Fund		6,004,000
o. Microfiche Processor		
Bond Fund	130,400	
p. 2 Programmable Configuration Systems @ $100,000 each		
Bond Fund	200,000	
q. Automatic Loading Tape Library System		
Bond Fund	250,400	

r. Microwave System		
Bond Fund	252,000	
s. 2 Artificial Intelligence Units @ $150,300 each		
Bond Fund	150,300	150,300
t. 3 Distributed Processing Systems @ $1,005,000 each		
Bond Fund	1,005,000	2,010,000
u. Central Site CPU Upgrade		
Bond Fund		6,004,000
v. High Speed Page Printer-Office Automation		
Bond Fund	400,600	
w. Minicomputer System—Teachers' Retirement		
Bond Fund	251,000	
x. Minicomputer System—Commerce		
Bond Fund	303,000	

F. GOVERNMENT OPERATIONS

1. Department of Agriculture

For the major equipment purchase displayed in the Department of Agriculture as an agency fund supported project, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation.

a. Stockyard Unit		
Agency Fund	70,000	
2. Capital Plaza Authority		
a. Replacement of Bleachers		
Bond Fund	500,000	
3. Department of Military Affairs		
a. Major Maintenance and Repairs		
Investment Income	750,000	750,000
Federal Fund	850,100	335,200
Total	1,600,100	1,085,200
b. Sikorsky S-76 Lease/Rental		
Investment Income	481,200	481,200

c. Frankfort National Guard Armory		
Investment Income	1,941,400	
Federal Fund	3,410,800	
Total	5,352,200	
d. Ashland National Guard Armory		
Investment Income		53,700
Federal Fund		76,900
Total		130,600
e. Army Aviation Support Facility—Frankfort		
Investment Income		52,400
Federal Fund		241,000
Total		293,400
f. Frankfort Armory Alterations		
Investment Income		120,700
Federal Fund		269,600
Total		390,300
g. Maintenance of Helicopters		
Investment Income		
h. Unit Training Equipment Site-Clay City		
Investment Income		111,100
Federal Fund		1,108,100
Total		1,219,200
i. Danville National Guard Armory		
Investment Income		221,000
Federal Fund		57,900
Total		278,900
j. Richmond Armory Addition		
Investment Income		138,800
Federal Fund		18,600
Total		157,400

k. Prestonsburg Armory Addition		
Investment Income		16,800
Federal Fund		17,300
Total		34,100
l. Hazard Armory Expansion		
Investment Income		16,000
Federal Fund		21,900
Total		37,900
m. Barbourville Armory Addition		
Investment Income		19,800
Federal Fund		20,400
Total		40,200
n. Jackson Armory Expansion		
Investment Income		9,000
Federal Fund		19,000
Total		28,000
o. Capital City Airport—Runway Overlay		
Investment Income	450,000	
4. Secretary of State		
a. Microfilm Processor		
General Fund	61,400	

G. HIGHER EDUCATION

For the major equipment purchases and capital construction projects displayed in this section as agency fund supported projects, it is anticipated that the funds shall be transferred from the operating fund of each university at such time as funds are available and needed. The total project costs shown do not reflect additions to the operating fund appropriations.

1. Eastern Kentucky University	
a. Foster Music Building—Phase II	
Bond Fund	550,000
b. Moore Building	
Bond Fund	500,000
c. Air Condition Chillers Repair/Replace	
Bond Fund	2,000,000

d. Domestic Hot Water Boilers Repair/Replacement	
Bond Fund	350,000
e. Martin Hall Repairs	
Bond Fund	300,000
f. Communications Network	
Bond Fund	3,000,000
g. Begley Building	
Bond Fund	1,500,000
h. Memorial Science Building	
Agency Fund	800,000
i. University Building	
Agency Fund	2,186,000
j. Roark Building Renovation	
Agency Fund	500,000
k. Case Hall	
Agency Fund	152,500
l. Energy Management Expansion	
Agency Fund	500,000
m. Gibson Building	
Agency Fund	500,000
n. Pedestrian Overpass	
Agency Fund	545,000
o. Property Acquisitions	
Agency Fund	1,100,000
2. Kentucky State University	
a. Blazer Library Addition/Annex Renovation	
General Fund	2,850,000
b. Hathaway Hall General Fund	700,000
c. Rosenwald Building Renovation	
General Fund	400,000

d. Chiller Addition Central Plant		
General Fund	350,000	
e. Bell Gymnasium Renovation		
General Fund	350,000	
f. North Campus Roads/Parking		
General Fund	125,000	
g. Conversion of Old Heating Plant to Welding Shop		
General Fund		225,000
h. South Campus Roads, Parking, and Walkways		
General Fund	250,000	
i. Handicapped Access		
General Fund	200,000	
j. Russell Court Apartments—HVAC Upgrade		
General Fund	125,000	
k. Roof Repairs		
General Fund	75,000	
l. Maintenance Building/Warehouse—HVAC Upgrade		
General Fund	50,000	
m. Hathaway Hall Repainting		
General Fund	80,000	
n. Alumni House HVAC Upgrade and Interior Maintenance		
General Fund	25,000	
3. Morehead State University		
a. Roof Repairs/Replacement		
Bond Fund	1,020,000	
b. Air Conditioning System Repair		
Bond Fund	445,000	
c. Fire Safety		
Bond Fund	200,000	
d. Boiler Controls Repair		
Bond Fund	245,000	

e. Water Treatment Plant Renovation		
Bond Fund	255,000	
f. Energy Management		
Bond Fund	225,000	
g. Handicapped Accessibility		
Bond Fund	220,000	
h. Campus Resurfacing/Repairs		
Bond Fund	240,000	
i. Fields Hall Renovation		
Agency Fund	323,000	
j. Thompson Hall Renovation		
Agency Fund	2,800,000	
k. Artificial Surface Installation		
Agency Fund		850,000
4. Murray State University		
a. Industry/Technology Building		
Bond Fund	13,000,000	
b. Old Fine Arts Renovation		
Agency Fund	1,100,000	
c. Blackburn Science Roof		
Agency Fund	295,000	
5. Northern Kentucky University		
a. Applied Science/Technology Center		
Bond Fund	10,000,000	
b. Communications Network		
Agency Fund	386,000	
c. Library Mechanical Improvements		
Agency Fund	350,000	
d. Landrum Hall Drainage		
Agency Fund	273,000	

e. Outdoor Recreational Facility		
Agency Fund	455,000	
f. Energy Conservation Nunn Hall		
Agency Fund	226,000	
g. Regents Hall Refurbish		
Agency Fund	195,000	
6. University of Kentucky Community College System		
a. Lexington—Academic Technical Building		
Bond Fund	3,600,000	
b. Elizabethtown—Academic Technical Building		
Bond Fund	3,600,000	
c. Hazard—Technical Learning Resource Center		
Bond Fund	2,900,000	
d. Prestonsburg—Technical Learning Resource Center		
Bond Fund	2,900,000	
e. Madisonville—Academic/Auditorium Building		
Agency Fund	500,000	
Bond Fund	2,400,000	
Total	2,900,000	
f. Owensboro—New Campus		
Bond Fund	12,500,000	
g. Jefferson DT—Broadway Building Renovation Phase I		
Agency Fund	375,000	
h. Southeast—Newman Hall Renovation		
Agency Fund	300,000	
i. Jefferson DT—Broadway Building Renovation Phase II		
Agency Fund		375,000
c. Clinic Wing Fire Safety		
Agency Fund	500,000	
d. Alumni Gym Life Safety		
Agency Fund	255,000	

e. Patterson Hall Plumbing		
Agency Fund (1985-86 $350,000)		
f. Diagnostic Services Upgrade Phase I, II		
Agency Fund	500,000	250,000
g. Ambulatory Surgical Services Center		
Agency Fund	1,200,000	
h. Hospital Renovation Phase I, 2nd Floor Clinic		
Agency Fund	300,000	
i. Utilities Upgrade II		
Agency Fund	200,000	
j. Medical Science Research Laboratory Restoration Phase I		
Agency Fund	262,000	
k. Research Fume Hoods Phase III		
Agency Fund	400,000	
l. Student Hospital Auditorium Renovation		
Agency Fund	300,000	
m. Fire Alarm System		
Agency Fund		200,000
n. Stroke Unit		
Agency Fund		500,000
o. Old Pharmacy Building Renovation		
Agency Fund		2,500,000
p. Medical Science Research Laboratory Restoration Phase II		
Agency Fund		210,000
q. Hospital First Floor Refurbishing		
Agency Fund		300,000
r. Nuclear Medicine/Radiation Medicine Upgrade		
Agency Fund		500,000
s. Gaines Center Renovation		
Agency Fund		450,000
t. Hospital Renovation Phase III		

u. Hospital Expansion Phase II (Agency Fund, Bond Fund)	
v. Agricultural Engineering Building	
Bond Fund	11,000,000
w. Agricultural Regulatory Service Building	
Bond Fund	3,500,000
x. Vector Array Parallel Processing System	
Agency Fund	5,000,000
Bond Fund	5,000,000
Total	10,000,000
8. University of Louisville	
a. Student Activities Center	
Agency Fund	3,500,000
Bond Fund	17,200,000
Total	20,700,000
b. Kersey Library Expansion	
Agency Fund	1,425,000
c. K, C, G Renovation	
Agency Fund	800,000
d. Animal Care Facility	
Bond Fund	3,235,800
e. Theatre Arts Building Renovation	
Agency Fund	435,000
f. Faculty and Staff Development Center	
Agency Fund	225,000
g. Carmichael Building Renovation	
Agency Fund	500,000
h. Schneider Hall	
Bond Fund	350,000
9. Western Kentucky University	
a. Academic/Athletic #1 Roof	
Bond Fund	330,000

b. Air Conditioning Units Replacement	
Bond Fund	440,000
c. Academic/Athletic #2 Structural Repairs	
Bond Fund	200,000
d. Underground Steam/Electrical Distribution Lines Replacement	
Bond Fund	700,000
e. Life Safety Improvements	
Bond Fund	500,000
f. Coal Boilers #1 and #2 Replacement	
Bond Fund	978,000
g. Asbestos Removal	
Agency Fund	40,000
Bond Fund	360,000
Total	400,000
h. Jones Jaggers Roof Replacement	
Bond Fund	155,000
i. Air Conditioning Unit Replacement	
Bond Fund	440,000
j. Ivan Wilson Humidity Control	
Bond Fund	235,000
k. Downing University Center Roof	
Agency Fund	63,000
Bond Fund	162,000
Total	225,000
l. Environmental Science/Technical Building Roof	
Bond Fund	180,000
m. Helm-Cravens Humidity Control	
Bond Fund	220,000
n. Chemistry Lab Renovation	
Agency Fund	1,430,000

o. Hazardous Materials Storage		
Agency Fund	197,000	
p. Instructional Television Station		
Agency Fund	275,000	
q. Alteration of Dairy Barn		
Agency Fund		210,000
r. Snell Hall Renovation/Reconstruction		
Agency Fund		1,263,000
s. Multi-Purpose Building		
Bond Fund	190,000	

Bond authorization supported by General Fund appropriations for the projects listed below are authorized in the first year of the biennium so that preliminary work on the projects may proceed. However, debt service has been included beginning in the second year. Therefore, the sale of these bonds cannot take place until after January 1, 1987.

Murray State University:	
Industry and Technology Building	13,000,000
Northern Kentucky University:	
Applied Science/Technology Center	10,000,000
University of Kentucky:	
Robotics Facility	10,000,000
Agricultural Engineering Building	11,000,000
Agricultural Regulatory Services Building	3,500,000
Community College System:	
Lexington: Academic-Technical Building	3,600,000
Elizabethtown: Academic-Technical Building	3,600,000
Hazard: Technical Learning Resource Center	2,900,000
Prestonsburg: Technical Learning Resource Center	2,900,000
Madisonville: Academic Auditorium Building	2,400,000
Owensboro: New Campus	12,500,000
University of Louisville:	
Student Activities Center	12,800,000

EQUIPMENT LISTING

10. Eastern Kentucky University

Funding for the following Eastern Kentucky University equipment purchases will be from Agency Funds.

a. Planetarium Equipment	950,000
b. Academic Computing	185,000
c. Computer Numerical Control Turning Center	
d. CAD Drafting System	80,000
e. Technovate Pneumatic Unit	
f. Pool Filter	75,000
g. Diesel Buses	

11. Kentucky State University

a. Two Buses	
Agency Fund	200,000
b. Office Furnishings—Agriculture Research Facility	
Federal Funds	132,000

12. Morehead State University

Funding for the following Morehead State University equipment purchases will be from Agency Funds.

a. Word Processing System	85,000	
b. Computer Equipment	220,000	
c. Industrial Robots	247,000	
d. Computer Numerical Control Machining Center	150,000	
e. Library Computer System	m 226,000	
f. Bulldozer	50,000	
g. Tour Bus	140,000	
h. Garbage Truck	50,000	
i. Minor Equipment	95,000	
j. Telephone System	400,000	400,000
k. Computer Numerical Control Lathe	125,000	
l. Administrative Computing	200,000	200,000
m. Dishwasher		

13. Murray State University

Funding for the following Murray State University equipment purchases will be from Agency Funds.

a. Direct Access Storage Devices (4)		131,000
b. Communication Sub System		75,500
c. Microcomputer Laboratory	113,000	245,000
d. Computer Graphics Terminal (3)		60,900
e. Scanning Electronic Microscope		61,800
f. Scanning Digitizer (Microdensitometer)		90,000
g. Equipment for IBM PC-AT Laboratory		92,000

14. Northern Kentucky University

Funding for the following Northern Kentucky University equipment purchases will be from Agency Funds.

a. Offset Press	17,000	
b. Mainframe Computer System	181,900	181,900
c. Minicomputer Upgrade	406,800	
d. Library Compact Shelving	150,000	
e. Office Automation	328,500	
f. Touch-Tone Data Entry Response System	96,700	
g. CAD/CAM/SMF	352,500	
h. Xerox 9900 VR Lease Purchase	31,300	31,300

15. University of Kentucky

Funding for the following University of Kentucky equipment purchases will be from Bond Funds, except as noted. Bond authorizations supported by General Fund appropriations for the equipment listed below are authorized in the first year of the biennium so that there will be no unnecessary delay in equipment acquisition. However, debt service has been included beginning in the second year. Therefore, the sale of these bonds cannot take place until after January 1, 1987.

- Metal: Surface Area—Pore pectrometer	140,000
- Metal: Electron Beam Furnace	80,000
- AES: Controlled Environment Rooms	102,000
- Math: Superminicomputer	
Federal Fund	150,000
Agency Fund	150,000
Bond Fund	295,000
Total Fund	595,000
- Math: LISP System II	104,000
- Phys: Upgrade of HP A900	70,000

- Phys: Computer (Ridge Compatible)	50,000
- AES: Plasma Emission Spectrograph	75,000
- AES: Transmission Electron Microscope	114,000
- AES: X-ray System	50,000
- Metal: Melt Spinning Apparatus	85,000
- EE: Array Processor and Minicomputer	80,000
- EE: Microwave Plasma Semiconductor	135,000
- Metal: Photoelectron Spectrometer	
Agency Fund	150,000
Federal Fund	150,000
Bond Fund	300,000
Total	600,000
- EE: Minicomputer	50,000
- EE: Spectrometer	60,000
- Geol: Microprobe Electron Microscope	
Federal Fund	179,000
Bond Fund	250,000
Total	429,000
- Metal: 200 KEV Scanning Trans EM	
Federal Fund	350,000
Bond Fund	350,000
Total	700,000
- Path: Zeiss IBAS Image Analysis Processor	100,000
- OB/GYN: Array Analysis, Processing	50,000
- PHR: Minicomputer and Associated Software, DB, etc.	165,000
- PHR: 200 MH2 NMR Spectrometer	126,000
- Prev.M: Cryolect	135,000
- BCH: ABI Olegonucleotide Synthesizer	50,000
- BCH: ABI Peptide Synthesizer	80,000

- ANA: Video Image Analyzer	75,000
- MMI: FACS 420 w/2nd Laser Upgrade	50,000
- MC: Beckman Metolobic Cart	50,000
- MC: BD Analyzer for Molecular Biology	110,000
- Card: Color Flow Doppler Unit	150,000
- Med: Dual Photon Absorption Unit	65,000
- MC: Imaging System	50,000
- PHR: Super High Performance Liquid Chromatographic System	55,000
- OB/GYN: Real Time Flow Cytometry Processor	75,000
- PHR: 300 MH2 NMR Spectrometer	400,000
- ANA: Electron Microscope	195,000
- BCH: Gas-Phase Protein Sequencer	100,000
- MC: Animal Surgery Fluoroscopic Unit	300,000
- PHR: Fluoroscopic X-Ray Instrument	90,000
- PHR: Bioreactor for Mammalian Cell Culturing with Instrumentation	115,000
- PHR: Analytical Preparative HPTLC System	50,000
- Med: Pilot Size Freeze Dryer	90,000
- Med: Gamma 500 Laser Microprobe Mass Analyzer	300,000
- AEN: Infrared Imaging System	80,000
- MA: LISP PROLOG Machine	100,000
- BIO: Walk-in Environmental Control Rooms (2)	80,000
- GLY: Updating X-Ray Diffraction Equipment	125,000
- BIO: Atomic Absorption Spectrophotometer and Chloridometer	100,000
- CHE: 400 MHz NMR	500,000
- CHE: Intensified Diode Array	57,000
- WGRL: Biomedical Image and Signal Processing System	160,000
- GYL: Seismic Array	78,000
- ENGR: AT&T/Harris Upgrade	350,000
- Academic Equipment Pool Equipment Items less than 50,000	5,950,000

- CC: Scanning EM	350,000
- CC: Transmission EM	400,000
- MMI: Sterilization and Cleaning System	65,000
- SBRC: Fluorescence Activated Cell Sorter Analyzer	70,000
- BCH: Microprocessor Based Spectrapolarimeter	60,000
- OBG: Autoclave	50,000
- OPH: YAG Laser	50,000
- MMI: 2-D Gel Scanner/Computer Analysis	50,000
- RSD: Universal Testing Machine	92,000
- CNU: Amino Acid Analyzer (Beckman)	50,000
- SBRC: Philips Electron Microscope	250,000
- Metal: Analytical Balance	70,000
- EE: Programmable Frequency Synthesizer	65,000
- EE: Microwave Programmable Receiver	77,000
- BIO: Varian HPLC/Amino Acid Analyzer	70,000
- CHE: Field Ionization/Field Desorption Ion Source	60,000
- PHYS: Klystron Bunched Terminal	260,000
- AEN: Laser Doppler Fluid Turbulence System	140,000
- Med: BD Facts 4—Fluoroscopic Activated Cell Sorter	130,000
- ASC: Energy Dispersive X-Ray Fluorescence Analyzer	60,000
- ENT: Oligo (DNA) Synthesizer	50,000
- EM: Thermovision System (Infrared Temperature Measure)	57,000
- BIO: Sterilization and Cleaning System	75,000
- BIO: Respiratory Mass Spectrometer	50,000
- BIO: Update CAD4 X-Ray Diffractometer to DEC 11/237	50,000
- VS: AGA Thermovision Basic Medical Package and Digital Image System	61,000
- WGRL: Cardiovascular Data Acquisition System	52,000
- ASC: Bechman Edman Sequencer	86,000

- ENT: Protein Sequencer	100,000
- MACS: Intelligent Terminals Workstation	70,000
- HPR: High Speed Video System	55,000
- SBRC: Leitz Fluorescence Microscope with Vario-Orthamate Camera	50,000
- PHYS: Polarized Ion Source	300,000
- BCH: Applied Biosystems Bas Phase Sequencer	120,000
- CHE: Argon Laser	85,000
- PM: Microwave Plasma Emission Detector	80,000
- CHE: VUV Photoelectron Spectrometer	80,000
- OBG: Liquid Chromatograph	100,000
- BIO: Flow Sytometer/Cell Sorter	325,000
- MMI: Upgrade of Cell Analysis and Sorting Facilities	100,000
- ENT: Amino Acid Analyzer	75,000
- PM: Mass Spectrometer	120,000
- HORLA: Irrigation System	75,000
- OBG: Flow Cytometer	250,000
- FOR: 930 Wheel Loader	74,000
- Med: Laser Catheter	130,000
- CHE: Mass Spectrometer	
Federal Fund	325,000
Bond Fund	325,000
Total	650,000
- BCH: X-Ray Chrystalography Equipment	500,000
- VS: Transmission Scanning Electron Microscope	
Agency Fund	325,000
Bond Fund	400,000
Total	725,000
- Med: Angiographic/Computer Equipment	250,000
- MGSC: Vax 11/750 and Related Equipment	500,000
- PHY: Stainless Steel Accelerator Tube	75,000

- Med: Pulse Simulator	50,000	
- ENT: Gas Chromatogram Mass Spectrometry System	50,000	
- CNU: AA Spectrophotometer	55,000	

Funding for the following University of Kentucky equipment purchases will be from Agency Funds "except as noted."

- Lib: Auto Circulation System	104,000	
- PPD: Energy Management System	413,000	416,000
- MCPPD: Energy Management System III	100,000	100,000
- Dent: Patient Billing Minicomputer	320,000	
- Med CS: Wang VS 300	196,000	
- CC: Data Communications Equipment	70,000	
- CC: Data Communications Network	350,000	
- CC: Mainframe Computer	925,000	
- CC: Disk Storage 3081K	350,000	
- Cancer: Minicomputer and Software	262,000	
- Med CS: Systems Methodology and Security System	50,000	
- Cancer: MRI Unit VAX XI Computer	510,000	
- Cancer: MRI Helium Recovery System	90,000	
- CC: Computer Disk Storage	120,000	
- Bus Svcs: Voice Data Communications System Bond, Note, or Deferred Payment without Interest	5,466,000	
- CES: Closed Caption TV Delivery System	150,000	
- CES: Minicomputer	100,000	
- Arch: Computer for Graphics Processing	85,000	
- ANA: Morgue Equipment	150,000	
- Med: Perinatal Laboratory Equipment/OB-GYN		
Agency Fund	75,000	
Federal Fund	75,000	
Total	150,000	
- Prev M: Equipped Medical Van		
Federal	163,000	

- Purch: Minicomputer	59,000	
- Bus Svcs: Computer Upgrade	210,000	
- B&E: Minicomputer System	103,000	
- CC: Optical Reader	110,000	
- Print/Dupl: Computer Systems	58,000	
- PPD: Tandem Bucket Trucks/Boom	80,000	
- PPD: Garbage/Compactor Truck	100,000	
- PPD: Backhoe Loader	75,000	
- Print: Offset Printing Press	180,000	
- UExt: Computer System	106,000	
- OSPA: Computer Upgrade	70,000	
- WBKY: Transmitter w/Antenna and Lines	130,000	
- MC: Multi-Channel Atomic Absorption	85,000	
- PHR: Power X-Ray Diffractometer System	58,600	
- BCH: 500MHz Nuclear Magnetic Resonance Spectrometer—Varian	550,000	
- CC: Computer Disk Storage		150,000
- CC: Laser Printer		500,000
- CC: Data Communications Equipment		70,000
- CCC: Data Communications Network		250,000
- Metal: Surface Analysis System		150,000
- Barnay Chair		77,000
- Grad: Minicomputer Upgrade		50,000
- MC: Video Attachment for Biplane Fluoroscope		100,000
- FA: Lighting Board and Dimmer System		100,000
- OIR: Videotape Record/Edit Package		
- CC: Array Processor for Mainframe		600,000
16. University of Kentucky Hospital		
a. Radiation Med Simulator	385,000	
b. Blood Bank System Upgrade	90,000	
c. Patient Care System	350,000	

d. Disk Drives for Data Storage	338,000	
e. Blood Hemotology Automatic Analyzer	193,000	
f. Heart Pump	65,000	
g. Ophthalmology Microscope	85,000	
h. Fluoroscopy Unit	350,000	
i. Electronic Imaging System	400,000	
j. Diagnostic Radiographic Unit	175,000	
k. Electrophysiology Equipment	100,000	
l. Vascular Diagnostic Equipment	200,000	
m. Cryo Unit	100,000	
n. Krypton Laser	130,000	
o. Ultrasound Unit	150,000	
p. Echocardiology Equipment	200,000	
q. Neonatal Monitor System	78,000	
r. Laser Printer to print all forms	90,000	
s. IBM 3705 Type Communications Controller	52,000	
t. Evoked Potential System	75,000	
u. Digit Viewer System	62,000	
v. Magnetic Resonance Imaging		1,400,000
w. Emergency Medicine Helicopter		1,350,000
x. Radiology System		75,000
y. Chemistry Analyzer		115,000
z. Fluoroscopic Unit		400,000
aa. Computer System Enhancement		243,000
bb. Disk Drives		338,000
cc. Radiation Medicine Unit		800,000
dd. Radiographic Unit		160,000
ee. Electronic Imaging System		240,000
ff. Nuclear Medicine Camera		245,000
17. University of Kentucky Community College System		
a. Minicomputers (3)	450,000	

b. Energy Management System (Jefferson DT)		130,000
c. Energy Management System (Ashland)	100,000	
d. Data Communications System (Ashland)	95,000	
e. Minicomputers (3)		450,000

18. University of Louisville

Funding for the following University of Louisville equipment purchases will be from Agency Funds.

a. CPU Memory Upgrades (3)	100,000	200,000
b. Direct Access Storage Devices (2)	200,000	200,000
c. CPU Upgrade		550,000
d. Data Communications Network		350,000
e. Laser Printer		250,000
f. Optical Character Scanner		75,000
g. Computer Output Microfiche System		130,000
h. Graphics Plotter		75,000
i. Super Minicomputer	250,000	
j. Array Scientific Processor		350,000
k. Computer Data Acquisition System (2)	75,000	75,000
l. Digital Computer System	218,200	
m. Molecular Graphics System	100,600	
n. Computer Control Laboratory Unit	96,000	
o. Hybrid Computer	104,000	
p. Hardware for Touchtone Registration	127,100	
q. Human Movement Recording System		85,000
r. Scanning Auger Spectrometer		250,000
s. Automated Packed Column Absorption Unit		60,000
t. Transmission Electron Microscope		84,700
u. Learning Laboratory System		90,000
v. Scanning Electron Microscope		50,000
w. Gas Chromatograph/Mass Selective Detector		67,000
x. Electronic Microprobe (WDX System)	65,000	
y. YAG Laser		50,000

z. Nuclear Magnetic Resonance Spectrometer		97,000
aa. Laser-Raman Spectrophotometer		58,000
bb. Scanning Cytophotometer		50,200
cc. Metallurgical Microscope		60,000
dd. Ultrasonic Surgical Aspirator		60,000
ee. Magneticircular Dishroism Spectrophotometer		74,500
ff. Mobile Hyperthermia System		116,200
gg. Elemental Analyzer		52,200
hh. Animal Cell and Specimen Irradiator		112,200
ii. Edax Quantitative Unit		75,000
jj. Flow Cytometer		120,000
kk. X-Ray Diffraction Unit		80,000
ll. 47 Passenger Bus		150,000
mm. Gas Chromatograph/Mass Spectrometer/Data System		175,000
nn. Central Processing Unit (CPU)	650,000	650,000
oo. Telecommunications System	700,000	

19. Western Kentucky University

Funding for the following Western Kentucky University equipment purchases will be from Agency Funds, except where noted.

a. Minor Equipment Pool		
Bond Fund	900,000	
b. Real Time Image Processor	62,000	
c. Hughes Liquid Crystal Lt. Valve	62,000	
d. Copper Laser	60,000	
e. Nuclear Magnetic Resonance Spectrometer	112,500	
f. Optical Character Reader	14,400	
g. Computer Processor	310,000	
h. Computer Storage Control	60,000	
i. Local Area Network	152,300	
j. Computer Processing Unit and Related Equipment		498,600

H. CABINET FOR HUMAN RESOURCES

For capital construction projects displayed in this section as agency fund supported projects, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation.

1. Administration and Program Support

a. Miscellaneous Projects

General Fund	1,100,000	
Investment Income		1,000,000

b. L & N Building

Bond Fund (1985-86—$4,500,000)

2. Department for Mental Health/Mental Retardation

a. Outwood Intermediate Care Facility—Renovation—Sewage Treatment Plant

General Fund	250,000

b. Central State Hospital—Secure Psychiatric Facility

General Fund	2,250,000

c. Eastern State Hospital—Recreational/Activities Building

Bond Fund (1985-86—$167,100)

Agency Fund (1985-86—$437,900)

d. Eastern State Hospital—Kitchen and Dining Room Building

Bond Fund (1985-86—$1,250,000)

I. JUSTICE

For the capital construction project displayed in this section as a General Fund supported project, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriations.

1. State Police

a. Heating Cooling System—Information Services Building

Investment Income	450,000
General Fund	50,000
Total	500,000

b. Automated Fingerprint System

Bond Fund	1,850,000

c. Energy Dispersive X-Ray

Investment Income	195,000

d. Gas Chromatograph/Mass Spectrometer		
Investment Income	325,000	
e. X-Ray Diffraction Apparatus		
Investment Income	185,000	
f. Mayfield Post		
Bond Fund		750,000
g. Minor Projects		
Investment Income	100,000	100,000

J. LABOR

For the major equipment purchase displayed in this section as agency fund supported projects, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation.

1. Department of Worker's Claims		
a. Special Fund Computer		
Agency Fund	83,000	

K. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

For the capital construction project displayed in this section as an agency fund supported project, it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation.

1. State-Owned Dam Repair		
Investment Income	1,000,000	

The above appropriation shall not be used to repair dams owned by the Department of Fish and Wildlife Resources.

2. Kentucky Abandoned Lands—Reclamation Program		
Federal Fund	50,400,000	36,710,000
3. GC/Mass Spectrometer		
Investment Income	247,000	
4. Nature Preserves Acquisition Fund		
Agency Fund	45,000	45,000

L. PUBLIC PROTECTION AND REGULATION

For the major equipment purchase displayed in this section as agency fund or general fund supported projects it is anticipated that these funds shall be transferred from the operating fund at such time as funds are available and needed. The total project cost shown does not reflect an addition to the operating fund appropriation.

1. Department of Insurance

a. Computer

Agency Fund	277,900	272,900

2. Public Service Commission

a. Watthour Standard Testing System

Agency Fund	88,100	

M. TOURISM

For the major equipment purchases and capital construction projects displayed in this section as agency fund supported projects, it is anticipated that the funds shall be transferred from the operating fund at such time as funds are available and needed. The total project costs shown do not reflect additions to the operating fund appropriations.

1. Parks

a. Miscellaneous Major Maintenance

Bond Fund	800,000	
General Fund	2,400,000	500,000
Investment Income		2,700,000
Total	3,200,000	3,200,000

b. Kenlake Lodge—Plumbing

General Fund	50,000	250,000

c. Lake Cumberland Covered pool/lodge expansion

General Fund	192,000	1,085,000

d. Jenny Wiley Meeting Room—Programming

General Fund		384,000

e. Greenbo Meeting Room—Programming

General Fund		100,000

f. Kincaid Lake-Swimming Pool

Bond Fund	125,000	
General Fund	75,000	
Agency Fund	50,000	
Total	250,000	

g. Taylorsville Lake—design, land purchase, water and sewer improvements, electricity, road access, parking, water storage and boat ramp.

Bond		798,000
Agency Fund (Fish & Wildlife)	20,000	180,000
Federal Fund	20,000	978,000
	40,000	1,956,000

The bonds to be applied to this project are economic development bonds.

h. Lincoln Homestead—Golf Course Irrigation System

General Fund	44,000	
Bond Fund		220,000

i. Blue Licks—Multipurpose Building

General Fund	35,000	
Bond Fund		315,000

j. Natural Bridge—Expansion of Kitchen & Dining Room

General Fund	20,000	
Bond Fund		230,000

The following projects are authorized to be funded from the Department of Parks appropriation of maintenance funds and are not to exceed $230,000 per project: Green River Campground Expansion, E.P. Tom Sawyer Campground, and Lake Malone Campground Expansion.

2. Kentucky Horse Park

a. Miscellaneous Major Maintenance

Investment Income	200,000	200,000

b. Master Plan—Development of Show Facilities

Investment Income	100,000	

c. Covered Arena Completion

General Fund	1,617,000	

3. State Fair Board

a. Major Maintenance, Renovation, and Repair Projects under $200,000

Investment Income	500,000	500,000
Agency Fund	250,000	250,000
Total	750,000	750,000

b. Roof Coating for Coliseum and East and West Wings and Broadbent

Investment Income	900,000	

c. Additional Lighting and Rewiring—East and West Wings and Pavilion		
General Fund	225,000	
d. Waterproof Stadium, Coliseum and East and West Wings		
General Fund	250,000	
e. Garbage Packer		
Agency Fund	125,000	
f. Boom Truck		
Agency Fund		
g. Stadium Artificial Surface/Drainage System		
General Fund	1,500,000	
Agency Fund	270,000	
Total	1,770,000	
4. Fish and Wildlife Resources		
a. Miscellaneous Minor Projects		
Agency Fund	596,500	478,500
b. Land Acquisition		
Agency Fund	200,000	
c. Minor Clark Fish Hatchery Renovations		
Agency Fund	100,000	500,000

N. TRANSPORTATION

For the capital construction projects displayed in this section as Road Fund supported projects, it is anticipated that the funds shall be transferred from the operating fund at such time as funds are available and needed. The total project costs shown do not reflect additions to the operating fund appropriations.

1. Bourbon County Maintenance Facility		
Road Fund	350,000	
2. Jessamine County Maintenance Facility		
Road Fund		389,900
3. Interactive Graphics		
Road Fund	485,000	
4. Owsley County Maintenance Facility		
Road Fund	350,000	

5. Lyon County Weigh Station		
Road Fund	1,500,000	
6. Pike County Materials Lab		
Road Fund	200,000	
7. Knox County Salt Storage Dome		
Road Fund	90,000	
8. Wolfe County Salt Storage Dome		
Road Fund	90,000	
9. Warren County Salt Storage Dome		
Road Fund	90,000	
10. Rowan County Salt Storage Dome		
Road Fund	90,000	
11. Shelby County Salt Storage Dome		
Road Fund	90,000	
12. Russell County Salt Storage Dome		
Road Fund	90,000	
13. Grant County Salt Storage Dome		
Road Fund	90,000	
14. Central Office Materials Lab Renovation		
Road Fund	200,000	
15. Infrared Spectrophotometer		
Road Fund	50,000	
16. Freeze/Thaw Chamber Road Fund	60,000	
17. X-Ray Fluorescence Instrument		
Road Fund		125,000

In the event that any authorized capital construction and/or equipment purchase projects are cancelled it is the intent of the General Assembly that any General Fund appropriated debt service for those same projects shall remain unallotted and lapse to the credit of the General Fund. Those projects set forth under the subheading "higher education" are subject to the action and approval of the Council on Higher Education and subject to approval of the Finance and Administration Cabinet. The provisions of KRS 45.750 through 45.990 notwithstanding, it is the intent of the General Assembly that capital construction projects at institutions of higher education involving no state or federal funds, may be authorized between Regular Sessions of the General Assembly, providing that such projects receive prior approval from both the Council on Higher Education and the Secretary of the Finance and Administration Cabinet, and that the Capital Construction and Equipment Purchase Oversight Committee receives prior notification.

Pursuant to the provisions of KRS 45.760(12), the Capital Construction and Equipment Purchase Contingency Fund may be used to advance funds to projects authorized to be financed by bonds and may be used to finance feasibility studies for future projects.

Roof repair or replacement projects shall be eligible for Emergency Repair, Maintenance, and Replacement Fund allotments, subject to the provisions of KRS 45.780.

Before any economic development bonds are issued, the proposed bond issue shall be approved by the Secretary of the Finance and Administration Cabinet and the State Property and Buildings Commission under the provisions of KRS 56.440-56.720. Administration of the Economic Development Bond program by the Secretary of Commerce is subject to the guidelines contained herein: 1) Project selection criteria are to be developed by the Secretary of Commerce. The criteria shall include but not be limited to such issues as: a project's job creation and/or job retention potential, degree of public and/or private local involvement, and potential project payback and/or contribution in retiring the associated debt obligation. 2) Projects of state agencies are not eligible for funding from this source unless expressly provided for in the appropriations act. 3) Project selection shall be documented when presented to the Secretary of Finance. Included in the documentation shall be the rationale for selection and expected economic development impact. 4) Following approval by the Secretary of Finance and Administration Cabinet and the State Property and Buildings Commission, the project shall be presented by the Commerce Cabinet to the next regularly scheduled Capital Construction and Equipment Purchase Oversight Committee meeting for information and review under the provisions of KRS 45.750-45.800.

Inasmuch as the identification of specific projects in a variety of areas of the State Government cannot be ascertained with absolute certainty at this time, it is the purpose and intent of the General Assembly, to appropriate amounts for specific purposes to projects which are not individually identified herein in the following areas: Repair of State-Owned Dams, Economic Development Projects, Handicapped Access, Fire and Life Safety, and Asbestos Litigation and Abatement projects. Any such projects estimated to cost over $200,000 and equipment estimated to cost over $50,000 shall be reported to the Capital Construction and Equipment Purchase Oversight Committee. All monies transferred to the Finance and Administration Cabinet for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Finance and Administration Cabinet for capital construction.

There is hereby created an Asbestos Litigation and Abatement account in the Finance and Administration Cabinet. The Asbestos Litigation and Abatement account shall be for the purpose of depositing any funds received as a result of litigation involving the Commonwealth of Kentucky and asbestos manufacturers. Any funds received from a judgment or settlement from this litigation shall be used for all litigation support costs incurred as a result of this litigation, and for cost of asbestos abatement in any building owned by the Commonwealth of Kentucky. In addition, all funds hereby identified in the Finance and Administration Cabinet 1986-88 appropriations expressly for the purpose of asbestos abatement shall be available for expenditure from the Asbestos Litigation and Abatement account. The General Fund shall be reimbursed for any General Fund expenditures for these same purposes from this account.

PART VI

GENERAL PROVISIONS

1. Except as otherwise explicitly authorized by this Act, nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1986, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42, 45, and 48 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Finance and Administration Cabinet. All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Secretary of the Finance and Administration Cabinet pursuant to KRS 48.500 and the decision of the Secretary of the Finance and Administration Cabinet shall be final and conclusive.

2. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

3. The Secretary of the Finance and Administration Cabinet is authorized to establish a system or formula or a combination of both for pro-rating the administrative costs of the Finance and Administration Cabinet, and the Departments of Treasury and Law relative to the administration of programs in which there is joint participation by the State and Federal Governments for the purpose of receiving the maximum amount of participation permitted under the appropriate Federal laws and regulations governing such programs.

4. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act except as provided by Chapters 12, 42, 56, 152, 177, and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of this Section, to the extent of such conflict, are hereby repealed, unless otherwise provided by this Act.

5. No state agency, cabinet, department, office, or program shall incur any obligation against the General Fund appropriations contained herein unless such obligation may be reasonably determined to have been contemplated in the enacted budget and is based upon the budget memorandum and supporting legislative records.

6. Any General Fund appropriation made herein in anticipation of a lack, loss, or reduction of Federal funds shall lapse to the General Fund to the extent such Federal Funds otherwise become available.

7. The Secretary of the Finance and Administration Cabinet shall cause the Governor's Office for Policy and Management, within seventy-five days upon adjournment of the 1986 General Assembly, to prepare a final budget document based upon the Executive Budget proposal as enacted by the 1986 General Assembly as well as other acts which provide appropriations for the 1986-88 biennium and based upon supporting documentation and legislative records as considered by the 1986 General Assembly. This document shall include for each agency and budget unit a consolidated budget summary statement of available regular and continuing appropriated revenue by fund source, corresponding appropriation allocations by program or subprogram as appropriate, budget expenditures by principal budget class and such other fiscal data and commentary considered necessary by the Governor's Office for Policy and Management for budget execution and oversight. The enacted budget document and any adjustments thereto approved by the Governor's Office for Policy and Management as provided in each part of this Act or by law, and any supporting documents, shall be communicated to the Interim Joint Committee on Appropriations and Revenue on a regular basis.

8. In the event that any authorized capital construction and/or equipment purchase projects are cancelled it is the intent of the General Assembly that any appropriated General Fund debt service for those same projects shall remain unallotted and lapse to the credit of the General Fund.

9. In the event that funds become available to the Commonwealth pursuant to settlements of litigation brought by the U.S. Department of Energy for alleged overcharges for crude oil or refined petroleum products sold during the period of time in which federal price controls were in effect, all such receipts shall be credited to a low income energy assistance trust fund which is hereby established. Monies in this fund shall be invested and interest earnings shall accrue to this fund account. Investment income of the low income energy assistance fund is hereby appropriated to the Human Resources Cabinet to be expended only for weatherization and related energy conservation activities. The Cabinet for Human Resources shall submit to the Governor and to the Legislative Research Commission a detailed report identifying the specific purposes and amounts to be expended. In addition, a quarterly report shall be made to both the Governor's Office for Policy and Management and the Legislative Research Commission regarding the actual expenditures of these funds.

10. It is the intent of the General Assembly that the Secretary of the Transportation Cabinet shall use Road Fund resources to meet the lease rental payments to the Kentucky Turnpike Authority for Resource Recovery Road projects in the amount certified by the Secretary of the Transportation Cabinet. However, in the event that Road Fund resources are not sufficient to meet lease rental payments, the additional amount required for meeting lease rental payments as certified by the Secretary of the Transportation Cabinet under KRS 143.090 shall be transferred from coal severance tax receipts to meet the obligation.

11. A Budget Reserve Trust Fund is hereby established. There is appropriated from the General Fund, $50,000,000 for fiscal year 1986-87 and $50,000,000 for fiscal year 1987-88 to the Budget Reserve Trust Fund.

These funds shall be used in the event actual General Fund receipts during the 1986-87 fiscal year or the 1987-88 fiscal year are not sufficient to meet the General Fund appropriation levels authorized by this Act or other general biennial appropriations bills. In addition, allotments from the Budget Reserve Trust Fund may be made for items deemed to be emergency or mandated expenditures elsewhere provided for in this Act.

No allotment or expenditure from the Budget Reserve Trust Fund shall be made except upon approval of the Governor of the Commonwealth. The Secretary of the Finance and Administration Cabinet shall communicate any allotment or expenditure from the Budget Reserve Trust Fund, in writing, to the Interim Joint Committee on Appropriations and Revenue.

Any unexpended balance remaining at the close of the 1986-87 fiscal year, shall not lapse, but shall continue into the 1987-88 fiscal year.

12. There is hereby established a General Fund surplus expenditure plan for fiscal year 1986-87 and fiscal year 1987-88, pursuant to KRS 48.140. This plan is for the expenditure of excess General Fund revenue receipts up to two and one-half percent (2.5%) in excess of the revenue receipts estimate for the General Fund as determined by subsection (3) of KRS 48.120.

The Secretary of the Finance and Administration Cabinet shall determine, after the close of fiscal year 1985-86 and fiscal year 1986-87, based on the official financial records of the Commonwealth, and in accordance with KRS 48.120, the amount of excess unappropriated General Fund revenue receipts available for expenditure through the General Fund surplus expenditure plan. The amount of excess unappropriated receipts available shall be determined after all allocations required by the Local Government Economic Assistance Fund pursuant to KRS 42.450 have been adjusted.

The Secretary of the Finance and Administration Cabinet is hereby authorized to restore the Budget Reserve Trust Fund to its original level of appropriation in the event that appropriations which have been made to the Budget Reserve Trust Fund have been depleted in whole or in part. No further allotments shall be made for any other purpose.

13. It is the intent of the General Assembly, in furtherance of the Commonwealth's Industrial Development Training program, that funds be authorized for expenditure from the General Fund Surplus Account (KRS 48.700) not to exceed $12,600,000 in the 1986-88 biennium for a comprehensive job training program. Such funds shall be made available only upon certification by the Secretaries of the Human Resources and Commerce Cabinets to the Governor that the regular appropriations for fiscal year 1987 and fiscal year 1988 are insufficient to fulfill the Commonwealth's needs and obligations in support of the Economic Development Training program authorized by this General Assembly. In the event that the Governor shall affirm such certifications, the Secretary of the Finance and Administration Cabinet shall approve the allocations of the required sum from the General Fund Surplus Account and the State Treasurer shall approve such payment. A copy of the certifications, and written approval by the Governor, shall be filed with the Legislative Research Commission.

14. No General Fund allotments to the Corrections Cabinet during the 1984-86 fiscal biennium shall be expended for the purpose of construction or operation of the Geriatrics/Special Needs Unit. The Secretary of Finance is directed to revert such allotments to the General Fund Surplus Account.

Part VII

General Fund Budget Reduction Plan

Pursuant to KRS 48.130, there is hereby established a General Fund Budget Reduction Plan for state government for fiscal year 1986-87 and fiscal year 1987-88. Direct services and obligations essential to the minimum level of constitutional functions are exempted.

A. In the event of an actual or estimated deficit in General Fund receipts of $2,997,840,000 for fiscal year 1986-87 and $3,199,220,000 for fiscal year 1987-88, the heads of the Executive, Judicial and Legislative Branches shall implement reductions for their respective branches as follows:

1. The Local Government Economic Assistance Fund shall be adjusted to equal revised estimates of receipts pursuant to KRS 42.450.

2. Allotments to the itemized budget units shall be reduced to the extent required to avoid a deficit in fiscal year 1986-87 up to the sum of $23,900,000 for the Executive Branch, $900,000 for the Judicial Branch and $200,000 for the Legislative Branch. Allotments to the itemized budget units shall be reduced to the extent required to avoid a deficit in fiscal year 1987-88 up to the sum of $26,300,000 for the Executive Branch, $1,000,000 for the Judicial Branch and $200,000 for the Legislative Branch. Such reductions shall be in allotments for the

programs listed in section B, below, and shall not exceed the amounts listed for each respective program for each respective year.

3. If the allotment reductions made pursuant to paragraph 2., above, are insufficient to eliminate the actual or estimated deficit, then the allotment to the Budget Reserve Trust Fund shall be reduced up to $25,000,000 in each respective fiscal year.

4. If the allotment reductions pursuant to paragraphs 2. and 3., above, are insufficient to eliminate the actual or estimated deficit, then the allotment reductions provided for in paragraph 2., above, shall be repeated. However, in no event shall the total of the allotment reductions made pursuant to paragraph 2., above, and this paragraph exceed the amounts listed in section B, below, for each respective program for each respective fiscal year.

B. GENERAL FUND REDUCTION PLAN

FB 1986-88

	Amount of Maximum Reduction	
EXECUTIVE BRANCH BUDGET UNITS	FY 1987	FY 1988
Government Operations		
Executive Office of the Governor		
Governor's Scholars Program	145,500	140,900
Visiting Teachers Institute	100,000	100,000
Office of Childhood Development	130,000	340,000
Educational TV Independent Study	50,000	
Computer Equipment		200,000
GOPM—Additional Staff	60,400	52,900
State Planning Fund	139,500	128,700
Secretary of State		
Micro-Processing Equipment & Personnel	78,600	28,900
Department of Law		
Victims Advocacy—Additional Staff	55,900	52,000
Statistical Analysis Center		112,500
Unified Prosecutorial System		
Commonwealth Attorneys		
Operating Expenses	93,000	121,800
County Attorneys		
Operating Expenses	157,000	178,200
Agriculture		

Computerized Marketing	138,500	65,100
Shows and Fairs	25,000	25,000
Pesticides—Inspectors	68,600	72,200
Equipment—Pest and Weed Control	52,600	40,000
Military Affairs		
DES—Administration	72,000	82,500
Maintenance of Armories	79,000	150,000
IFLOWS (Flash Flood Warnings)	30,600	32,700
Earthquake Preparedness	21,100	22,200
Personnel		
Employes Evaluation System	250,000	1,000,000
Personnel Board		
Legal Services	74,000	69,200
Local Government		
Urban Affairs Council	41,000	44,000
Model Ordinances	100,000	100,000
General Operations	750,000	750,000
Special Funds—KY Center for the Arts		
Capital Outlay Costs	250,000	250,000
Capital Plaza Authority		
Promotional Activities	50,000	50,000
Debt Service—Civic Center		65,200
Commerce		
Office of Secretary		
Office of Secretary-Debt Service	2,110,000	4,220,000
Administrative Services-Integrated Information System Maintenance	29,700	43,600
New Information System-Debt Service	91,000	91,000
Office of Business & Technology	117,400	120,900
International Marketing—Asian Office Expansion	65,300	65,300
International Marketing—European Office	400,000	400,000

Department of Economic Development		
Minority Business-Federal Funds Replacement	67,900	71,400
Research & Development-Vacancy Funding	44,000	24,000
ID-Advertising Campaign	230,000	230,000
Riverport (staff operations)	183,000	191,000
Arts		
Arts Support	272,000	272,000
Crafts Support	34,800	37,300
Institute for the Arts	150,000	150,000
Corrections		
Community Services		
Probation and Parole Expansion	356,900	373,800
Local Facilities—Jail Per Diem Increase	458,000	524,200
Intensive Supervision Expansion	434,000	456,000
Adult Institutions		
Institutional Staff Expansion	414,000	407,700
WKFC Expansion	132,900	132,000
FCDC Expansion	546,100	554,200
Bell County Expansion	201,800	584,200
Northpoint Voc-Academic Education		350,000
Education/Humanities		
Department of Education		
General Administration and Support		
Education Excellence Improvement Fund	1,500,000	3,000,000
Education Innovation Incentive Fund	2,500,000	2,500,000
Local District Health & Life Insurance		
Health & Life Insurance for HB 6 Programs	1,175,100	1,772,700
Health Insurance		1,920,400
Exceptional Children		
Vocational Services at Kentucky School for the Deaf	153,000	159,700
Support Services for local School districts	328,500	354,700

School Foundation Program		
Lower Pupil/Teacher Ratios	15,025,200	32,109,500
Kindergarten Aides	6,700,000	7,000,000
Kindergarten Transportation	6,000,000	6,000,000
Exceptional Children Units	4,594,300	7,061,300
Salary Increases	12,000,000	24,600,000
Longevity Pay	10,500,000	28,800,000
Extended Employment Vocational Agriculture Teachers	212,000	222,000
Power Equalization	28,569,900	55,141,900
Instruction		
Evaluation Program	1,000,000	1,000,000
Effective Teacher Evaluation Fund		9,000,000
Writing Program	1,000,000	2,000,000
Teacher Institutes	150,000	150,000
Teacher In-Service Program	500,000	500,000
Dropout Prevention	550,000	550,000
Principal Internship	150,000	250,000
Adult Education	1,100,000	1,175,000
Community Education	250,000	250,000
Local Services		
Management Assistance Teams	250,000	250,000
Textbooks	5,800,000	7,000,000
Out of District Program	67,000	69,800
Vocational Education		
Reinstatement	2,069,000	2,518,500
Locally Operated Vocational Educational Centers		3,300,000
Adult & Vocational/Technical Education		
Implementation Plan	700,000	3,900,000
Career Ladder Commission	2,500,000	2,500,000
Bluegrass State Skills Corporation	236,300	228,400
Department for the Blind	37,700	38,800

Teachers' Retirement System		
Required Overmatch	11,943,000	20,169,300
Increased Contribution Rate	3,000,900	3,269,900
Cost of Living Adjustment	2,597,700	6,747,600
Increase Service Credit Minimum Values	323,300	1,784,000
FY 1984-86 Shortfall	11,711,300	
Commission on Deaf & Hearing Impaired		
Word Processor Services	11,000	13,000
Interpretor Services	25,000	30,000
Office of the Secretary		
Client Assistance Program	17,700	25,600
Cabinet Secretary	18,900	24,400
Governor's Commission on Literacy	800,000	825,000
School Facility Construction Commission	3,109,100	10,114,100
Kentucky Educational Television		
Extended Broadcast Hours	311,400	330,000
GED/Adult Literacy	300,000	300,000
Historical Society		
Computer Lease	11,000	11,000
Operating Increase	14,000	14,300
Capital Outlay	7,000	7,000
Libraries and Archives		
State Library Services	475,300	475,300
Oral History Commission Grants	7,000	7,000
Heritage Council		
State Grants-in-Aid	25,000	25,000
Main Street Program	270,000	240,000
Energy		
Demonstration Projects		
Clean Coal Technology	500,000	750,000

Atmospheric Fluidized Bed Combustion Project	3,460,000	3,280,000
Department of Energy Research and Development		
Kentucky Geological Survey	100,000	91,600
Finance and Administration		
Office of the Secretary		
City of Frankfort	10,500	15,900
Department for Administration		
4 Positions (replacement of Federal Funds)	115,500	151,100
3 Vehicles (Postal Services)	7,000	14,000
Programming Services/4361 System Upgrade	434,700	319,800
Working Inventory (Division of Printing)	500,000	
Department for Facilities Management		
Property Utilization Branch	16,800	17,700
Inventory/Compliance Branch	16,800	17,700
Leasing Branch	16,800	17,700
CAPITAL BUDGET		
Department for Administration		
4361 System Upgrade	128,200	
Department for Facilities Management		
Emergency Repair, Maintenance and Replacement Fund	1,750,000	2,000,000
Capital Construction and Equipment Purchase Contingency Fund	1,012,200	588,800
Centralized Laboratory Building Planning	1,250,000	
Capitol Grounds Master Plan	500,000	500,000
Higher Education		
Council on Higher Education		
Centers of Excellence	75,000	1,875,000
Endowed Chairs		2,000,000
EPSCOR	600,000	600,000
Morehead Enrollment Fund	500,000	
Salary Incentive Fund	4,200,000	4,350,000

Minority Student College Preparation Program	250,000	250,000
Kentucky Higher Education Assistance Authority		
New Teacher Scholarships	500,000	1,000,000
State Student Incentive Grants	250,000	750,000
Kentucky State University		
Formula	104,900	270,000
Desegregation	186,500	252,600
Eastern Kentucky University		
Formula	658,000	1,545,400
Desegregation	4,900	20,900
Debt Service	1,007,000	1,007,000
Morehead State University		
Formula	309,100	724,400
Desegregation	37,600	46,000
Appalachian Consortium	189,800	250,000
Debt Service	350,000	350,000
Murray State University		
Formula	375,100	876,400
Desegregation	12,400	20,200
Debt Service		1,600,200
Northern Kentucky University		
Formula	468,800	1,077,900
Desegregation	4,000	12,700
Debt Service		1,230,000
Western Kentucky University		
Formula	637,000	1,495,800
Desegregation	91,500	105,100
Debt Service	798,600	798,600
University of Louisville		
Formula	2,807,900	6,615,100
Desegregation	13,400	33,600

Debt Service	426,000	1,996,000
University of Kentucky (Total)		
Formula	6,988,000	16,860,800
Desegregation	20,400	65,100
Debt Service	1,019,000	9,295,200
Center for Public Administration National Institute for State Government Research, Education and Service	300,000	312,600
Owensboro Community College Operating Funds	1,094,500	1,424,800
Robotics Center Operating Funds	3,200,000	
Human Resources		
Social Insurance Administration		
Child Support Federal Legislation	180,500	198,000
Medicaid Services Administration		
Fraud & Abuse Control	500,000	537,500
Funding for 7 new staff and other expenses	187,500	187,500
Medicaid Services Benefits		
Hospice	297,700	445,500
State-wide expansion of home and Community based waiver		710,000
Expand eligibility to age 12 for "Ribicoff children"		742,500
Health Services		
Poison Control Center	35,000	50,000
Expand Prenatal Services to 11 counties	2,000,000	2,000,000
Create a statewide long-term care case management system using local/district health department based staff	250,000	250,000
Expand Family Planning	700,000	700,000
Mental Health/Mental Retardation		
Intensive chemical dependency intervention services for teenages	250,000	750,000
Community based services for the chronically mentally ill	2,000,000	2,000,000
Training program on domestic violence for mental health	100,000	100,000
Community based services for the mentally retarded	1,250,000	1,375,000
Social Services		
Day Care for children, expansion (HB 2)	775,000	775,000

Home Care Expansion	1,850,000	2,500,000
5 New Group Homes	680,700	986,700
Boys Residential Facility (32 beds)	801,300	1,226,100
Spouse abuse programs, increase capacity of existing programs	250,000	500,000
Adult Day Care, 3 new programs & increase capacity in existing programs	489,800	527,000
Emergency Psychiatric Assessment Unit	1,057,000	
Elderly Abuse Public Awareness	75,000	75,000
Youth Diversion Home		411,400
Transportation costs related to Juvenile Code		70,700
Administration & Program Support		
Building Costs/L&N Debt Service	558,500	558,500
Commission for Handicapped Children		
Additional Surgical Services	208,000	250,000
Services for children with juvenile rheumatoid arthritis	120,000	210,000
Justice		
State Police		
Lab Equipment	200,000	200,000
Debt Service—Mayfield Post		91,000
25 Additional Troopers		1,089,500
Fingerprint Equipment-Debt Service		241,200
Fingerprint Operations	200,000	50,100
State Police Vehicles	400,000	1,228,800
Interstate Reporting	200,000	100,000
Missing Children	50,000	40,000
Justice Administration		
Grant Match	54,600	60,000
Medical Examiner Expansion	70,000	70,000
Labor		
General Administration and Support	200,500	202,700
Natural Resources & Environmental Protection		

Department of Natural Resources		
Direct Aid to Conservation Districts	63,200	63,200
Department of Environmental Protection		
Water Management Plan	1,400,000	1,700,000
Environmental Lab	285,200	392,300
Waste Management/RCRA Activities	107,200	84,100
Pollution Control of Toxic Air Contaminants	64,500	64,500
Department of Surface Mining		
Primacy Continuation	1,663,500	1,775,600
Coal Prep. Plant Regulation	413,900	363,600
General Administration & Support		
Legal Services for Water/Waste Management Activities	62,600	65,900
Nature Preserves Commission		
Nature Preserves Management	28,000	29,000
Public Protection & Regulation		
Department of Alcoholic Beverage Control	197,400	190,400
Board of Claims/Crime Victims Compensation Board	15,300	16,100
Department of Mines and Minerals	387,900	404,900
Department of Public Advocacy		900,000
Public Service Commission	43,900	46,000
Registry of Election Finance	50,200	53,500
Revenue		
Property Valuation Administrator	432,000	432,000
Property Valuation Administrator	22,700	24,600
Department of Property Taxation	358,400	226,600
Tourism		
Travel Development		
Advertising	500,000	500,000
Mail section	111,500	114,900
Welcom centers renovation/increase in hours of opening	240,400	160,000
Increase in matching funds for advertising	100,000	103,000

Four additional trade shows	37,300	38,300
Tourism business development	34,500	35,600
State Fair Board		
NAILE (operating expenses)	29,100	14,900
Parks		
Recreation parks-capital outlay	215,000	240,000
Resort parks-capital outlay	600,000	655,000
Recreation parks	315,000	315,000
Resort parks	273,000	281,200
Horse Parks		
Capital Outlay	63,100	58,200
Transportation		
Air Regulatory		
Computer Weather Data Service	50,000	50,000
Public Transportation		
Capital Assistance to Local Transit Programs	213,900	215,600

	Maximum Amount of Reductions	
JUDICIAL BRANCH BUDGET UNITS	FY 1987	FY 1988
Court Operations and Administration		
Salary Equalization Plan for Non-elected Personnel	1,200,200	1,260,200
Court of Appeals-Special Appeals Panel	191,800	194,300
New District Judgeships	144,800	142,800
Pay Equalization Plan for District Judges	92,300	189,100
Data Processing	305,800	354,800
Court of Appeals-Settlement Conferences	50,300	52,900
Law Clerks	244,200	249,600
Law Clerks-Fayette County	112,700	118,500
Juvenile Code	403,100	3,204,100
5% Cost-of-Living Adjustment for Elected Officials	239,500	499,900
Local Facilities Fund		
Renovation and Construction	246,000	582,400

Judicial Retirement		
Medical and Health Insurance	134,100	142,100
New Judgeships	13,400	14,000

LEGISLATIVE BRANCH BUDGET UNITS	FY 1987	FY 1988
Legislative Research Commission	400,000	400,000

ROAD FUND

Pursuant to KRS 48.130, there is hereby established a Road Fund Budget Reduction Plan for fiscal year 1986-87 and fiscal year 1987-88.

In the event of an actual or estimated deficit in Road Fund receipts of $506,420,000 in fiscal year 1986-87 and $516,230,000 in fiscal year 1987-88, the Governor shall implement sufficient reductions in the allotments to the itemized budget units listed below. Such reductions shall be in allotments for the stated programs and shall not exceed the amounts listed for each respective program for each respective year.

	Maximum Amount of Reduction	
Transportation	FY 1987	FY 1988
General Administration and Support		
Personnel Computer	240,500	
Micro-computers	125,000	
Laboratory and Office Equipment	200,000	180,000
Seven Salt Domes ($90,000 each)	630,000	
Pike County Materials Lab	200,000	
Owsley County Maintenance Barn	350,000	
Renovation of Central Office Materials Lab	200,000	
Motor Pool Vehicles	1,500,000	1,500,000
Additional Enforcement Officers (Lyon County Weigh Station)		174,500
New Weigh Station (I-24)	1,500,000	
Nine (9) Enforcement Vehicles		112,500
Twenty-four (24) Enforcement Vehicles	288,000	
Highways		
Shrine Markers	30,000	
Additional Billboard Personnel	250,000	270,000
Additional Vehicles Enforcement Officers	768,500	800,000
Additional Right-of-Way Personnel	219,700	230,700

Additional Traffic Technicians	204,600	215,900
Additional Rest Area Maintenance Personnel	615,000	645,000
Vehicle Enforcement Pay Upgrade	498,000	525,000
Equipment Purchases	2,610,200	3,550,000
Noxious Weed Control Maintenance	200,000	381,800
Snow and Ice Maintenance	2,031,000	2,320,400
State Construction		2,000,000
State Maintenance		1,500,000

Representative Clarke moved that the House refuse to concur in the Senate Committee Substitute to HB 398. Agreed.

HB 521, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 521 is as follows:

Amend printed copy of HB 521:

On page 2, on line 25, by inserting after "(f)" the following:

"*Drugs on the prescription of a physician used to prevent the rejection of transplanted organs if the patient is indigent.*

(g)".

Representative Freibert moved that the House concur in the Senate Amendment No. 1 to HB 521, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 92, Nays 0. (See March 24, 1986, roll call on HB 521—Appendix A.)

HB 521, as amended by the Senate, was passed and the title agreed to.

Representative Freibert moved that the vote by which HB 521, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Motions, Petitions and Communications

Representative Stumbo moved that HB 649 be recommitted to the Committee on State Government. Agreed.

Representative Stumbo moved that HB 823 be recommitted to the Committee on State Government. Agreed.

Representative Stumbo moved that the three-day posting requirement be waived on SB 268. Agreed.

Representative Stumbo moved that the three-day posting requirement be waived on SCR 38. Agreed.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 1 to SB 273, by Representative Burch:

Amend printed copy of GA Copy of SB 273:

On page 3, line 4,

after the word "*available*" by inserting the words "*and offer*"

And on page 3, line 13,

after the word "*available*" by inserting the words "*and offer to include*"

And on page 3, line 16,

after the word "*available*" by inserting the words "*and offered*"

And on page 3, line 25,

after the word "*available*" by inserting the words "*and offer*"

And on page 4, line 2,

after the word "*available*" by inserting the words "*and offered*"

And on page 4, line 4,

after the word "*available*" by inserting the words "*and offered*"

And on page 4, lines 6 and 7,

by deleting Section 5 in its entirety.

Floor Amendment No. 1 to SB 318, by Representative Burch:

Amend printed copy of SB 318:

On page 2, line 26,

By adding a new section to read as follows:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

An acute care hospital which is surveyed by the joint commission on the accreditation of hospitals shall not be subject to survey by the cabinet except for the following provisions:

(1) The cabinet may perform a survey during any year if the joint commission on the accreditation of hospitals does not conduct such review in that year;

(2) The cabinet shall perform such reviews as may be necessary in any acute care hospital if any beds within such facility will be utilized for purposes not included within the joint commission on the accreditation of hospitals standards;

(3) Each acute care hospital shall be subject to review by the cabinet as a result of complaint investigation;

(4) Each acute care hospital shall remit a license fee set by the cabinet on an annual basis regardless of joint commission on the accreditation of hospitals status. An acute care hospital which utilizes any licensed beds for other purposes, such as dual licensure, shall be subject to a single licensure fee which shall be based on the total number of acute care licensed beds in such facility; and

(5) Such other reviews as may be required by federal law."

Floor Amendment No. 1 to the House Committee Substitute to SB 198, by Representative Maggard:

Amend printed copy of House Committee Substitute to SB 198:

On page 6, after line 4, add the following:

"Section 3. KRS 158.175 is amended to read as follows:

(1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.

(2) By August 1, 1980, the board of education of each public local school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day.

(3) At the commencement of the first class of each day in all public schools, the person in charge of the room may call for a few moments of silence."

Floor Amendment No. 1 to HB 887, by Representative Yates:

Amend printed copy of HB 887:

on page 4, beginning with line 11, deleting all language through line 26; and

on page 5, beginning with line 1, by deleting all language through line 15; and

on page 5, line 16, by deleting "Section 4" and insert in lieu thereof "Section 3"

Floor Amendment No. 3 to HB 842, by Representative Nett:

Amend printed copy of HB 842:

By deleting all the language following the enacting clause, and inserting in lieu thereof the following:

SECTION 1. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby levied a gross receipts tax on all persons selling at retail. Taxable receipts shall be receipts derived from the sale of non-staple foods. For purposes of this section, the term "non-staple food" shall mean:

(a) Candy and other confectionery;

(b) Chewing gum; and

(c) Soft drinks, sodas, and similar beverages.

(2) The rate of the gross receipts tax imposed in subsection (1) of this section shall be five percent (5%).

(3) The tax shall be reported and remitted at the same time and in the same manner as the reporting and remittance of the taxes imposed under the provisions of KRS Chapter 139. The Revenue Cabinet may promulgate regulations necessary for the administration of this tax.

(4) The tax imposed in subsection (1) of this Section shall be paid by the retailer and shall not be collected by the retailer from the consumer.

(5) The tax imposed in subsection (1) of this section does not apply to sales by elementary or secondary schools or nonprofit elementary school sponsored clubs and organizations or any nonprofit elementary or secondary school affiliated groups such as parent-teacher organizations and booster clubs, whose membership may be composed of individuals other than students, provided the proceeds from such sales are used solely for the benefit of the elementary or secondary school or its students.

SECTION 2. KRS 139.485 is amended to read as follows:

(1) Except as otherwise provided, the terms "sale at retail," "retail sale," "use," "storage," and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of food for human consumption.

(2) The term "food" as used in subsection (1) of this section shall include:

(a) Cereals and cereal products;

(b) Milk and milk products;

(c) Meat and meat products;

(d) Fish and fish products;

(e) Eggs and egg products;

(f) Vegetables and vegetable products;

(g) Fruit and fruit products, including fruit juices;

(h) Sugar, sugar products and sugar substitutes; [~~other than candy, confectionery and chewing gum;~~]

(i) Coffee and coffee substitutes;

(j) Tea, cocoa and cocoa products;[~~other than candy and confectionery;~~]

(k) Spices, condiments, and salt;

(l) Oleomargarine.

(3) The term "food" as used in subsection (1) of this section shall not include:

(a) [~~Candy, confectionery and chewing gum;~~

~~(b)~~] Spirituous, malt, or vinous liquors;

b[~~(c)~~] Cocktail mixes;

[~~(d) Soft drinks, sodas, and similar beverages;~~]

c[~~(e)~~] Medicines, tonics, vitamins, and other dietary supplements;

d[~~(f)~~] Water, mineral water, carbonated water and ice;

e[~~(g)~~] Pet foods;

f[~~(h)~~] Meals served on or off the premises of the retailer;

g[~~(i)~~] Food furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer;

h[~~(j)~~] Food sold by retailers who ordinarily sell for consumption on or near the premises of the retailer even though such food is sold on a "take out" or "to go" order and is actually bagged, packaged or wrapped and taken from the premises of the retailer;

i[~~(k)~~] Food sold through vending machines;

j[~~(l)~~] Food sold by street vendors.

Floor amendment No. 2 to the House Committee Substitute to SB 198 by Representative R. Jones:

Amend printed copy of House Committee Substitute to SB 198:

On page 6, after line 4, add the following:

"Section 3. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or~~] upon request of the statewide professional educational association having the largest paid membership *to* the superintendent of public instruction [~~may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

Floor Title Amendment to SB 139, by Representative R. Jones:

Amend printed copy of GA Copy of SB 139:

By amending the title to read as follows:

"AN ACT relating to education."

Floor Amendment No. 1 to SB 139, by R. Jones:

Amend printed copy of GA Copy of SB 139:

On page 2, after line 3, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or upon request of the statewide professional educational association having the largest paid membership the superintendent of public instruction may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

Floor Amendment No. 2 to SB 310, by Representative Cowan:

Amend printed copy of GA Copy of SB 310:

On page 1, line 10, after "*victim*" insert the following: "*or unless the patient has communicated to the qualified mental health professional an actual threat of some specific violent act*"; and

on page 1, line 14, after "*warn*" insert "*a clearly or reasonably identifiable victim*"; and

on page 1, line 19, after "*violence.*" insert the following: "*When the patient has communicated to the qualified* *mental health professional an actual threat of some specific violent act and no particular victim is identifiable, the duty to warn has been discharged if reasonable efforts are made to communicate the threat to law enforcement authorities.*"

Floor Title Amendment to SB 82, by Representative R. Jones:

Amend printed copy of GA Copy of SB 82:

By amending the title to read as follows: "AN ACT relating to education."

Floor Amendment No. 1 to SB 82, by Representative R. Jones:

Amend printed copy of GA Copy of SB 82:

On page 3, after line 23, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or~~] upon request of the statewide professional educational association having the largest paid membership *to* the superintendent of public instruction [~~may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of

school and the days utilized for in-service professional development and planning activities for the professional staff."

Floor Title Amendment to SB 350, by Representative R. Jones:

Amend printed copy of GA Copy of SB 350:

By amending the title to read as follows:

"AN ACT relating to education and declaring an emergency."

Floor Amendment No. 1 to SB 350, by Representative R. Jones:

Amend printed copy of GA Copy of SB 350:

On page 2, after line 4, add the following:

"Section 2. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. *If a local board of education chooses to schedule a spring break, it shall be scheduled during the third week of March.* In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled *during the third week in March* [~~to begin with the first Thursday after Easter or~~] upon request of the statewide professional educational association having the largest paid membership *to* the superintendent of public instruction [~~may designate alternate dates~~]. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use up to a maximum of four (4) days of the minimum school term for holidays, provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday, two (2) days for the opening and closing of schools without the presence of pupils, the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and

(b) Local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the

guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff."

On page 2, line 5, change "2" to "3".

Floor Amendment No. 1 to SB 283, by Representative Moberly:

Amend printed copy of SB 283:

on page 28, after line 7, to insert the following:

SECTION 10. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) Any owner of a motor vehicle required to be registered under the provisions of KRS 186.050(1) or (3)(a), except taxicabs, airport limousines and U-Drive-Its, may, in addition to registration under KRS 186.050(1) or (3)(a), obtain a medical information license plate. A medical information license plate shall not be issued unless an application accompanied by a fee of twenty-five dollars ($25.00) is received by the county clerk and forwarded to the transportation cabinet on or before September 1 preceding the year in which the plate or renewal thereof is to be issued. In addition, such application shall be accompanied by a physician's statement that the vehicle owner has a specific physical ailment or drug allergy, which if noted, may serve to aid emergency personnel treating the individual. Any payments required to be made under this section shall be in the form of a certified check, cashier's check or money order. Medical information license plates issued under this section expire December 31 each year.

(2) The medical information license plate shall be a five (5) year license plate in the same form and character as license plates authorized by law, to be used upon similar private vehicles registered in Kentucky, except that such license plate shall bear the inscription "Medical Condition", a registration number and an appropriate standardized insignia.

(3) The cabinet shall send the medical information license plate to the county clerk in the county in which the applicant would be required to register his motor vehicle. The county clerk of the county of residence shall issue said plate and receive thirteen dollars and fifty cents ($13.50), of which two dollars ($2.00) shall constitute the clerk's fee and eleven dollars and fifty cents ($11.50) shall constitute the cabinet's fee. Annually thereafter, if a new license plate is not scheduled to be reissued, upon application to the county clerk of the county of residence and payment of an eleven dollar and fifty cents ($11.50) registration fee, the clerk shall issue a current year renewal decal to the applicant to be affixed to the medical information license plate.

(4) Upon the sale or transfer of a vehicle licensed as authorized by subsection (1) of this section, the owner shall remove the medical information license plate and return it to the county clerk who shall reissue it for use on any other vehicle of the same class and category owned by the same applicant to whom the medical information license plate was originally issued.

(5) For the services performed in issuing the medical information license plate and in annually issuing a current year renewal decal to be affixed to the plate, the county clerk shall receive from each applicant a fee of two dollars ($2.00). A like fee shall be charged for reissuance of such license plate after the sale or transfer of the vehicle for which it was originally issued.

(6) The secretary of the transportation cabinet shall provide such forms as may be necessary to carry out the purposes of this section.

on page 28, line 8, after the word "Section" to delete the number "10" and insert in lieu thereof the number "11".

Floor Amendment No. 3 to SB 343, by Representative Blevins:

Amend printed copy of SB 343:

on page 1, after line 21, by inserting the following:

"Section 2. KRS 224.855 is amended to read as follows:

(1) No permit shall be issued until a complete application has been submitted to and approved by the cabinet and notice of the application for a waste site or facility has been published at the expense of the applicant in a manner reasonably calculated to inform that portion of the public which is most likely to be affected by the operation of the proposed waste site or facility. The publication shall take place after the cabinet has made a preliminary determination of the application.

(2) At a minimum, publication shall be made at least once by advertisement in a daily or weekly newspaper of general circulation in the locality where the proposed site is to be located.

(3) The contents of the public notice of an application for a waste site or facility shall include the following:

(a) The name and address of the applicant;

(b) A brief description of the activity for which a permit is being sought;

(c) A description of the proposed location;

(d) The name and address of this cabinet; and

(e) The following statement: "Any person who may be aggrieved by the issuance of a permit for this proposed waste site or facility may file with the cabinet a petition which sets forth the grounds of the objection and demand a hearing pursuant to KRS 224.081(2)." Such hearing shall be held within the county where the waste site or facility is proposed.

(4) No permit shall be issued until at least thirty (30) days have expired following publication of the application. The applicant for a permit must establish the date of publication by a verified affidavit from the newspaper which publishes the advertisement. If a hearing is requested, no permit shall be issued prior to a completed hearing. In the case of hazardous waste *incinerators,* landfills and other sites or facilities for the land disposal of hazardous waste no permit shall be approved or issued prior to notification of the cabinet by the local unit of government of its actions pursuant to subsection (5) of this section. *Except that in the case of a hazardous waste incinerator, the procedure set forth in subsection (5) of this section shall not apply if a local unit of government wherein the incinerator is proposed has adopted zoning regulations pursuant to KRS Chapter 100.*

(5) The fiscal court of the county, urban-county government, or governing body of an incorporated municipality wherein a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste is proposed, shall conduct a public hearing after public notice has been given in accordance with KRS Chapter 424 and shall vote to approve or disapprove the hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste within thirty (30) days after the hearing described in subsections (3) and (4) of this section. If no hearing is requested under the provisions of subsections (3) and (4) of this section, the fiscal court, urban-county government, or governing body of an incorporated municipality shall conduct such public hearing and vote to approve or disapprove the hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste within sixty (60) days following publication of the application. In making a determination the fiscal court, urban-county government, or governing body of an incorporated municipality shall consider the social and economic impacts of the proposed hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste on the affected community, including changes in property values, community perception and other psychic costs; costs and availability of public services, facilities and improvements required to support the landfill or other site or facility and protect public health, safety and the environment; and the relationship of the proposed hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste to local planning and existing development. After a fiscal court or urban-county government or governing body of an incorporated municipality has voted to approve or disapprove a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste, the court, urban-county government, or governing body of an incorporated municipality shall so notify the cabinet in writing within ten (10) days. If a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste is disapproved by the court, urban-county government, or governing body of an incorporated municipality, the reasons for disapproval shall be set forth clearly and concisely, and so recorded in the minutes. No permit shall be issued by the cabinet if a fiscal court, urban-county government or governing body of an incorporated municipality disapproves the hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste in the manner prescribed herein.

(6) The provisions of subsection (5) of this section shall not apply to a proposed regional integrated waste treatment and disposal demonstration facility. *The provisions of subsection (5) shall not apply to facilities in existence as of the effective date of this Act or modifications to such facilities but shall apply to all other facilities described in subsection (5) of this section for which a permit application has been filed but has not been issued as of the effective date of this Act.*

Section 3. KRS 224.866 is amended to read as follows:

(1) No person shall engage in the storage, treatment, recycling or disposal of hazardous waste without first obtaining construction and operation permits from the cabinet. The cabinet shall promulgate regulations establishing standards for such permits but in no case shall a permit to construct or operate a hazardous waste disposal facility or a regional integrated waste treatment and disposal demonstration facility be issued unless it can be demonstrated that the proposed facility can be integrated into the surroundings in an environmentally compatible manner, including but not limited to insuring that hydrologic, seismologic, geologic and soil considerations have been adequately addressed in the permit application and in an operational plan. In no case shall a permit to construct a hazardous waste *incinerator,* landfill or other site or facility for the land disposal of hazardous waste be approved or issued prior to notification of the cabinet by the local unit of government of its actions pursuant to KRS 224.855(5), *unless the exception set forth in KRS 224.855(4) applies.* The cabinet shall not issue a construction permit to a regional integrated waste treatment and disposal demonstration facility until it has been issued a certificate of environmental safety and public necessity. A person desiring a construction permit shall file an application on forms supplied by the cabinet which shall contain such information as the cabinet deems necessary and provide evidence that the hazardous waste shall be treated, stored or disposed of in the manner prescribed by the cabinet. The applicant shall not initiate construction at the proposed site of a new facility for the storage, treatment or disposal of hazardous waste until notice has been given to that portion of the public most likely to be affected by the operation of the proposed facility pursuant to KRS 224.855(1) through KRS 224.855(4) and until a construction permit for said facility has been issued by the cabinet. The cabinet may consider past performance in this or related fields by the applicant. The cabinet, in making a determination to issue, deny or condition a construction permit, shall consider the following:

(a) An evaluation of alternatives, to include other locations and other treatment, storage, and disposal approaches, different from those proposed, available to the applicant;

(b) An evaluation of the public health, safety, and environmental aspects of the proposals;

(c) An evaluation of the social and economic impacts of the proposed action on the affected community, to include, at a minimum, changes in property values, community perception and other psychic costs, and the costs and availability of public services, facilities and improvements required to support the facility and protect public health, safety and the environment;

(d) An evaluation of mitigation measures to alleviate problems identified in *paragraphs* [~~subsections~~] (b) and (c) of this *subsection* [~~section~~]; and

(e) The relationship of the proposal to local planning and existing development.

Except that in the case of hazardous waste *incinerators,* landfills or other sites or facilities for the land disposal of hazardous waste the provisions of paragraphs (c) and (e) of this subsection shall be determined by the local unit of government pursuant to KRS 224.855(5); in the case of a regional integrated waste treatment and disposal demonstration facility the provisions of paragraphs (c) and (e) of this subsection shall be determined by the siting board established pursuant to KRS 224.2203.

(2) Any hazardous waste which would migrate, leach, or generate gas in its normal state shall not be disposed of in a landfill unless such waste has been either neutralized, detoxified, solidified, encapsulated or otherwise treated so that the character of the waste is such that it will prevent substantial migration, leaching or gas generation or unless the landfill is designed and constructed in such manner as will prevent substantial migration, leaching or gas generation, that in either case may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment.

(3) In conjunction with the application for permits under this section the applicant shall establish adequate financial responsibility as follows:

(a) The applicant shall file as part of his application for a permit to construct the facility an estimate of the cost of closing the facility after its capacity is reached or operations have otherwise ceased. In the case of storage facilities, the cost of closing shall include the cost of properly disposing of the hazardous waste stored. The cabinet shall evaluate this cost estimate and either accept the estimate as made or shall revise it in accordance with acceptable guidelines, using, where available, actual data on closure costs associated with similar existing facilities. Before a permit to operate can be issued the applicant for any hazardous waste permit shall assure that the funds needed to close the facility are available by establishing assurance through one (1) or more of the following mechanisms: cash, certificates of deposit, irrevocable credit or other sureties satisfactory to the cabinet and the mechanism shall be established by agreement with the cabinet. The agreement shall provide that disbursement is permissible only upon written approval of the cabinet and whenever, on the basis of any information, the cabinet determines that the owner or operator is in violation of any of the closure requirements for the facility, that the cabinet shall have the right to use part or all of the closure fund to carry out the closure requirements. The financial institution, surety company or escrow agent shall release these funds upon receiving a forfeiture order of the cabinet issued pursuant to an appropriate administrative hearing considering one (1) or more closure violations. Upon determination that closure has been satisfactorily accomplished, the cabinet shall release the applicant from further financial responsibility for closure.

(b) Any applicant for a hazardous waste disposal permit shall file with the cabinet as part of his application an estimate of the annual cost of post-closure monitoring and routine maintenance at the site. The cabinet shall evaluate the cost estimate, and, after such modification as may be necessary in light of its evaluation, shall give notice of acceptance of the cost estimate. This cost estimate which will be referred to as the annual post-closure operating cost will then be used to determine the amount of the post-closure monitoring and maintenance fund to be used for monitoring and maintenance for a period of a minimum of thirty (30) years after facility closure. The post-closure monitoring and maintenance fund shall be cash, irrevocable credit or other sureties satisfactory to the cabinet and shall be established by an agreement with the cabinet. The agreement shall provide that whenever, on the basis of any information, the cabinet determines that the owner or operator of the facility is in violation of any of the post-closure monitoring and maintenance requirements, the cabinet shall have the right to use part or all of the funds to carry out the post-closure monitoring and maintenance for the facility. The funds shall be released upon receipt of a forfeiture order of the cabinet issued pursuant to an appropriate administrative hearing considering one (1) or more post-closure monitoring and maintenance violations. One (1) year after closure and annually, thereafter, for a period of thirty (30) years, the applicant who has carried out all necessary post-closure maintenance and monitoring requirements may upon application to the cabinet be reimbursed out of the post-closure monitoring and maintenance fund an amount equal to the estimated costs for monitoring and routine maintenance for that year. Request for release of funds for reimbursement must be accompanied by an itemized list of costs incurred. Upon determination that the expenditures incurred are in accordance with the approved plan or otherwise justified the cabinet may authorize the release of the funds to the applicant in writing. Any funds remaining in the account following a termination hearing in which the applicant is released of further responsibility will likewise be released to the applicant.

(c) All applicants for any hazardous waste permit must provide evidence of financial responsibility in an amount and for a time period specified by the cabinet for the purpose of satisfying claims arising out of injury to persons or property resulting from the release or escape of hazardous waste into the environment. Such financial responsibility may be established by one or a combination of evidence of liability insurance, self-insurance, or other evidence of financial responsibility acceptable to the cabinet. The level of self-insurance shall not exceed ten percent (10%) of equity, and financial responsibility must be maintained during the entire operation of the facility and until termination. The minimum liability coverage for sudden occurrences, exclusive of legal defense costs, for a storage, treatment or disposal facility shall be one million dollars ($1,000,000) per occurrence with an annual aggregate of two million dollars ($2,000,000). A hazardous waste disposal facility shall maintain additional excess liability coverage in the amount of at least ten million dollars ($10,000,000). The minimum liability coverage for nonsudden occurrences, exclusive of legal defense costs, for a hazardous waste facility involving land disposal shall be five million dollars ($5,000,000) per occurrence with an annual aggregate of ten million dollars ($10,000,000). Combined coverage for sudden and nonsudden occurrences shall be no less than the combined totals herein set forth for separate coverage.

(4) The cabinet shall promulgate regulations establishing minimal standards for closure, post-closure monitoring and maintenance, and termination of sites for the disposal of hazardous waste. Any person who obtains a disposal permit for hazardous waste shall be responsible for the post-closure monitoring and maintenance of the permitted facility for a minimum of thirty (30) years after closure of the facility, and may apply to the cabinet for termination of the responsibility for post-closure monitoring and maintenance at any time after the site has been closed for at least thirty (30) years. Upon receipt of such application the cabinet

shall provide notice to the public and to the owner or operator and an opportunity for a hearing on the termination of the site. In this proceeding the burden shall be on the applicant to prove by clear and convincing evidence that additional post-closure monitoring and maintenance is not necessary for adequate protection of public health or the environment. The cabinet shall determine either that post-closure monitoring and maintenance of the site is no longer required in which case the applicant shall be relieved of such responsibility; or that additional post-closure monitoring and maintenance of the site as specified in a plan of operation is still required, in which case the cabinet may order appropriate remedial measures, impose restrictive covenants as to future use of the property involved, or otherwise condition termination as may be necessary for adequate protection of public health and the environment.

Section 4. Whereas the need for proper control and review of disposal of radioactive and hazardous wastes as provided in this Act is a present need, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Amendment No. 3 to SB 70, by Representative Moberly:

Amend printed copy of GA Copy of SB 70:

On page 1, after line 19, insert the following:

"Section 2. KRS 164.320 is amended to read as follows:

(1) The board of regents for Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University and Northern Kentucky University shall each consist of eight (8) members appointed by the governor, one (1) member of the teaching faculty, and one (1) member of the student body of the respective university or college. The members of the board shall select a chairman annually.

(2) The initial terms of appointed members shall be for four (4) years, and until their successors are appointed and qualified. Whenever a term expires after July 15, 1980, the member appointed by the governor to fill the vacancy shall be appointed for a six (6) year term. Such appointments shall be made by the governor within thirty (30) days after the expiration of the term of each member. If the governor should fail to make any such appointment within thirty (30) days after the expiration of the term of any member, the remaining members of the board of regents of the particular university or college whose terms shall not have expired, shall make such appointment within sixty (60) days after the expiration of such term.

(3) *Effective with the first gubernatorially appointed vacancy after the effective date of this Act, each board shall include one (1) member who is an alumnus of that university selected from a list of three (3) names submitted by the alumni of the university in such manner and according to rules prescribed by the board of regents;* not more than two (2) appointed members of any board shall be residents of one (1) county; nor more than four (4) of the appointed members of any board shall belong to the same political party. Membership on the board shall not be incompatible with any other state office.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each appointed member of the board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(6) Each member of the board shall serve for the term for which he is appointed and until his successor is appointed and qualified.

(7) The faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he shall not be eligible to continue to serve as a member of such board if he ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(8) The student member shall be the president of the student body of the university during the appropriate academic year. If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year or does not maintain his permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year."

Floor Amendment No. 1 to SB 372, by Representative Farrow:

Amend printed copy of GA Copy of SB 372:

On page 33, after line 17 by inserting the following language:

"Section 16. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half (31-1/2) cents upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of all privately-owned leasehold interests in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five (25) cents upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowl, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81, fifteen (15) cents upon machinery of individuals or corporations actually engaged in manufacturing, fifteen (15) cents upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen (15) cents upon property which has been certified as a pollution control facility as defined in KRS 224.850, one-tenth of one cent ($.001) upon property which has been certified as an alcohol production facility as defined in KRS 247.910, twenty-five (25) cents upon each one hundred dollars ($100) of value of motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043, and forty-five (45) cents upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) An annual ad valorem tax for state purposes of one and one-half (1-1/2) cents upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten percent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Unmined coal and any interest therein, in whatever form held. including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars ($100) of assessed value.

(6) Thirty (30) cents of the thirty-one and one-half (31-1/2) cents state tax rate on real property and thirty (30) cents of the forty-five (45) cents state tax on tangible personalty subject to local taxation shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said districts as replacement for ad valorem taxes lost on property acquired by a governmental agency. Should the equivalency ever be less than thirty (30) cents, as certified by the department of education, the direct payments shall be reduced proportionately.

(7) The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that such increase exceeds the preceding year's assessment by more than four percent (4%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(8) By July 1 each year, the revenue cabinet shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020(6) and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessments for all counties have not been certified by July 1, the cabinet shall, when real property assessments of at least seventy-five percent (75%) of the total number of counties of the Commonwealth have been certified, make an estimate of the real property assessments of the uncertified counties and compute the state tax rate.

(9) In the event that the tax rate set by the cabinet as provided in subsection (8) of this section produces more than a four percent (4%) increase in real property tax revenues, the rate shall be adjusted in the succeeding year so that the cumulative total of each year's property tax revenue increase shall not exceed four percent (4%) per year.

(10) An ad valorem tax for state purposes on distilled spirits shall be levied according to the following rate schedule:

Calendar Year	Rate per $100 of Assessed Value
1982	$.225
1983	$.1125
1984 and after	$.001

(11) Effective on or after January 1, 1986, an ad valorem tax for state purposes of one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value shall be paid upon goods held for sale in the regular course of business and raw materials and in-process materials held for incorporation in finished goods held for sale in the regular course of business.

(12) An Ad valorem tax for state purposes of one tenth of one-cent ($.001) per one hundred dollars ($100) of assessed value shall be paid on all motor vehicles registered pursuant to the provisions of KRS 186.050(6).

Section 17. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowl;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half (1-1/2) cents on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half (4-1/2) cents on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies;

(8) All privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103;

(9) Property which has been certified as a pollution control facility as defined in KRS 224.850;

(10) Property which has been certified as an alcohol production facility as defined in KRS 247.910;

(11) On and after January 1, 1977, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests;

(12) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(2) in determining the amount of county appropriation to the office of the property valuation administrator;

(13) Tangible personal property located in a foreign trade zone as designated under 19 U.S.C. sec. 81;

(14) Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.450 based on the vehicle's fair market value at the time of sale.

(15) Motor vehicles registered pursuant to the provisions of KRS 186.050(6)."

And renumbering subsequent sections to conform.

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Posting of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Resolutions

HR 167, by Representatives Morris and Bruce: A RESOLUTION honoring the Second Annual Bluegrass State Games.

HR 168, by Representative Rapier: A RESOLUTION directing the Legislative Research Commission to conduct a study of property annexation and its effect on school attendance districts.

HR 169, by Representative Deskins: A RESOLUTION congratulating Pikeville High School's Boys' Varsity Cheerleaders.

HR 170, by Representative Bennett and Cyrus: A RESOLUTION relating to international trade.

HR 171, by Representatives Meyer, Kerr, Donnermeyer, Mann, McBee, K. Harper and Caldwell: A RESOLUTION honoring Dr. David Lusk, Superintendent of the Covington Board of Education.

HR 172, by Representatives Stumbo and Rose: A RESOLUTION adjourning the House of Representatives in memory of Mr. Norman Allen.

HR 173, by Representatives Guenthner, Stumbo, Todd, Keith, Long, Head, Hines, Jensen, Yates and Blevins: A RESOLUTION honoring John Downard of the Legislative Commission staff.

HR 174, by Representatives Seum, Ellington, Riner, Johnson, Priddy, Kerr and L. Clark: A RESOLUTION recognizing May 25, 1986 as "Hands Across America Day."

Report of Committees

The Committee on Rules reported HB 780, HJR 115, HJR 126, HCR 136, SB 196, SB 198, SB 311, HB 201, HB 871, SB 110, SB 111, SB 153, SB 299, SB 304, SB 343, HB 696, HB 710, HB 876, HB 962, HB 981, SB 309, and HB 931 have been posted for passage in Orders of the Day March 25, 1986.

The Committee on Rules reported HB 51 has been recommitted to the Committee on Labor and Industry.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Appropriations and Revenue: SB 290, SB 371

Health and Welfare: SB 291

The Clerk announced the following Bills have been withdrawn from Committee consideration :

State Government: SB 140, SB 262

Report of Committees

The Committee on Appropriations and Revenue reported SB 372, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 372, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 134.800 is amended to read as follows:

The county clerk shall be collector of all state, county, city, urban-county government, school, and special taxing district ad valorem taxes on motor vehicles *registered by him*.

Section 2. KRS 138.450 is amended to read as follows:

As used in *KRS 138.455 to* [~~KRS 138.460 and~~] 138.470, unless the context requires otherwise:

(1) "Dealer" means any person engaged in the sale of motor vehicles at retail;

(2) "Motor vehicle" means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, mopeds, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires;

(3) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal

crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;

(4) Except as provided in subsection (5) of this section, "retail price" shall be determined as follows:

(a) For new motor vehicles "retail price" shall be 90% of the manufacturer's suggested retail price of the vehicle with all equipment and accessories, standard and optional, and transportation charges;

(b) For used motor vehicles whose values appear in the automotive reference manual prescribed by the revenue cabinet, "retail price" shall be the value given in such reference manual;

(c) For the older used motor vehicles whose values no longer appear in the automotive reference manual, "retail price" shall be determined as follows:

Number of Years Removed From Manual	Retail Price
1	75% of value of same make vehicle last appearing in manual
2	50% of value of same make vehicle last appearing in manual
3	25% of value of same make vehicle last appearing in manual
All Others	10% of value of same make vehicle last appearing in manual;

(d) In the case of used motor vehicles previously registered in this state, which are sold in this state, a trade-in allowance equal to the "retail price" of the vehicle taken in trade shall be deducted in computing the "retail price" of the vehicle sold.

(e) If a holder of a U-Drive-It permit transfers a vehicle which he has registered as a U-Drive-It within one hundred eighty (180) days of such registration, and if less than five thousand (5000) miles have been placed on the vehicle during the period of its registration as a U-Drive-It, then the "retail price" of such vehicle shall be the same as the retail price determined in subsection (b) or (c) of this section computed as of the date on which the vehicle is transferred except that the provisions of subsection (d) of this section shall not apply.

(5) "Wrecked motor vehicle" means any motor vehicle damaged by any cause except wear and tear or rust including but not limited to damage caused by collision, fire, flood, wind or vandalism. Any other provision of subsection (4) notwithstanding, the retail price of a wrecked motor vehicle shall be [~~the lesser of fifty percent (50%) of~~] the retail price as determined without reference to this subsection[~~, or such retail price~~] minus the average of the repair estimates submitted to the county clerk. The owner of the wrecked motor vehicle shall obtain a minimum of two (2) repair estimates from disinterested persons regularly engaged in the repair of motor vehicles and submit them to the county clerk.

SECTION 3. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

As used in KRS 138.463 and 138.4631, unless the context requires otherwise:

(1) "Cabinet" means the transportation cabinet;

(2) "Rent" and "rental" means a contract, supported by a consideration, for the use of a motor vehicle for a period of less than three hundred sixty-five (365) days;

(3) "Lease" and "leasing" means a contract, supported by a consideration, for the use of a motor vehicle for a period of three hundred sixty-five (365) days or more.

(4) "Gross rental charge" means the amount paid by a customer for time and mileage only.

Section 4. KRS 138.463 is amended to read as follows:

(1) A holder of a *permit* [~~certificate~~] as required under KRS 281.615 to operate as a U-Drive-It as defined in KRS 281.014 may pay the usage tax as provided in KRS 138.460 or, subject to the provisions of *this section* [~~subsection (2)~~], may pay a usage tax of *eight* [~~five~~] per cent *(8%)* [~~(5%)~~] levied upon the amount of the gross rental or lease charges paid by a customer or lessee renting or leasing a motor vehicle from such holder of the *permit* [~~certificate~~].

(2) A holder of a *permit* [~~certificate~~] shall pay the usage tax as provided in KRS 138.460 unless he shows to the satisfaction of the cabinet that he is regularly engaged in the renting or leasing of motor vehicles to retail customers as a part of an established business. Persons first engaging in the renting or leasing of motor vehicles to retail customers shall, in addition to obtaining a *permit* [~~certificate~~] required under KRS 281.615, demonstrate to the satisfaction of the cabinet that they are prepared to qualify under the standards set forth in this subsection.

(3) In the event the holder of such *permit* [~~certificate~~] qualifies under subsection (2) and elects to pay the usage tax by the alternate method as provided in subsection (1), *or is required by subsection (8) to pay by the alternate method, he shall pay the seat tax imposed by KRS 186.281(3) and in addition shall pay the monthly tax authorized by subsection (1) of this section. The cabinet shall provide the holder with evidence that he has been qualified to pay the monthly tax. The holder shall present such evidence* [~~he shall present his certificate~~] to the county clerk at the time the motor vehicle is offered for registration in Kentucky and the following provisions shall be applicable.

(4) The tax *authorized by subsection (1) of this section* shall be the direct obligation of the holder of the *permit* [~~certificate~~] but it may be charged to and collected from the customer in addition to the rental [~~or lease~~] charges. The tax due shall be remitted to the [~~revenue~~] cabinet each month on forms and pursuant to regulations promulgated by the cabinet.

(5) (a) As soon as practicable after each return is received, the cabinet shall examine and audit it. If the amount of tax computed by the cabinet is greater than the amount returned by the taxpayer, the excess shall be assessed by the cabinet within four (4) years from the date the return was filed, except as provided in paragraph (c) of this subsection, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time. A notice of such assessment shall be mailed to the taxpayer. The time herein provided may be extended by agreement between the taxpayer and the cabinet.

(b) For the purpose of paragraphs (a) and (c) of this subsection, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

(c) Notwithstanding the four (4) year time limitation of paragraph (a) of this subsection, in the case of a return where the tax computed by the cabinet is greater by twenty-five percent (25%) or more than the amount returned by the taxpayer, the excess shall be assessed by the cabinet within six (6) years from the date the return was filed.

(6) Failure of the holder of the *permit* [~~certificate~~] to remit the taxes applicable to the rental [~~and leasing~~] charges as provided herein shall be sufficient cause for the department of vehicle regulation to void the *permit* [~~certificate~~] issued to such holder and the usage tax on each of the motor vehicles which had been registered by the holder under the *permit* [~~certificate~~] shall be due and payable on the retail price of each such motor vehicle when it was first purchased by the holder.

(7) Notwithstanding the provisions of KRS 138.460 and subsection (1) of this section, a holder of a permit operating a fleet of rental passenger cars which has been registered pursuant to an allocation formula approved by the cabinet shall pay the tax by the method provided in this section. The provisions of this section shall apply to all vehicles rented by the holder in this state.

(8) Every rental of a vehicle registered pursuant to this section shall represent a bona fide arm's-length transaction and the consideration for such rental shall be based on the fair rental value of the vehicle. The burden of proving that the consideration charged by the holder satisfies this subsection is on the holder.

Section 5. KRS 138.4631 is amended to read as follows:

(1) If any holder of a *permit* [~~certificate~~] under KRS 138.463(2) fails or refuses to file a return or furnish any

information requested in writing, the [~~revenue~~] cabinet may, from any information in its possession, make an estimate of the *permit* [~~certificate~~] holder's gross rental or lease charges and issue an assessment against such *permit* [~~certificate~~] holder based on the estimated gross rental or lease charges and add a penalty of ten percent (10%) of the amount of the assessment so determined. This penalty shall be in addition to all other applicable penalties provided by law.

(2) If any holder of a *permit* [~~certificate~~] under KRS 138.463(2) fails to make and file a return required by KRS 138.463 on or before the due date of the return or the due date as extended by the [~~revenue~~] cabinet, then, unless it is shown to the satisfaction of the [~~revenue~~] cabinet that the failure is due to a reasonable cause, five percent (5%) of the tax found to be due shall be added to the tax for each thirty (30) days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars ($10.00).

(3) If the tax imposed by KRS 138.463, whether assessed by the [~~revenue~~] cabinet or the *permit* [~~certificate~~] holder, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of twelve percent (12%) per annum from the date prescribed for its payment until payment is actually made.

Section 6. KRS 138.990 is amended to read as follows:

(1) Any person who violates any provision of KRS 138.140, 138.146 or 138.195, for which a specific penalty is not provided, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500) for the first offense; for each such subsequent offense he shall be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000) and, if the offender is an individual, may be confined in the county jail for not more than six (6) months. These fines shall be in addition to the civil penalties provided by KRS 138.165, 138.185 and 138.205.

(2) Any person who fails to supply the information required by subsection (8) of KRS 138.195 shall be fined not less than one hundred dollars ($100) nor more than two hundred dollars ($200) for the first offense; for each subsequent offense he shall be fined not less than two hundred and fifty dollars ($250) nor more than five hundred dollars ($500). These fines shall be in addition to any civil penalty provided by KRS 138.165, 138.185 and 138.205.

(3) Any person violating subsection (10) of KRS 138.195 or any regulations adopted thereunder, shall be fined not more than one thousand dollars ($1,000). This fine shall be in addition to any civil penalty provided by KRS 138.165, 138.185 and 138.205.

(4) Any person who makes a false entry upon any invoices or any record relating to the purchase, possession, transportation or sale of cigarettes, and presents any such false entry to the cabinet or any of its agents with the intent to avoid any tax imposed by KRS 138.130 to 138.205, shall be guilty of a felony and shall be imprisoned in the penitentiary for not less than one (1) nor more than two (2) years.

(5) Any person who shall counterfeit any cigarette tax evidence shall be guilty of a felony and imprisoned for not less than two (2) nor more than ten (10) years in the state penitentiary.

(6) Any person who sells, offers to sell or uses counterfeit cigarette tax evidence, affixed or unaffixed, with the intention of evading any tax imposed by KRS 138.130 to 138.205 shall be guilty of a felony and imprisoned for not less than two (2) or more than ten (10) years in the state penitentiary.

(7) Any person who fails to remit gasoline tax money to the state as provided in KRS 138.280 is guilty of embezzlement of state funds, and shall be fined not more than one thousand dollars ($1,000) or imprisoned in the county jail for not more than six (6) months, or both. Upon conviction of a second offense he shall be imprisoned for not less than one (1) year nor more than five (5) years in the state penitentiary.

(8) Any person who violates any of the provisions of KRS 138.300 shall be fined not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000), or imprisoned in the county jail for not more than six (6) months, or both. This penalty shall be in addition to the penalty provided in subsection (7) of this section.

(9) Any person who violates KRS 138.310 shall be fined not less than one hundred dollars ($100) nor more

than one thousand dollars ($1,000), or imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year, or both. Each day or part of day of doing business as a dealer without an uncanceled license shall be a separate offense.

(10) Any person who violates any of the provisions of KRS 138.460 *to* [~~or~~] 138.470 shall be fined not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000). If the offender is an individual, he may be imprisoned in the county jail for not more than six (6) months, or both so fined and imprisoned.

(11) Any person who violates any of the provisions of KRS 138.480 or 138.490 shall be fined not more than one thousand dollars ($1,000) or imprisoned in the county jail for not more than thirty (30) days, or both.

(12) If any offender under the provisions of subsections (1) to (9), (11) or (19) of this section is a corporation, the principal officer or the officer directly responsible for the violation, or both, may be imprisoned as provided in those subsections.

(13) Any person who violates any provision of subsection (1) of KRS 138.354, whether or not his permit has been revoked by the Kentucky board of tax appeals, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned not exceeding one (1) year, or both, in the discretion of the court.

(14) Any person, other than the holder of a refund permit, who shall knowingly violate any provision of KRS 138.343 to 138.355, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned not exceeding one (1) year, or both, in the discretion of the court.

(15) Any person who makes a false or fraudulent statement in an application made pursuant to KRS 138.342 for a refund of taxes provided by KRS 138.341 or who fraudulently obtains such a refund or who knowingly aids or assists in making such a false or fraudulent statement or claim for refund, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned not exceeding one (1) year, or both, in the discretion of the court.

(16) Any person violating any provision of KRS 138.630 shall be fined not more than one thousand dollars ($1,000) or imprisoned in the county jail for not more than six (6) months, or both. Upon conviction of a second offense, he shall be imprisoned for not less than one (1) year nor more than five (5) years in the state penitentiary.

(17) Any person violating any provision of KRS 138.655 to 138.725 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than nineteen dollars ($19.00) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment.

(18) In addition to the penalties provided in KRS 138.990 (17), the motor vehicle or vehicles of any person violating any provision of KRS 138.720 shall be subject to seizure by any officer duly authorized to enforce the provisions of KRS 138.655 to 138.725.

(19) Any person violating KRS 138.175 shall be confined in the penitentiary not less than two (2) nor more than five (5) years.

(20) Any person who intentionally evades payment of the tax imposed by KRS 138.460 or 138.463 shall be liable for the taxes evaded, with applicable interest and penalties, and in addition shall be guilty of:

(a) A Class B misdemeanor if the amount of tax evaded is two hundred fifty dollars ($250) or less; and

(b) A Class A misdemeanor if the amount of tax evaded is greater than two hundred fifty dollars ($250).

Section 7. KRS 186.010 is amended to read as follows:

(1) "Cabinet" as used in KRS 186.400 to 186.640 means the transportation cabinet; except as specifically designated, "cabinet" as used in KRS 186.020 to 186.270 means the transportation cabinet only with respect to

motor vehicles, other than commercial vehicles; "cabinet" as used in KRS 186.020 to 186.270 means the department of vehicle regulation when used with respect to commercial vehicles.

(2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

(3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten (10) new motor vehicles.

(4) "Motor vehicle," means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. Motor vehicle shall not include a moped as defined in this section.

(5) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

(6) "Operator" means any person in actual control of a motor vehicle upon a highway.

(7) "Owner" means a person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease, with *the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a period of three hundred sixty-five (365) days or more* [~~the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee~~], or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.

(8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.

(b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires.

(9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses.

(10) "Dealer" means any person engaging in the business of buying or selling motor vehicles.

(11) "Commercial vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, side car attachments and motor vehicles registered under KRS 186.060.

(12) "Resident" means any person who has taken up a place of abode within this state; or any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date on which his motor vehicle is registered or required to be registered in Kentucky; or any person maintaining a place of abode in this state for gainful employment; provided, however, that the transportation cabinet may promulgate regulations exempting any person temporarily maintaining a place of abode in Kentucky, including full-time student at Kentucky colleges and universities, from any requirement imposed by this chapter upon residents as defined in this chapter. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima facie evidence that the operator is a resident of Kentucky.

Section 8. KRS 154.690 is amended to read as follows:

(1) The provisions of KRS Chapter 141 notwithstanding, gains from the sale of qualified property within a zone shall be exempt from state income taxes.

(2) The provisions of KRS Chapter 141 notwithstanding, all interest payments on loans made to qualified businesses or on mortgage loans on any property within a zone shall be exempt from all state taxes, provided that such loans were made after the zone was officially designated.

(3) The provisions of KRS Chapter 139 notwithstanding, building materials used in remodeling, rehabilitation or new construction in a zone and new and used equipment and machinery purchased by qualified businesses for use in the zone, certified by the purchaser to be used for these purposes, shall be exempt from sales and use tax.

(4) The provisions of KRS 138.460 notwithstanding, motor vehicles purchased and *operated exclusively from the business location within the zone* [~~used~~] by qualified businesses, shall be exempt from the motor vehicle usage tax. *Motor vehicles leased or rented from locations outside the zone shall not be exempt from the motor vehicle usage tax.*

(5) The provisions of KRS Chapter 141 notwithstanding, for state tax purposes, qualified businesses may carry forward their net operating losses, including casualty losses, for so long as the zone in which they are located shall be designated.

(6) For the purposes of KRS 154.650 to 154.700, qualifying buildings and structures within a zone shall be eligible for the moratorium on property taxes provided by Section 172B of the Constitution.

(7) The provisions of KRS Chapter 132 notwithstanding, any city, county or urban-county government may, by act of the governing body of appropriate jurisdiction, adopt, for the purposes of revenues received by such city, county or urban-county government, an annual ad valorem tax rate on qualified property with a zone of one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value.

Section 9. KRS 186.020 is amended to read as follows:

(1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with regulations issued by the cabinet, except that a person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from another state shall make application for registration within *fifteen (15)* [~~ten (10)~~] days. The bill of sale or assigned title must be in the motor vehicle during this *fifteen* [~~ten~~]-day period. If the owner of a motor vehicle is an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he resides. If the owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of either such county. The application when presented to the county clerk for registration shall be accompanied by:

(a) A bill of sale and a manufacturer's certificate of origin if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

(e) An affidavit from an officer of a local government saying that the motor vehicle has been abandoned and that the provisions of KRS 82.630 have been complied with, for local governments which elect to use the provisions of KRS 82.600 to 82.640.

(2) (a) After that, the owner of any motor vehicle registered under KRS 186.050(1) shall register his motor vehicle on or before the date on which his certificate of registration expires. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet.

(b) After that, the owner of any motor vehicle registered under KRS 186.050(2) shall register his motor vehicle on or before March 1 of each year. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet.

(3) After that, the owner of any commercial vehicle registered under KRS 186.050(3) through (14) shall register his commercial vehicle on or before April 1 of each year. If, before operating such commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet.

(4) The application and documents presented therewith, including the sheriff's certificate of inspection, shall be affixed to the transportation cabinet copy of the certificate of title or registration and sent to the transportation cabinet by the clerk.

Section 10. KRS 186.070 is amended to read as follows:

(1) *(a)* Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and branch office or sub-agent or agency is located, and pay an annual registration fee of twenty-five dollars ($25.00) to each clerk. Upon receipt of this fee, the clerk shall issue the manufacturer or dealer a certificate of registration and one (1) dealer plate. Every manufacturer or dealer registered under this section shall be furnished additional dealer's plates upon the payment of twelve dollars and fifty cents ($12.50) for each plate so desired. One dollar ($1.00) shall be retained for each plate so desired. A motor vehicle bearing dealer's plates may be used on the highways *only* by the licensed dealer or by a bona fide salesman or employe of the dealer [~~at all times~~], or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highways of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles. Any dealer in motor vehicles may allow any bona fide customer or the customer's employes to use the dealer's tag on the motor vehicle that is being demonstrated. This provision shall be limited to one (1) trip or demonstration to the same prospective customer. License plates issued under this section shall expire on December 31. *As used in this section, ''bona fide salesman or employe'' means a licensed salesman, or an employe, who is actively engaged in and devotes a substantial part of his time to the conduct of the dealer business.*

(b) A vehicle bearing a dealer plate, except when such vehicle is being transported to that dealer's place of business from a manufacturer, must have, in the case of a new motor vehicle, a ''monroney'' sticker attached to the vehicle, or, in the case of a used motor vehicle, a federal trade commission buyer's guide sticker attached to the vehicle.

(2) *(a)* Each manufacturer and dealer when making application for dealer's plates shall file a verified statement *on at least a quarterly basis* with the clerk, giving the name, [~~and~~] address *and social security number* of each *dealer, and* [~~member of the firm and~~] each bona fide salesman or employe entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employe so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesmen or employes are employed, an amended verified statement showing their names and addresses shall be filed with the clerk so that the records in the clerk's office will at all times show the bona fide salesmen and employes actually in the service of the registered dealer or manufacturer.

(b) The names of each dealer and each bona fide salesman and employe shall be entered by the clerk into the AVIS where it will be readily available to law enforcement agencies. Such information shall be entered by the clerk immediately after each quarterly filing of the verified statement by the dealer.

(c) Any person who is hired as a driver by a motor vehicle dealer for the limited, specific purpose of transporting a motor vehicle to or from that dealer's place of business shall be authorized, for that purpose only, to operate a motor vehicle bearing a dealer plate. For the purpose of such operation, the dealer shall

provide to that driver a permit, provided by the transportation cabinet, such permit to be valid for no longer than five (5) days from the date of issuance. No fee shall be charged for such permit.

(3) The license of any dealer or manufacturer may be revoked by the transportation cabinet for the violation of any of the provisions of this section. Such manufacturer or dealer shall be given an opportunity to be heard in defense of the charge that he has violated any of the provisions of this section and the transportation cabinet shall adopt and promulgate rules and regulations governing the procedure for such revocation. Provided, however, That any manufacturer or dealer whose license is so revoked may prosecute an appeal to the Kentucky board of tax appeals as provided by law. Such manufacturer or dealer whose license has been suspended is prohibited from engaging in the business of selling or buying motor vehicles. The license of any manufacturer or dealer shall be revoked for a period of one (1) year and his dealer's plates canceled in the event he violates any of the provisions of this section during this suspension period or has been suspended by the cabinet more than twice for violations of this section. At the end of the revocation or suspension period the manufacturer or dealer whose license has been revoked or suspended and dealer's plates canceled may follow the provisions of this section and again be registered and secure dealer's plates from the clerk.

(4) The transportation cabinet shall be responsible for the administration of this section, *except for the normal responsibilities of law enforcement agencies,* and is empowered to promulgate rules and regulations pertaining to the administration thereof.

Section 11. KRS 186.150 is amended to read as follows:

(1) No resident operating a motor vehicle on the highways, shall secure or license the motor vehicle in any state other than Kentucky *unless so licensed in conformity with a motor vehicle reciprocal arrangement or under the international registration plan* [~~, with intent to defraud this state of the license tax~~].

(2) The use of a license of any state other than Kentucky by a resident of this state on his car driven over Kentucky highways shall be prima facie evidence of guilt.

Section 12. KRS 186.170 is amended to read as follows:

(1) Except as provided in this subsection and in KRS 186.045, the owner shall have the receipt issued by the cabinet through the county clerk constantly in his possession, and shall display the registration plate conspicuously upon the rear of the motor vehicle, except that the registration plate upon a semitrailer-tractor shall be displayed upon the front of the tractor. The owner's copy, or a reproduced copy thereof, of the registration receipt of every motor vehicle, *except motorcycles,* licensed under [~~subsections (3) through (14) of~~] KRS 186.050 shall be kept in the vehicle at all times and shall be available for inspection. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030. If the cabinet has prescribed that plates shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year. It shall be the duty of the owner to attach same in the prescribed manner and no person may operate a motor vehicle unless such insignia is so affixed upon it. The cabinet shall have placed on said insignia either figures, letters, writing, marks or a combination thereof, which indicate that the motor vehicle has been registered and which in conjunction with the records of the cabinet make identity of the registrant readily ascertainable.

(2) The registration year for commercial vehicles, trailers, semitrailers, mobile homes, and recreational vehicles shall be from April 1 to March 31. The registration year for vehicles registered under the provisions of KRS 186.050(2) shall be January 1 to December 31.

Section 13. KRS 186.230 is amended to read as follows:

The county clerk shall see that KRS 186.005 to 186.260 in his county are enforced. In so doing, he shall:

(1) Take all applications as provided in KRS 186.005 to 186.260;

(2) Issue the receipts on blanks furnished by the cabinet;

(3) Collect the fees due the state;

(4) Distribute the registration plates furnished by the transportation cabinet and department of vehicle regulation and keep a complete public record of all registrations for his county, in his office;

(5) Report and remit each Monday to the transportation cabinet all moneys collected during the previous week, together with a duplicate of all receipts issued by him during the same period. He shall make all checks payable to the state treasurer. Unless the clerk forwards duplicates of all receipts issued by him during the reporting period with his report and remits the amount shown due by the report within seven (7) days after the report and remittance are due, he shall pay a penalty of one percent (1%) per month or fraction thereof on the amount of money shown to be due on the report. The cabinet may in its discretion grant a county clerk a reasonable extension of time to file his report and remit all moneys not to exceed ten (10) days for any one report. The extension however must be requested prior to the end of the seven-day period and shall begin to run at the end of said period. All penalties collected under this provision shall be paid into the state treasury as a part of the revenue collected under KRS 186.005 to 186.260;

(6) The clerk shall mail to the transportation cabinet one (1) duplicate of all receipts issued by him within two (2) weeks of the date of issuance. The transportation cabinet shall make the receipts pertaining to commercial vehicles available to the department of vehicle regulation for use in assimilating data therefrom;

(7) Account to the transportation cabinet for all registration plates and receipt forms consigned to him, at such time or times as the transportation cabinet may direct, and give the appropriate cabinet timely notice of a probable deficiency of plates or other supplies;

(8) Any county clerk, who in collecting the taxes and fees due the state or county clerk, accepts in payment thereof a check which is not honored upon presentment, shall have a lien on the vehicle for the amount of such check. This lien shall be subordinate to any prior perfected lien, either contractual or statutory;

(9) No person shall be permitted to sell, trade or transfer ownership of a motor vehicle if evidence is presented to the county clerk that any lien exists on the motor vehicle.

(10) The county clerk shall not issue to any manufacturer or dealer any registration plate other than a manufacturer's or dealer's plate, except when the dealer registers a motor vehicle under a U-Drive-It permit without collecting designated registration fees and applicable taxes.

Section 14. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045(5), 186.050, 186.056, 186.060, [~~186.070,~~] 186.110, 186.130, 186.140, [~~186.150,~~] 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than twenty dollars ($20.00) nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than twelve dollars ($12.00) nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the cabinet.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate *or renewal decal* shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

(7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class A misdemeanor.

(8) Any person who makes a false affidavit to secure a license plate under KRS 186.172 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for a period of six (6) months.

(9) Any person who transports coal in violation of any provision of KRS 186.057 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense.

(10) Any person who violates any provision of KRS 186.070 or 186.150 shall be fined not less than twenty dollars ($20) nor more than one thousand dollars ($1,000).

(11) Any person who operates a vehicle bearing a dealer's plate upon the highways of this Commonwealth with intent to evade the motor vehicle usage tax or registration fee shall be guilty of a Class A misdemeanor.

(12) Any person, other than a licensed dealer or manufacturer, who procures a dealer's plate with intent to evade the motor vehicle usage tax or registration fee shall be guilty of a Class D felony.

(13) Any resident who unlawfully registers, titles or licenses a motor vehicle in any state other than Kentucky with intent to evade the motor vehicle usage tax or the registration fee shall be guilty of a Class A misdemeanor and in addition shall be liable for all taxes so evaded with applicable interest and penalties.

Section 15. Such administrative expenses for the administration of Sections 3 through Section 7 of this Act shall be appropriated to the transportation cabinet as determined to be necessary by the cabinet. Any additional employes deemed necessary by the transportation cabinet for the administration of Sections 3 through Section 7 of this Act shall not be deemed a violation of numerical employe limits that may be imposed by the 1986 General Assembly.

Section 16. The provisions of Sections 3, 4, 6 and 7 of this Act shall be effective January 1, 1987. The provisions of Section 5 of this Act shall be effective as to all vehicles registered on or after January 1, 1987.

Section 17. KRS 186.076, Revocation of license for failure to transfer registration, is repealed.

The Committee Amendment No. 1 to SB 372 is as follows:

Amend printed copy of GA copy of SB 372:

On page 6, beginning on line 7, by removing the brackets and strike from the phrase "or lease";

On page 16, line 11, by inserting after the word "*more*" the following underlined phrase "*and with*"; and by removing the brackets and strike through from the following language beginning on line 11, "the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee"; and,

On page 30, line 20, by inserting a comma "," following the word "*permit*";

On page 19, beginning on line 6, by deleting the following underlined phrase "*operated exclusively from the business location within the zone*";

line 7, by removing the brackets and strike through from the word "used";

Beginning on line 9, by deleting the following underlined sentence: "*Motor vehicles leased or rented from locations outside the zone shall not be exempt from the motor vehicle usage tax.*"

On page 30, line 19, by inserting following the word "*plate*" the underlined phrase "*or registration plate which is under a dealer assignment pursuant to KRS 186A.230,*".

The following members requested that the rules be suspended to allow recording of votes. All requests were agreed to.

Representative Ellington, "yea" on HB 347, "yea" on HB 881; Representative Freibert, change from "yea" to "nay" on SB 220, change from "yea" to "nay" on HB 512; Representative J. Harper, change from "yea" to "nay" on HB 809, "nay" on HB 382; Representative Lyne, change from "yea" to "nay" on HB 546; Representative Reinhardt, change from "nay" to "yea" on SB 266.

Representative Morris moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Morris moved the adoption of the following HR 167:

HR 167, A RESOLUTION honoring the Second Annual Bluegrass State Games.

WHEREAS, the finals of the Second Annual Bluegrass State Games are scheduled to be held August 1st through the 3rd in Lexington, Kentucky; and

WHEREAS, the Bluegrass State Games are a nonprofit effort privately sponsored to promote amateur athletics for Kentuckians of every age and skill level; and

WHEREAS, the Bluegrass State Games are designed to give every Kentuckian who wishes to compete an opportunity to take part in his or her chosen sport, as well as providing our best amateur athletes an opportunity to demonstrate their Olympic potential; and

WHEREAS, the Honorable Governor Martha Layne Collins initiated the First Annual Bluegrass State Games which attracted over 20,000 athletes who competed in six sports: bowling, equestrian, soccer, softball, tennis, and track and field; and

WHEREAS, the First Annual Bluegrass State Games were successful beyond all expectations due to the dedication of the many volunteers who helped make the Games a reality, with Kentucky ranking second overall in the country for the number of participants and ranking first nationally for a first year state; and

WHEREAS, the participants of last year's games ranged in age from the youngest of six years of age to the eldest of 87 years of age; and

WHEREAS, the Kentucky State Games' program is one of the leading state games' programs to have mainstreamed athletic competition for people with disabilities and for seniors; and

WHEREAS, the Second Annual Bluegrass State Games has been expanded to include archery, canoeing and kayaking, cycling, diving, gymnastics, roller speed skating, swimming, volleyball and shooting, in addition to bowling, equestrian, soccer, softball, tennis and track and field events; and

WHEREAS, the Bluegrass State Games are indebted to the generosity of the founding sponsor Valvoline Motor Oil, as well as to Coca-Cola, the Silver Medal sponsor and C.S.X., sponsor of the Bronze Medal; and

WHEREAS, these goals are realized through the Bluegrass State Games: Kentuckians of all ages and skill level are provided with a wholesome avenue for positive personal development through amateur sports and physical activity; the grass roots amateur athlete is promoted and given a direct boost to the U.S. Olympic effort; the Games provide a source of recognition for amateur athletes; Kentuckians are given the opportunity to utilize some of the state's finest athletic facilities; an amateur sports network is created of administrators and volunteers throughout the state; athletes are encouraged to enter organized competition; and all amateur sports are promoted not just the more popular Olympic sports;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly honors the thousands of Kentuckians who will participate in the Second Annual Bluegrass State Games and extends its sincerest best wishes to the many athletes who will compete in the finals of the Games August 1st through the 3rd in Lexington.

Section 2. That the members of this honorable body commend the diligence and devotion of Governor Martha Layne Collins and the extensive statewide network of volunteers who have made the Bluegrass State Games an exemplary competition for amateur athletes.

Section 3. That the House of Representatives of the General Assembly of the Commonwealth of Kentucky hereby urges all Kentuckians to actively participate in the Bluegrass State Games and to promote the continued tradition of amateur athletic excellence and competition throughout this great state.

Section 4. That the House equally encourages all facets of the private sector to follow the superlative example set by Valvoline, Coca-Cola and C.S.X. in supporting and sponsoring the Kentucky Bluegrass State Games.

Section 5. That the Clerk of the House is directed to transmit a copy of this resolution to Ann Coffey, Chairwoman for Public Relations and Promotions of the 1986 Bluegrass State Games, Office of the Governor, Room 109 of the State Capitol.

HR 167 was adopted by voice vote.

Representative Deskins moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Deskins moved the adoption of the following HR 169:

HR 169, A RESOLUTION congratulating Pikeville High School's Boys' Varsity Cheerleaders.

WHEREAS, the Pikeville High School's Boys' Varsity Cheerleading squad has had a season of great accomplishment; and

WHEREAS, this outstanding group won the National Cheerleaders Award of Excellence at the NCA summer camp in 1985 at the University of Kentucky; and

WHEREAS, they also were named the 59th District-at-Large KAPOS winner in Pikeville, the 59th District Tournament and the 15th Regional Tournament Winner; and

WHEREAS, at the NCA High School National Championships in December, 1985, in Orlando, Florida, this group placed 25th out of 86;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House honors this outstanding squad of cheerleaders and wishes them well in all their future endeavors.

Section 2. That copies of this resolution be sent to Pikeville High School for Lynn Venters, Captain, Melanie Fletcher, Co-Captain, Jodi Bevins, Co-Captain, Meredith Fletcher, Kim Osborne, Sarah Childers, Alisha Tacket, Ashby Hall, Jennifer Swartz, Stacie Walters, Charla Francis, and Katie Baird, and their sponsor, Jeanie Stone.

HR 169 was adopted by voice vote.

Representative Bruce moved that the three-day posting requirement on SB 370 and SB 379 be waived. Agreed.

Representative Meyer moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Meyer moved the adoption of the following HR 171:

HR 171, A RESOLUTION honoring Dr. David Lusk, Superintendent of the Covington Board of Education.

WHEREAS, Dr. David Lusk, Superintendent of the Covington Board of Education, was awarded the prestigious F. L. Dupree Award on Sunday, March 2, 1986 during the Annual Convention of the Kentucky School Boards Association; and

WHEREAS, Dr. David Lusk was the 17th recipient of the F. L. Dupree Award, which is given in memory of Fred Dupree's father, who was an investment banker and longtime member of the school board in London, Kentucky; and

WHEREAS, The Dupree Award is bestowed annually to the most innovative superintendent in the state, selected by a committee from over twenty nominees; and

WHEREAS, Dr. David Lusk was nominated for the Dupree Award by the Covington Education Association, Northern Kentucky University, Covington Mayor Thomas L. Beehan and the Covington Parents Teachers Association; and

WHEREAS, Dr. David Lusk was selected for this prestigious award for his innovative and progressive programs in vocational education, remedial education, programs for gifted students and the institution of competency testing for high school students prior to graduation; and

WHEREAS, a longtime educator, Dr. David Lusk began teaching in Paducah, Kentucky and became Assistant Dean of Education at Murray State University in 1974; and

WHEREAS, Dr. Lusk served as Assistant Superintendent of Education in school systems in Jacksonville, Florida and Roanoke, Virginia before assuming the role of superintendent of the Covington Board of Education in 1979; and

WHEREAS, Dr. David Lusk is a loving husband to his wife Lila and a devoted father to his son David, Jr.;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly honors Dr. David Lusk upon the occasion of winning the F. L. Dupree Award and commends him for his dedication to excellence in education.

Section 2. That the members of this honorable body praise Dr. David Lusk for his devotion to the youth of the Commonwealth and proclaim Dr. Lusk to be an outstanding citizen, exemplary representative and goodwill ambassador of the great state of Kentucky.

Section 3. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Monday, March 24, 1986, it does so in honor of Dr. David Lusk.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to Dr. David Lusk, Superintendent of the Covington Board of Education, Covington Public Schools, 25 East Seventh Street, Covington, Kentucky 41011.

HR 171 was adopted by voice vote.

Representative Rose moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Rose moved the adoption of the following HR 164:

HR 164, A RESOLUTION adjourning the House of Representatives in honor of the internationally popular "Alabama" (Randy Owen, Jeffrey Cook, Teddy Gentry, and Mark Herndon).

WHEREAS, Alabama is known around the world for artistic excellence and dedication to improving the quality of life for their fellow man through numerous charitable and civic contributions; and

WHEREAS, Alabama has twenty-four hit singles and eight albums, two certified platinum, and two certified quadruple platinum; and

WHEREAS, Alabama is the first band to have won the Country Music Association's esteemed "Entertainer of the Year" award, and moreover, has won this prestigious award for three consecutive years, 1982, 1983, and 1984; and

WHEREAS, Alabama has earned two Grammy awards for its songs, "Mountain Music," in 1983, and "The Closer You Get," in 1984; and

WHEREAS, Alabama has received seven American Music Awards, including "Country Group of the Year," in 1984 and 1985, and "Favorite Country Group," in 1983; and

WHEREAS, Alabama has received nine Country Music Association Awards, ten Academy of Country Music Awards, twenty-three Billboard Awards, and twenty-four Cash Box Awards; and

WHEREAS, Alabama was the top-drawing concert act at Rupp Arena during 1985;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives proudly extends the hospitality of the Commonwealth to Randy Owen, Jeffrey Cook, Teddy Gentry, and Mark Herndon, artists and musicians extraordinaire.

Section 2. That this honorable body hails Randy Owen, Jeffrey Cook, Teddy Gentry, and Mark Herndon for their commitment and dedication to excellence in the fields of music and entertainment and for the benevolent and caring contributions to many charitable and civic causes.

Section 3. That the House commends Randy Owen, Jeffrey Cook, Teddy Gentry, and Mark Herndon for their devotion to their countless fans and for the immeasurable contributions they have made to those in need around the world.

Section 4. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Friday, March 21, 1986, it does so in honor of Alabama—Randy Owen, Jeffrey Cook, Teddy Gentry, and Mark Herndon.

Section 5. That the Clerk of the House is directed to transmit a copy of this resolution to the members of Alabama through legislative staff on the evening of March 23, 1986.

HR 164 was adopted by voice vote.

Representative Noe moved that the three-day posting requirement on SB 314, SB 367, and SCR 98 be waived. Agreed.

Representative Guenthner moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Guenthner moved the adoption of the following HR 173:

HR 173, A RESOLUTION honoring John Downard of the Legislative Research Commission staff.

WHEREAS, John Downard has served on the Legislative Research Commission staff during the 1986 Session as an aide assigned to over 25 legislators; and

WHEREAS, John Downard has faithfully and expeditiously fulfilled each and every request made of him; and

WHEREAS, John Downard exemplifies the conscientious and dedicated service rendered by the entire LRC staff; and

WHEREAS, John Downard's anticipation of the needs of legislators and his alert attention to fulfilling those needs has made the jobs of those legislators to whom he was assigned easier and thus more effective;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That John Downard be and he is hereby commended for a job well done.

Section 2. That a copy of this resolution be delivered to John Downard by the Clerk of the House of Representatives and a copy of the same be forwarded to the Legislative Research Commission.

HR 173 was adopted by voice vote.

Representative Burch moved that the three-day posting requirements on SB 291 be waived. Agreed.

Representative Johnson moved that the three-day posting requirement be waived on SB 337. Agreed.

Representative Bennett moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Bennett moved the adoption of the following HR 170:

HR 170, A RESOLUTION relating to international trade.

WHEREAS, the internationalization of the domestic economy has prompted many state governments to become very active in international trade promotion and trade assistance; and

WHEREAS, the Commonwealth of Kentucky has been and continues to be highly involved in international trade promotion and development; and

WHEREAS, a worsening foreign trade deficit and the loss of domestic industries to foreign markets has raised serious questions as to how long Kentucky producers and businesses will continue to be competitive in foreign markets; and

WHEREAS, it is the policy of the state to promote the general welfare and to promote increased job opportunities through stimulating the expansion of international markets for products and services from this state; and

WHEREAS, there is a need recognized by members of the General Assembly of the Commonwealth of Kentucky to become better informed about international trade issues affecting this state, and to carefully examine state programs designed to address these issues;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is directed to carefully and to fully examine the major foreign trade issues affecting Kentucky producers and businesses. Furthermore, the Commission is directed to examine and study current state programs geared toward attracting foreign investments to Kentucky and attracting domestic businesses and producers to international markets.

Section 2. That the Commission shall appoint a special task force on international trade and development to assist in the conduct of this study. The task force shall comprise six (6) members of the Senate and nine (9) members of the House of Representatives. Co-chairpersons shall be selected from those appointed.

Section 3. That the Kentucky Commerce Cabinet and other agencies of state government involved in foreign trade programs be directed to cooperate with the task force.

Section 4. That the task force shall report its findings and any recommendations to the Commission on or before October 31, 1987.

Section 5. Staff services to be utilized in this study are estimated to cost $10,000 and are to be provided by the Commission from its regular budget, subject to the limitations and other research responsibilities of the Commission.

HR 170 was adopted by voice vote.

Representative Keith moved the adoption of the following Legislative Citation No. 61:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates John and Grace Thomas on their 50th wedding anniversary.

WHEREAS, marriage is a strong commitment between two people that requires dedication and sacrifice;

WHEREAS, John and Grace have survived world wars and other military actions;

WHEREAS, John and Grace maintained stability through fluctuating economic conditions; and

WHEREAS, during their 50 years of matrimony have reared three beautiful children; George, Daniel, and Larry Thomas.

We salute John and Grace Thomas for reaching a milestone in their marriage and wish them many more prosperous years. (Sponsored by Representative Keith)

Announcements

The following meetings were announced:

Committee on Health and Welfare: March 25, 1986, 11:00 a.m., Room 103.

Committee on Labor and Industry: No meeting on March 25, 1986.

Committee on Education: March 25, 1986, 10:00 a.m., Room 109.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Tuesday, March 25, 1986.

On the roll call the vote was yeas 67—Bendl, Bennett, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Clarke, Crupper, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gregory, Guenthner, Hancock, J. Harper, K. Harper, Head, Hines, Holloway, Keith, Kerr, Lear, Lefevers, Long, Lyne, Mack, Maggard, McBee, McElroy, McNutt, Meyer, Morris, Napier, Noe, Noland, Pearman, Preston, Priddy, Pritchett, Rapier, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Siler, Stewart, Stone, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 4 — Cowan, Handy, Holbrook, LeMaster.

The motion to adjourn was adopted.

TUESDAY, MARCH 25, 1986

FIFTIETH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend John Callaway, First Presbyterian Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 24, 1986, be dispensed with and the same approved.

Senate Message

Announcing passage of SB 62, SB 339, SB 359, HB 172, with Senate Committee Substitute and Senate Amendment, HB 224 with Senate Amendment, HB 238 with Senate Committee Substitute and Senate Amendment, HB 526 with Senate Amendment, HB 677 with Senate Amendments, HB 29, HB 135, HB 298, HB 348, HB 438, HB 444, HB 507, HB 527, HB 569, HB 604, HB 608, HB 611, HB 628, HB 685, HB 687 and HB 772.

Report of Committees

The Committee on Education reported SB 117 and SCR 98 with Committee Substitute and Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 117, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.175 is amended to read as follows:

(1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.

(2) By August 1, 1980, the board of education of each public local school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day. *Included in the policy shall be a plan for incorporating into the social studies curriculum instruction concerning the proper display of and respect for the flag of the United States and the flag of Kentucky.*

SCR 98, A CONCURRENT RESOLUTION directing a study of high school graduation requirements.

WHEREAS, the General Assembly has made educational improvement a high priority; and

WHEREAS, at least twenty states currently require some type of test for high school graduation; and

WHEREAS, little is known concerning the real benefits and problems related to such testing.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Interim Joint Committee on Education shall conduct a study of the requirements for graduating from high school in Kentucky, with emphasis on examining the feasibility of requiring students to pass a test prior to graduation.

Section 2. The Committee shall report its findings to the Legislative Research Commission no later than November 1, 1987.

Section 3. Staff services to be utilized in the study are estimated to cost $10,000 and shall be provided from the regular commission budget subject to the limitations of other research responsibilities of the commission.

The Committee Substitute to SCR 98 is as follows:

SCR 98, A CONCURRENT RESOLUTION directing a study of high school graduation requirements.

WHEREAS, the General Assembly has a constitutional obligation to provide for an efficient system of common schools throughout the state; and

WHEREAS, the General Assembly has a responsibility to insure that our schools have the financial resources available to provide a quality public education program; and

WHEREAS, there have been no significant structural changes in our method of financing education in a number of years;

WHEREAS, the General Assembly has made educational improvement a high priority; and

WHEREAS, at least twenty states currently require some type of test for high school graduation; and

WHEREAS, little is known concerning the real benefits and problems related to such testing.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That there is hereby established a Task Force on School Finance. The Legislative Research Commission shall appoint fifteen (15) members who shall be noted school finance and education leaders including five (5) members of the General Assembly. The Director of the Legislative Research Commission shall call the first meeting of the Task Force at which time a chairman shall be elected. The Task Force shall be authorized to contract with consultants as necessary.

Section 2. That the Task Force on School Finance shall recommend guidelines for an efficient system of elementary and secondary schools in Kentucky and the method by which it should be financed. These recommendations shall be submitted to the Governor and the 1988 General Assembly no later than November 1, 1987. The Task Force's study shall include, but not be limited to, the following:

(1) An analysis of the local, state and federal funds available to local school districts;

(2) An analysis of the present state method of allocating funds to school districts;

(3) An analysis of the major education studies' recommendations concerning school finance; and

(4) An analysis of other methods of allocating funds for education.

Section 3. That the Interim Joint Committee on Education shall conduct a study of the requirements for graduating from high school in Kentucky, with emphasis on examining the feasibility of requiring students to pass a test prior to graduation.

Section 4. The Committee shall report its findings to the Legislative Research Commission no later than November 1, 1987.

Section 5. Staff services to be utilized in the Task Force on School Finance study are estimated to cost

$20,000 and in the high school study are estimated to cost $10,000. These services shall be provided from the regular commission budget subject to the limitations of other research responsibilities of the commission.

The Committee Title Amendment No. 1 to SCR 98 is as follows:

Amend printed copy of GA Copy of SCR 98:

By amending the title to read as follows:

"A CONCURRENT RESOLUTION directing studies of education."

The Committee on Health and Welfare reported SB 148 and SB 291 with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 148, AN ACT relating to medical assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 205.510 to 205.630 IS CREATED TO READ AS FOLLOWS:

(1) No applicant for or recipient of benefits under the Kentucky medical assistance program, or a person acting in behalf of the applicant or recipient, shall transfer income, property or assets or take legal action with the intent and for the purpose of qualifying or remaining qualified for benefits under the Kentucky medical assistance program.

(2) No applicant for or recipient of benefits under the Kentucky medical assistance program, or a person acting in a fiduciary capacity in behalf of the applicant or recipient, shall intentionally make any misrepresentation, or false or misleading statement on an application for medical assistance. Applicants or recipients, or persons acting in their behalf, shall sign a statement that all representations made on the application are true to the best of their knowledge and belief, and shall be advised of the penalties under this Act.

Section 2. KRS 205.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 205.170 or 205.175 shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200) or imprisoned for not more than six (6) months or both.

(2) Any person who wilfully violates any of the provisions of KRS 205.310, or any rule or regulation thereunder, shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), or imprisoned for not more than thirty (30) days, or both. Each failure or violation shall constitute a separate offense.

(3) *Any person who violates any provision of Section 1 of this Act shall be guilty of a Class D felony and shall, in addition, make payment to the cabinet in the amount of all benefits and payments made to which the person was not entitled.*

(4) Any person who violates the provisions of subsections (1), (2) and (3) of KRS 205.850 shall be guilty of a Class D felony.

(5)[~~(4)~~] Any person who violates subsection (4) of KRS 205.850 shall be guilty of a Class A misdemeanor unless the sum total of benefits or payments claimed in any such application, claim, report or document, or in any combination or aggregation thereof, is valued at one hundred dollars ($100) or more in which case it shall be a Class D felony.

(6)[~~(5)~~] Any person who violates the provisions of subsection (5) of KRS 205.850 shall be guilty of a Class C felony.

(7)[~~(6)~~] Any person who violates subsections (1) to (6) of KRS 205.850 shall, in addition to any other penalties provided by law, forfeit and pay a civil penalty [~~of:~~

~~(a) Payment~~] to the cabinet in the amount of all benefits and payments to which the person was not entitled.

(8)[~~(7)~~] Any provider who violates subsections (1) to (6) of KRS 205.850 shall, in addition to any other penalties provided by law, including the penalty set forth in *subsection (7) of this section* [~~KRS 205.990(6)~~], forfeit and pay civil penalties of:

(a) Payment to the state treasury's general revenue fund in an amount equal to three (3) times the amount of such benefits and payments to which the person was not entitled; and

(b) Payment of all reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section.

SB 291, AN ACT relating to the practice of nursing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 314.041 is amended to read as follows:

(1) An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant is in good physical and mental health; has completed at least an approved four-year high school course of study or the equivalent thereof; and has completed the basic curriculum for preparing registered nurses in an approved school of nursing and holds a diploma therefrom.

(2) An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Application for licensure by examination must be received by the board at such time as prescribed by regulation by the board. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

(3) The board shall meet for the purpose of conducting examinations of applicants for licensure as registered nurses at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two (2) newspapers with statewide circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of nursing in this state at least sixty (60) days prior to the examination.

(4) The board may issue a license to practice nursing as a registered nurse to an applicant who has passed the state board test pool exam or an equivalent examination approved by the board and been licensed as a registered nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant is qualified to practice professional nursing in this state.

(5) The applicant for licensure to practice as a registered nurse shall pay a licensure application fee, and examination fees if applicable, as set forth in a regulation by the board.

(6) Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice as a registered nurse unless licensed under this section.

(7) Those persons previously licensed by the board and not engaged in the practice of nursing in the Commonwealth of Kentucky, but desiring to maintain the right to use the title "R.N." may apply and be granted such inactive status by the board in accordance with regulations promulgated by the board. Such inactive status shall *be renewed at least biennially* [~~require a yearly renewal~~] and those persons granted inactive status shall not be governed by the continuing education provisions contained in this chapter. A registered nurse on inactive status may petition the board for a renewal of a license to actively practice and must complete the requirements as established in KRS Chapter 314 and by regulation of the board.

(8) Any person heretofore licensed as a registered nurse under the licensing laws of this state who has allowed such license to lapse by failure to renew may apply for reinstatement of such license under the provisions of this chapter.

(9) A license to practice registered nursing may be limited by the board in accordance with regulations promulgated by the board and as defined in this chapter.

Section 2. KRS 314.051 is amended to read as follows:

(1) An applicant for a license to practice as a licensed practical nurse shall file with the board a written application for a license verified by oath, that the applicant is in good physical and mental health and has completed at least an approved four (4) year high school course of study or its equivalent, and has completed the required educational program in practical nursing at an approved school of nursing and holds a diploma or certificate therefrom.

(2) The board shall meet for the purpose of conducting examinations of applicants for licensure as licensed practical nurses at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two (2) newspapers with statewide circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of practical nursing in this state at least sixty (60) days prior to the examination.

(3) The applicant for licensure to practice as a licensed practical nurse shall pay a licensure application fee, and examination fees if applicable, as set forth in a regulation by the board.

(4) An applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Application for licensure by examination must be received by the board at such time as prescribed by regulation by the board. Upon successfully passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

(5) The board may issue a license to practice as a licensed practical nurse to any applicant who has passed the state board test pool exam or an equivalent examination approved by the board and has been licensed or registered as a licensed practical nurse or a person licensed to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this state.

(6) Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L.P.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse. No person shall practice as a licensed practical nurse unless licensed under this chapter.

(7) Those persons previously licensed by the board and not engaged in the practice of nursing in the Commonwealth of Kentucky, but desiring to maintain the right to use the title "L.P.N." may apply and be granted such inactive status by the board in accordance with regulations promulgated by the board. Such inactive status shall *be renewed at least biennially* [~~require a yearly renewal~~] and those persons granted inactive status shall not be governed by the continuing education provisions contained in this chapter. A licensed practical nurse on inactive status may petition the board for a renewal of a license to actively practice and must complete the requirements as established in this chapter and by regulation of the board.

(8) Any person heretofore licensed as a practical nurse under the licensing laws of this state who has allowed such license to lapse by failure to renew may apply for reinstatement of such license under the provisions of this chapter.

(9) A license to practice practical nursing may be limited by the board in accordance with regulations promulgated by the board and as defined in this chapter.

Section 3. KRS 314.061 is amended to read as follows:

(1) Every license issued by the board shall [~~be signed and~~] have the seal of the board affixed. A licensee shall *sign his license, retain it in his possession, and* be prepared to exhibit his license or *board certification of licensure upon demand by an employer or anyone to whom the licensee offers nursing services, or any board or staff member of the Kentucky board of nursing* [~~a certified copy of it whenever required~~].

(2) Failure or refusal to produce a license or certification thereof upon demand shall be prima facie evidence that no such license exists.

Section 4. KRS 314.091 is amended to read as follows:

(1) The board shall have power to deny, limit, revoke, probate or suspend any license to practice nursing issued by the board or applied for in accordance with this chapter, or to otherwise discipline a licensee, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or

(b) Has been convicted of a misdemeanor or felony which involved acts that bear directly on the qualifications or ability of the applicant or licensee to practice nursing; or

(c) Has negligently or wilfully acted in a manner inconsistent with the practice of nursing; or

(d) Is unfit or incompetent to practice nursing by reason of negligence or other causes including but not limited to being unable to practice nursing with reasonable skill or safety; or

(e) Abuses use of controlled substances or has misused or misappropriated any drugs placed in the custody of the nurse for medication, or use of others; or

(f) Has falsified or in a repeatedly negligent manner made incorrect entries or failed to make essential entries on essential records; or

(g) Has a license to practice as a nurse denied, limited, suspended, probated or revoked in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated or revoked in this Commonwealth; or

(h) Has wilfully or repeatedly violated any of the provisions of this chapter.

(2) In all hearings for denial, limitation, probation, suspension or revocation of the license of a registered or practical nurse, the licensee shall be furnished with a copy of the charges and shall be given at least thirty (30) days to prepare defense, *except in the case of temporary suspension as set out in KRS 314.092.* The person charged shall be heard by the board or its designated hearing officer in person or by counsel or both, as may be desired. The presiding officer of the hearing may administer the oath in any manner arising in the course of duties. In the hearing the board may take oral or written proof for or against the aggrieved person. A suspended or revoked license may be reinstated at the discretion of the board, and in accordance with regulations promulgated by the board.

(3) The executive director may issue subpoenas to compel the attendance of witnesses and the production of documents. Said subpoenas may be enforced by circuit court as for contempt. Any order or subpoena of such court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

(4) The board, or any member thereof, may administer oaths, take testimony, hear proof and receive exhibits in evidence at the hearing.

(5) The board shall not be bound by technical rules of evidence.

(6) A stenographic record of the hearing shall be kept and a transcript thereof filed with the board.

(7) At all hearings on request of the board the attorney general of this state or one (1) of his assistants designated by him shall appear and represent the board.

(8) The decision of the board shall be by majority vote thereof.

(9) Any person adversely affected by any order of the board may obtain a review thereof by filing a written petition for review with the circuit court within thirty (30) days after the entry of said order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the board be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the executive director of the board and thereupon the executive director shall certify and file in the court a transcript of the record upon which the order complained of was entered. No new or additional evidence shall be introduced in the court except as to fraud or misconduct affecting the outcome of the case, but the court shall otherwise hear the case upon the record as attested by the executive director of the nursing board, and shall in all respects dispose of the appeal in a summary manner. Its review shall be limited to determine whether or not:

(a) The board acted without or in excess of its power;

(b) The order appealed from was procured by fraud or misconduct;

(c) Substantial evidence supports the order appealed from;

(d) The board's decision is supported by the law. The court may affirm, modify or set aside the board's order in whole or in part, or may remand the case to the board for further evidence, and may in its discretion, stay the effect of the board's order pending its determination of the case. The court's order shall have the force and effect of a decree in equity.

Section 5. KRS 314.101 is amended to read as follows:

(1) This chapter does not prohibit: The furnishing of nursing assistance in an emergency; the practice of nursing which is incidental to their program of study by individuals enrolled in nursing education programs and refresher courses approved by the board; [~~or~~] the practice of any legally qualified nurse of another state who is employed by the U.S. government or any bureau, division, or agency thereof while in the discharge of his or her official duties*; or the practice of any currently licensed nurse of another state whose responsibilities include transporting patients into, out of, or through this state.*

(2) Nothing in this chapter shall be construed as prohibiting care of the sick with or without compensation or personal profit when done in connection with the practice of the religious tenets of any recognized or established church by adherents thereof as long as they do not engage in the practice of nursing as defined in this chapter.

(3) A temporary work permit may be issued by the board to persons who have completed the requirements for, applied for and paid the fee for licensure by examination or endorsement. Temporary work permits shall be issued only for the length of time required to process applications for endorsement or to conduct and determine the results of examinations and shall not be renewed. No temporary work permit shall be issued to an applicant who has failed the licensure examination.

(4) *The board may summarily withdraw a temporary work permit upon determination that the person does not meet the requirments for licensure or has disciplinary action pending against his license in this or another jurisdiction.*

(5) A new graduate who holds a temporary work permit shall have the right to use the title "registered nurse applicant" and the abbreviation "RN App" or "licensed practical nurse applicant" and the abbreviation "LPN App" according to the type of permit issued.

(6)[~~(5)~~] Any nurse educated outside the U. S. who has passed the state board test pool examination or its equivalent as determined by the board or who has passed the commission on graduates of foreign nursing schools examination may be issued a *temporary* work permit.

Section 6. KRS 314.121 is amended to read as follows:

(1) The governor shall appoint a board of nursing consisting of eleven (11) members. Six (6) members shall be registered nurses licensed to practice in the Commonwealth. Three (3) shall be practical nurses licensed to practice in the Commonwealth. One (1) member shall be a nurse service administrator who is a registered nurse licensed to practice in the Commonwealth. One (1) member shall be a citizen at large, who is not associated with or financially interested in the practice or business regulated. Each appointment shall be for a term of four (4) years expiring on June 30 of the fourth year. *Each year two (2) registered nurse terms and one (1) licensed practical nurse term shall expire on June 30, except that every fourth year one (1) registered nurse term and one (1) consumer term shall expire on June 30.* By March 1 the Kentucky nurses association shall submit to the governor a list of members qualified for appointment, as R.N. members, in number not less than twice the number of appointments to be made, from which list the governor shall make each appointment or appointments necessary by July 1. By March 1, the Kentucky state association of licensed practical nurses shall submit to the governor a list of names qualified for appointment as L.P.N. members, in number not less than twice the number of appointments to be made, from which list the governor shall make each appointment or appointments as necessary by July 1. By March 1 of the year in which the nurse service administrator's term shall expire [~~and prior to May 1, 1983 for the initial term~~], the Kentucky society for hospital nursing service administrators, an affiliate of the Kentucky hospital association, shall submit to the governor two (2) names of

qualified individuals for appointment as the nurse service administrator from which list the governor shall make an appointment as necessary by July 1. [~~Each year two (2) registered nurse and one (1) licensed practical nurse terms shall expire on June 30.~~]

(2) A vacancy on the board shall be filled by the governor as provided for under subsection (1) of this section.

(3) The governor may remove any member from the board for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

(4) Each R.N. member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of nursing and a registered nurse in this state. All shall have had at least five (5) years of experience in nursing, three (3) of which shall immediately precede such appointment. Three (3) members shall be engaged in nursing practice; three (3) shall be engaged in nursing education; and one (1) shall be in nursing administration.

(5) Each L.P.N. member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of practical nursing or its equivalent, licensed as a licensed practical nurse in this state, and have at least five (5) years of experience in nursing, three (3) of which shall immediately precede this appointment.

(6) The governor shall appoint an advisory council to the board consisting of seven (7) members to be selected one (1) each from lists submitted by Kentucky medical association, Kentucky hospital association, Kentucky association of health care facilities, Kentucky nurses association, Kentucky state association of licensed practical nurses, Kentucky dental association and Kentucky pharmacists association. The council shall function in an advisory capacity only as a constructive force in establishing and maintaining standards of nurse competency and licensure regulations in the interest of public protection, and, in this connection shall be provided with copies of any proposed regulations of the board at least thirty (30) days prior to their filing with the legislative research commission. The terms shall be for four (4) years. Two (2) shall be appointed each year except every fourth year when only one (1) shall be appointed.

Section 7. KRS 314.131 is amended to read as follows:

(1) The board shall meet at least annually and shall elect from its members a president, *a vice-president,* and a secretary. The election shall be held in June of each year. A majority of the board including one (1) officer shall constitute a quorum at any meeting. The board is authorized to adopt and revise regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall approve curricula and standards for schools of nursing and courses preparing persons for licensure and shall monitor standards for nurse competency under this chapter. It shall provide for surveys of such schools and courses at such time as may be necessary, approve such schools and courses as meet the requirements of this chapter and of the board, evaluate and approve courses for affiliation, and examine, license and renew the license of duly qualified applicants; [~~by regulations shall~~] determine notice of place and time of licensure examinations; approve providers of continuing education; administer continuing education requirements; *issue advisory opinions dealing with the practice of nursing;* register and designate those persons qualified to engage in advanced nursing practice; and it shall conduct hearings upon charges calling for discipline of a licensee on probation or suspension or revocation or limitation of a license, have power to issue subpoenas, and compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all persons violating any provisions of this chapter. It shall keep a record of all its proceedings and make an annual report to the governor.

(2) The board shall employ a qualified person to serve as executive director to the board, and shall fix his compensation and define his duties. It may employ such other persons as may be necessary to carry on the work of the board.

(3) The executive director shall have at least the qualifications for board members, and a master's degree in nursing or equivalent and shall have had at least two (2) years of experience in nursing administration immediately preceding the time of his appointment.

(4) Each member of the board shall receive, in addition to traveling, hotel and other necessary expenses, *one hundred dollars ($100)* [~~fifty dollars ($50)~~] for each day he is actually engaged in the discharge of his official duties.

(5) The board may, in its discretion, purchase liability insurance for board and staff members against acts performed in good faith discharge of duties.

Section 8. KRS 314.135 is amended to read as follows:

All regulations issued by the board pursuant to this chapter shall be issued in accordance with KRS Chapter 13*A*.

Section 9. KRS 314.161 is amended to read as follows:

The board may by regulation set fees to carry out the provisions of this chapter. All fees received by the board and collected under this chapter shall be deposited with the state treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the revolving fund of the board. *The board may direct the investment of that portion of its revolving fund not needed to meet current expenses, the earnings from which investments shall also be credited to the revolving fund of the board.* The fund shall be held subject to the order of the board, and to be used for meeting necessary expenses incurred in the performance of the purposes of this chapter and the duties imposed thereby.

SECTION 10. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO READ AS FOLLOWS:

(1) Registered nurses holding current permits to practice nurse midwifery issued by the cabinet for human resources on or before January 1, 1986, may continue to be issued permits to practice nurse midwifery by the Kentucky board of nursing for so long as they remain active registered nurses.

(2) Permits to practice nurse midwifery shall not be issued to any person not holding a cabinet for human resources permit on January 1, 1986.

(3) Persons permitted to practice nurse midwifery under this section shall not use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any other words, letters, signs or figures to indicate that the person using the same is an advanced registered nurse practitioner, unless that person also holds registration and designation as an advanced registered nurse practitioner under KRS 314.042.

SECTION 11. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO READ AS FOLLOWS:

(1) A hearing panel of the board may determine that immediate temporary suspension of a license against which disciplinary action or an investigation is pending is necessary in order to protect the public. When it appears that such action may be necessary the executive director shall cause to be issued to the licensee a written notice setting forth the basis for the action and the date, time and location for a hearing before a panel of the board. The hearing date shall be at least ten (10) days from the date the notice is mailed by first class to the last known address of the licensee.

(2) The issue to be decided at the hearing is whether reasonable cause exists for the immediate temporary suspension of a license in order to protect the public pending the outcome of the underlying disciplinary action or investigation. The subpoena powers and procedures applicable to regular disciplinary hearings shall apply except for the provisions by regulation for prehearing disclosure of evidence.

(3) The determination of the hearing panel shall be reported to the board for ultimate decision in the same manner as in regular disciplinary proceedings.

(4) A determination by the hearing panel that reasonable cause exists for the immediate temporary suspension of a license shall operate to suspend that license as of the hearing date. Continued practice after that date shall be dealt with as the unlicensed practice of nursing.

(5) No board member shall be disqualified from serving on a disciplinary action hearing panel for the reason that he has previously sat on a hearing panel considering temporary suspension of the same license.

(6) The board shall expedite disciplinary actions in which a license has been temporarily suspended.

(7) The hearing panel order of immediate temporary suspension shall remain in effect until overturned by the board or superceded by final disciplinary action by the board. In cases where disciplinary action is imposed the board may additionally order that the temporary suspension continue in effect until the later of expiration of the time permitted for appeal or termination of the appellate process.

Section 12. KRS 314.991 is amended to read as follows:

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than *fifty dollars ($50.00)* [~~ten dollars ($10.00)~~] nor more than *five hundred dollars ($500)* [~~thirty dollars ($30.00)~~]. Each day he violates any provisions of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the board in applying for a license under this chapter shall be fined not more than five hundred dollars ($500).

(3) For any violation of this chapter where the board has the power to deny, revoke, probate, limit or suspend a license, the board may, in lieu thereof or in addition to other remedies impose a civil penalty against the violator of not more than *one thousand dollars ($1,000)* [~~five hundred dollars ($500)~~].

(4) *Any person who knowingly violates KRS 314.031(1) shall, for the first occurrence, be imprisoned for not more than twelve (12) months or fined not more than five hundred dollars ($500) or both.*

(5) Any person who knowingly violates KRS 314.031(1) on a second or subsequent occasion shall be imprisoned for not more than five (5) years or fined not more than ten thousand dollars ($10,000) or both.

(6) Any unlicensed person who knowingly poses as someone else who does hold a license under this chapter shall be guilty of a violation of KRS 314.031(1), and the penalties set out in subsections (4) and (5) of this section all apply to such conduct.

(7) In addition to the penalties provided in subsections (4) and (5) of this section, the board may impose civil penalties for violations of KRS 314.031(1) in an amount equal to one hundred dollars ($100) for each day during which a violation occurred or continued.

(8) All civil penalties received and collected by the board shall be deposited with the state treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the revolving fund of the board.

(9)[~~(5)~~] Any civil penalty received and collected by the board may be recovered in an action brought thereon in the name of the Commonwealth of Kentucky in the circuit court.

(10)[~~(6)~~] Whenever the board has reason to believe that any person is in violation or is about to violate any provision of this chapter, it may seek a restraining order, temporary or permanent injunction or other civil remedy against such person in the circuit court.

(11)[~~(7)~~] In order to obtain a temporary or permanent restraining order, or other equitable remedy, it shall not be necessary to allege or prove that an adequate remedy at law does not exist, nor shall it be necessary to allege or prove that irreparable injury, loss, or damage will result if the injunctive relief is denied. Further, it shall not be necessary to allege or prove that criminal action has been first instituted.

The Committee on Banking and Insurance reported SB 370 and SB 379 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 370, AN ACT relating to banking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 287.100 is amended to read as follows:

A bank may:

(1) Hold such personal property as has been transferred to it as collateral for the payment of any debt;

(2) Acquire and hold title to real estate, provided:

(a) Such real estate is necessary or appropriate for the transaction of legitimate business, and

(b) The cost of such real estate, including furniture and fixtures, shall not exceed forty percent (40%) of the total paid-in capital, unimpaired surplus and undivided profits (determined on accrual basis). The commissioner may permit the investment of a larger amount;

(3) Acquire and hold for not longer than ten (10) years, any real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, or that it may purchase under a judgment in its favor;

(4) Invest in the bonds of any Federal Home Loan Bank;

(5) Invest in obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. 2001 and amendments thereto;

(6) Invest, subject to the approval of the commissioner, in the capital stock or bonds or both of any domestic realty corporation organized or existing for the sole purpose of acquiring and holding title to real property used by the bank, through lease or otherwise, for the transaction of the bank's legitimate business;[~~.~~]

(7) Purchase, hold, and convey the shares of any open end registered investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933 and whose investments are limited to:

(a) Bonds or other interest bearing obligations of the United States, or those for the payment of the principal and interest on which the faith and credit of the United States is pledged;

(b) Stocks, bonds, or other interest bearing or dividend-yielding obligations issued or guaranteed as to the payment of principal and interest or dividend by any instrumentality presently or hereafter incorporated by authority of an Act of Congress;

(c) General obligation bonds or revenue bonds issued and guaranteed as to payment of principal and interest by any state, county or municipal governments legally authorized to issue such instruments of indebtedness; *and*

(d) Any other obligations in which national banking associations organized under the laws of the United States are permitted to invest in directly;

(8) Purchase and hold shares of a bank service corporation as that term is used in the Bank Service Corporation Act (12 U.S.C. 1861) and any amendments thereto.

SB 379, AN ACT relating to motor vehicle insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

For motor vehicle insurance rates, whether in a competitive market or a noncompetitive market, appropriate reductions in premium charges for comprehensive coverage shall be applied to those motor vehicles equipped with an anti-theft device as provided in this Act which has been approved by the commissioner.

SECTION 2. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in this section:

(1) "Alarm" means horn, bell, siren or other sounding device which is audible at three hundred (300) feet;

(2) "Electronic lock or keyless device" means an electronic coding device with more than ten thousand (10,000) combinations. The combination shall be entered through a keyboard or similar data entry device or by means of a remote control device.

(3) "Passive" means an anti-theft device or system which is activated automatically when the operator turns the ignition key to the off position; and

(4) "Tubular" means a type of lock whose key is cylindrically shaped and which has at least fifty thousand (50,000) combinations.

SECTION 3. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Motor vehicle insurance companies shall give a five percent (5%) discount on comprehensive coverage on any motor vehicle equipped with any of the following anti-theft devices:

(1) Ignition or starter cutoff switch which is inserted into the ignition wiring of a motor vehicle that has flush or tapered door lock buttons;

(2) Non-passive, externally-operated alarm which is activated if any door, the trunk or hood is opened;

(3) Internally operated alarm which is activated if any door, the trunk or hood is opened, but which does meet all the criteria in subsection (1) of Section 4 or subsection (1) of Section 5 of this Act; or

(4) Steering column armored collar which clamps on the steering column over the ignition lock.

SECTION 4. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Motor vehicle insurance companies shall give a fifteen percent (15%) discount on comprehensive coverage on any motor vehicle equipped with any of the following anti-theft devices:

(1) Internally operated alarm system which automatically cuts off the ignition or disconnects the starter and is activated if any door, the trunk or hood is opened, but which does not meet all the criteria in subsection (1) of Section 5 of this Act;

(2) Non-passive fuel cutoff device which is activated when a switch is tripped or when the device is engaged by a key;

(3) Non-passive steering wheel lock consisting of a steel collar and barrel, into which the shackle of a lock fits, which is permanently attached to the steering post and the lock is operated by a tubular key;

(4) Armored cable hood lock and ignition cutoff switch where the cable extends through the firewall and is secured to prevent retraction, but which does not meet all the criteria in paragraph (a) of subsection (6) of Section 5 of this Act, except subparagraph 1; or

(5) Window identification system in which identification letters or numbers are etched into all windows of the motor vehicle other than small vent window.

SECTION 5. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Motor vehicle insurance companies shall give a twenty percent (20%) discount on comprehensive coverage on any motor vehicle equipped with any of the following anti-theft devices:

(1) Passive alarm system which meets the following criteria:

(a) Ignition shall be cut off automatically, or starter shall be disabled automatically;

(b) Alarm shall be triggered by entry of doors, hood or trunk;

(c) Hood shall not open unless unlocked from inside the vehicle by a key or by an electronic keyless device;

(d) Alarm shall sound for no more than eight (8) minutes and shall reset itself;

(e) Alarm shall not emit a pulsating, whooping, or yelping sound which could cause it to be mistaken for the police, fire or other emergency vehicle siren;

(f) Alarm shall be installed in the engine compartment so as to be inaccessible without opening the hood; and

(g) The system shall be engaged passively by turning the ignition key to the off position. A tubular lock or electronic keyless device shall be used to disarm the system.

(2) Passive fuel cutoff device which is engaged by turning the ignition key to the off position and which requires that a trip be switched to start the motor vehicle and which meets the following criteria:

(a) The fuel line shall be blocked when the power is off;

(b) The switch to open the fuel line shall be hidden from view but accessible to the driver from the driver's seat or a tubular key or electronic keyless device may be used;

(c) A parking service attendant override switch may be provided which is not accessible from the passenger compartment unless a warning buzzer sounds while the engine is running and the override switch is engaged; and

(d) Any under the dash wiring installed with the device shall blend in color with factory installed wiring.

(3) Armored ignition cutoff switch which is designed to resist tampering and which meets the following criteria:

(a) Armored cable shall run from a separate key to the coil, starter, solenoid, or other engine component;

(b) The device shall prevent hot-wiring of the motor vehicle; and

(c) A separate lock shall be of tubular type and installed inside the motor vehicle or an electronic keyless device may be used.

(4) Passive multi-component cutoff switch which is activated when the key is turned to the off position and which meets the following criteria:

(a) The primary wire to the ignition coil shall be disconnected;

(b) The device shall disconnect the starter;

(c) One (1) or more wires to the electronic ignition system or to the points and condenser shall be disconnected and grounded to the chasis;

(d) The wiring shall blend with factory installed wiring and the disconnecting/grounding wires shall be routed to random points in the electrical system;

(e) The control module, if separate from the electronic locking mechanism, shall be hidden in the engine compartment or other place where it will not be easily detectable; and

(f) In order to start the car, a lock or electronic device shall be used to deactivate the system.

(5) Passive time delay ignition system which requires the operator to wait a prescribed time before moving the ignition key from the on position to the start position;

(6) Armored cable or electrically operated hood lock and ignition cutoff switch which is a supplemental hood lock operated from within the motor vehicle and which also cuts off the ignition when engaged and meets the following criteria:

(a) Armored cable hood lock shall have tubing which extends through the firewall. The system shall be engaged by a pushbutton or other device which facilitates use and no portion of the hood lock cable may be accessible from underneath the motor vehicle; and

(b) Electrically operated hood lock shall remain locked even if the wiring operating the hood lock is cut. The system shall be engaged by turning the ignition key to the off position. The lock shall be shielded or armored so that it cannot be operated manually.

(7) Passive, delayed ignition cutoff system which disables the ignition circuit at a preset engine speed and meets the following criteria:

(a) The ignition shall cut off automatically as soon as the engine reaches a speed in the range of 1500 to 2000 RPM;

(b) The system shall be automatically armed when the ignition key is turned to the off position;

(c) A pushbutton or other type of disarm switch shall be well hidden and the wiring shall blend with factory installed wiring if placed under the dash;

(d) An alarm or horn shall be actuated at the same time the ignition is disabled; and

(e) If a parking service attendant switch is provided, a buzzer shall sound all the time the engine is running.

(8) Passive ignition lock protective system that consists of a protective cap which fits over the ignition to prevent extraction of the ignition lock cylinder; or

(9) High security ignition replacement lock which conforms to federal standards and cannot be removed using a conventional slide hammer or lock puller equipment.

SECTION 6. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

If two (2) or more anti-theft devices listed in Sections 3, 4 and 5 of this Act are attached to a motor vehicle, the total discounts shall be that applicable to the device which meets standards for the highest discount.

SECTION 7. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

This act shall apply to all motor vehicle insurance policies issued or renewed after January 1, 1987.

The Committee on Cities reported SB 241, SB 306 and SB 377 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 241, AN ACT relating to adult establishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

(1) In order to prevent crime, protect the city's retail trade, maintain property values and generally to protect and preserve the quality of its neighborhoods, commercial districts and the quality of urban life, a city, located in a county containing a city of the first class, by ordinance, may regulate the location of adult establishments by dispersing them throughout the city or by concentrating them in one (1) area.

(2) "Adult establishment", as used in this section, means:

(a) Adult bookstore;

(b) Adult motion picture theater; or

(c) Adult mini motion picture theater.

SB 306, AN ACT relating to local air boards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 183.132 is amended to read as follows:

(1) Any city or county, or city and county acting jointly, or any combination of two (2) or more cities and/or counties may establish a nonpartisan air board composed of six (6) members, or any city *other than the first class* and county jointly other than an urban-county government established pursuant to KRS Chapter 67A

may establish a nonpartisan board composed of ten (10) members, or any existing six (6) member board, except a board established in an urban-county government, may be expanded to ten (10) members by joint action of the county and city.

(2) Any city of the first class, jointly with the county containing such city may establish a nonpartisan air board composed of eleven (11) members. If a joint air board has been established prior to this Act, by a city of the first class and the county, the terms of the members on such board shall terminate as of the effective date of this Act, and the membership of the board shall be appointed in accordance with subsection (6) of this section.

(3) The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with and do all things reasonable or necessary to effectively carry out the duties prescribed by statute. The board shall constitute a legislative body for the purposes of KRS 183.630 to 183.740.

(4)[~~(3)~~] The members of an air board composed of six (6) members shall be appointed as follows:

(a) If the air board is established by a city, such members shall be appointed by the mayor of the city;

(b) If the air board is established by a county, such members shall be appointed by the county judge/executive;

(c) If the air board is established as a joint city-county air board such members shall be appointed jointly by the mayor of the city and the county judge/executive;

(d) If a combination of cities and/or counties establishes a joint air board, the mayors and/or county judge/executives involved shall jointly choose six (6) members, and shall jointly choose successors.

(5)[~~(4)~~] The members of an air board composed of ten (10) members shall be appointed as follows:

(a) Five (5) members shall be appointed by the mayor of the city, without approval of the legislative body;

(b) Five (5) members shall be appointed by the county judge/executive without approval of the other members of the fiscal court.

(6) The members of an air board composed of eleven (11) members established jointly by a city of the first class and the county containing such city shall be composed of the mayor of the city of the first class, the county judge/executive of the county and the secretary of the state commerce cabinet and eight (8) other members appointed as follows:

(a) Three (3) members shall be appointed by the mayor of the city of the first class;

(b) Three (3) members shall be appointed by the county judge/executive of the county, with the approval of the fiscal court; and

(c) Two (2) members, who shall be residents of such county containing a city of the first class or of counties contiguous thereto, shall be appointed by the governor of the Commonwealth.

(7)[~~(5)~~] Members of the board composed of six (6) members, shall serve for a term of four (4) years each, and until their successors are appointed and qualified, provided, however, that initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years and two (2) members for four (4) years. Upon expiration of these staggered terms, successors shall be appointed for a term of four (4) years.

(8)[~~(6)~~] Members of the board composed of ten (10) members, shall serve for a term of four (4) years each, and until their successors are appointed and qualified, provided however that the mayor and the county judge/executive shall each make their initial appointments so that one (1) member is appointed for two (2) years, two (2) members are appointed for three (3) years, and two (2) members are appointed for four (4) years; except that if an existing six (6) member board is being increased to a ten (10) member board, initial appointments of the four (4) new members shall be made so that the mayor and the county judge/executive each appoint one (1) member for two (2) years and one (1) member for four (4) years. Upon expiration of these initial terms, successors shall be appointed for a term of four (4) years.

(9) Members of the board composed of eleven (11) members, shall serve for a term of three (3) years each, and until their successors are appointed and qualified, except that the terms of the mayor, county judge/executive and the secretary of commerce shall be co-extensive with their terms of office. The mayor and the county judge/executive shall each make their initial appointments so that one (1) member is appointed for one (1) year, one (1) member is appointed for two (2) years, and one (1) member is appointed for three (3) years. The governor shall make the initial appointments so that one (1) member is appointed for two (2) years and one (1) member is appointed for three (3) years. Upon the expiration of these initial terms, successors shall be appointed for a term of four (4) years.

(10)[~~(7)~~] Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. The board, *except for a board composed of eleven (11) members,* shall choose a chairman and vice-chairman who shall serve for terms of one (1) year. *Where the board is composed of eleven (11) members, the mayor of the city of the first class and the county judge/executive shall jointly appoint the chairman from among the membership of the board.* The board shall also choose a secretary-treasurer who may or may not be a member of the board. The board may fix a salary for the secretary-treasurer and the secretary-treasurer shall execute an official bond to be set and approved by the board, and the cost thereof shall be paid by the board.

(11)[~~(8)~~] The board may employ necessary counsel, agents and employes to carry out its work and functions, and prescribe such rules and regulations as it deems necessary.

(12)[~~(9)~~] The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. He shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. Such books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the board was created. He shall transmit at least once annually a detailed report of all acts and doings of the board to the legislative body or bodies by whom the board was created.

(13)[~~(10)~~] In the event that a joint air board is created by cities and/or counties, and thereafter a city or cities or county or counties desire to withdraw from participation, then the remaining participants may jointly choose a successor member or members of the board. No such withdrawing city or cities, county or counties shall be entitled to return of any moneys or property advanced such board.

(14)[~~(11)~~] A quorum for the transacting of the business of a six (6) member board shall consist of four (4) members, and of a ten (10) *or eleven (11)* member board shall consist of six (6) members. Meetings of the board may be called by the chairman or by four (4) members. In case of tie voting by the board, the issue shall be deemed to have failed passage.

(15)[~~(12)~~] A board member may be replaced by the appointing authority upon a showing to such authority of misconduct as a board member or upon conviction of a felony. No board member, *except for the mayor of a city of the first class, county judge/executive and secretary of commerce on a board made up of eleven (11) members,* shall hold any official office with the appointing authority.

Section 2. KRS 183.133 is amended to read as follows:

(1) The purpose of the board shall be to establish, maintain, operate, and expand necessary, desirable or appropriate airport and air navigation facilities. It shall have the duty and such powers as may be necessary, or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities.

(2) The board shall establish and fix reasonable rates, charges and fees for the use of the landing area, ramps and other common aviation facilities. In fixing such rates, charges or fees the board may take into consideration, among other factors, the total capital investment by the board or other local or state governmental authority, the revenue needed properly to maintain such facilities, the revenue needed properly to expand the airport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the board to the circuit court of the county within which the board operates, within ninety (90) days from the date that the board finally publishes such rates, charges or fees and gives notice of same to the contracting party or licensee. The circuit court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgment of the circuit court may be prosecuted as any other civil appeal.

(3) The board shall likewise have power, from time to time, to fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of terminal or other ground use facilities, under such terms or conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary airport or air navigation facilities, and the public use thereof.

(4) The board may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary for establishing, operating or expanding airports and air navigation facilities. The board may erect, equip, operate and maintain on such property, buildings and equipment necessary, desirable or appropriate for airport or air navigation facilities. The board may dispose of any real or personal property, or rights therein, which, in the opinion of the board are no longer needed for operating or expanding the airport or air navigation facilities.

(5) The board or any other governmental unit may by resolution reciting that the property is needed for airport or air navigation purposes direct the condemnation of any property, including navigation or other easements. The procedure for condemnation shall conform to the procedures set out in the Eminent Domain Act of Kentucky.

(6) The board or any other governmental unit may from time to time make, adopt and enforce such rules, regulations and ordinances as it may find necessary, desirable or appropriate for carrying into effect the purposes of this chapter, including those relating to the operation and control of the airport, airport facilities or air navigation facilities owned or operated by such board or such other governmental unit. All rules, regulations and ordinances adopted pursuant to this section shall be published according to the provisions of KRS 424.130, and the board or other governmental unit adopting them shall keep a permanent record of such rules, regulations and ordinances available for public inspection, on the airport premises. Prosecution for a violation of any rule, regulation or ordinance adopted pursuant to this section shall be in the district court of any county within which the airport is located.

(7) Any board may engage in activities to promote, encourage or develop the use of airports or air navigation facilities under its control and any board which has members thereof appointed by the governor shall be assisted in such activities by the state commerce cabinet if it requests such assistance from the cabinet.

SB 377, AN ACT relating to sewer districts in cities of the first or second class and counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

(1) The district shall plan, acquire, improve, construct, develop, install, modify, manage, operate, maintain, repair, replace, control, demolish, abandon, regulate, and fund systems, facilities and associated services and activities necessary for the collection, control, treatment and disposal of storm and surface water in a safe, proper and efficient manner.

(2) The district shall fund storm and surface water drainage and flood control services, systems and facilities by fixing rates, fees and charges for furnishing such services and systems throughout the county in which the district is located.

SECTION 2. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

(1) The district shall adopt a storm and surface water drainage master plan for a system of storm and surface water drainage facilities and a program for management and funding of storm and surface services, systems and facilities in all or a portion of all of the county in which such district exists as deemed necessary by the district.

(2) A storm and surface water drainage master plan may include but is not limited to plans for the acquisition, improvement, construction, development, installation, modification, management, operation, maintenance, repair, replacement, control, demolition, abandonment, regulation, and funding of storm and surface water drainage services, systems and facilities; for collection, control, treatment, disposal, or elimination of storm and surface water; for control of storm and surface water drainage from any land; for irrigation; for storage and use of storm and surface drainage water; for storage of storm and surface drainage

water to regulate flows within drainage systems or facilities or in receiving waters; for facilities to prevent overflow and flooding of storm and surface water onto lands in the county; for the elimination or reduction of damage from flooding; and for correction of water conditions that may jeopardize public health, safety, or welfare.

SECTION 3. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

(1) The district shall conduct a public hearing on the storm and surface water drainage master plan. Ten (10) days' notice of hearing shall be given pursuant to KRS Chapter 424. The district shall designate an individual, who shall be a member of the board of the district, to preside at the public hearing.

(2) After the hearing, the board of the district may adopt the plan, or amend and adopt the plan, or reject any or all of the plan. The plan shall be submitted to the city legislative body for approval and the county legislative body for approval. Upon adoption by both city and county legislative bodies, the plan shall become effective.

(3) The district shall review the surface water master plan every five (5) years and may amend the plan as it deems appropriate, pursuant to the procedures and requirements of subsections (1) and (2) of this section.

SECTION 4. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

As used in this Act unless the context otherwise requires:

(1) "Class A properties" means one (1) and two (2) family residential properties in counties containing a city of the first class;

(2) "Class B properties" means all other properties in counties containing a city of the first class, including but not limited to, apartment buildings having units for three (3) or more families, and institutional, commercial, industrial and agricultural properties;

(3) "Area" means the gross property area in two thousand (2,000) square feet units and is computed by dividing the gross property area by two thousand (2,000) and rounding to the nearest whole unit;

(4) "District" means a metropolitan sewer district established jointly by a city of the first class and a county containing a city of the first class.

(5) "Gross property area" means the total property area;

(6) "Developed area" means the property area covered by buildings, driveways, sidewalks, patios or any other similar hard surfaced areas which do not allow the penetration of storm water into the soil;

(7) "Service charge" means a monthly charge for storm and surface water drainage services;

(8) "Runoff factor" means the ratio of the developed area to the gross property area and is computed by dividing the total developed area by the gross property area and rounding to two decimal places; and

(9) "Maximum billing rate" means one dollar and fifty cents ($1.50).

SECTION 5. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

(1) The district shall establish a schedule of rates, fees, and charges for the furnishing of storm and surface water services, systems and facilities. Such rates, fees, and charges may be applied to:

(a) Those served or receiving special or general benefits from any storm and surface water services, systems, or facilities;

(b) Those to be served or to receive special or general benefits from any storm and surface water services, systems, and facilities; and

(c) Those contributing or anticipated to contribute drainage runoff to the storm and surface water systems and facilities.

(2) In fixing rates, fees, and charges the district may, in its discretion, consider the type and level of services furnished or to be furnished; the extent of special and general benefits received or to be received; the present and potential future contribution of storm and surface water runoff from individual properties and on-site runoff control provisions on individual properties; the character and use of the land; characteristics of the runoff including, but not limited to, the peak rate of discharge, timing of discharge, biological and chemical constituents, and treatment requirements; and any other factors which present a reasonable difference as grounds for distinction.

(3) The service charge levied by the district for class A properties shall not exceed one dollar and fifty cents ($1.50).

(4) The service charge levied by the district for class B properties shall be computed by multiplying the runoff factor times the area times the maximum billing rate; however, the service charge for a class B property shall not be less than the service charge levied for a class A property.

(5) Class B property owners shall have the right to appeal to the board of the district any computation of runoff factor or area. The appeal shall be filed with the district in writing within twenty (20) days after receipt of the service charge. The district shall enact rules of procedure for such appeal.

(6) The schedule of rates, fees and charges shall not become final within a county outside a city of the first class until it has been approved by the fiscal court of the county, or shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance. The schedule finally adopted shall be sufficient and adequate to cover the purposes of this chapter.

SECTION 6. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

(1) When any storm and surface water drainage rates, fees, or charges remain unpaid for a period of thirty (30) days after the same becomes due and payable, the property, the owner thereof, and the user of the service, shall be deemed delinquent until such time as all rates, fees, and charges are fully paid; and the district may terminate service to that property and pursue its legal remedies to obtain payment.

(2) If the amount of delinquent rates, fees, or charges exceeds five hundred dollars ($500), the district shall have a lien on the property for such delinquent amounts as they accrue.

(3) Upon expiration of sixty (60) days after the attachment of the lien, the district may bring suit and foreclosure by civil action in the same manner as the foreclosure of liens filed for the improvement of real property.

SECTION 7. A NEW SECTION OF KRS CHAPTER 76 IS CREATED TO READ AS FOLLOWS:

(1) Upon the approval of the storm and surface water drainage master plan by the legislative body of the city and the legislative body of the county, all storm and surface water drainage systems and facilities identified in the storm and surface water drainage master plan and owned by the city and the county shall be transferred to the district and, notwithstanding any other provision of law, all storm and surface water drainage authority and management responsibilities shall reside with the district.

(2) The district shall approve construction of storm surface water drainage facilities or improvements that are consistent with the master plan by cities within the area of the master plan.

Section 8. KRS 76.150 is amended to read as follows:

(1) Subsections (2) through (4) have no application to construction subdistrict bonds or obligations. All references to revenues, rates, rentals, charges, or collections in subsections (2) and (3) exclude those derived from or made on account of construction subdistricts. District facilities referred to in subsections (2) and (3) exclude construction subdistrict facilities.

(2) The district may, from time to time, issue its negotiable interest-bearing revenue bonds for any of its corporate purposes, and it may also, from time to time, issue its negotiable interest-bearing revenue bonds to refund any of its bonds at maturity or pursuant to redemption provisions, or at any time before maturity with the consent of the holders thereof. All the bonds, including interest thereon, are payable solely from and secured only by revenues of the district realized through the collection of rates, rentals, or other charges,

imposed for use of the facilities of the district *or for the furnishing of storm and surface water services, systems or facilities*. The bonds shall be authorized by resolution of the board and shall bear the dates, mature at the times not exceeding forty (40) years from their respective dates, [~~bear interest at the rates, not exceeding five per cent (5%) per annum,~~] payable semiannually, be in the denominations and form, either coupon or registered, carry the registration privileges, be executed in the manner, be payable in the medium of payment at the place, and be subject to the terms of redemption, with or without premium, as the resolutions provide; except that before the issuance of bonds for any project within the corporate limits of any city of the first or second class, the issuance thereof shall first be authorized by ordinance passed by the legislative body of the city and approved by the mayor thereof, *and shall be authorized by ordinance passed by the fiscal court of the county*. The bonds shall be sold at public sale *or negotiated private sale* for the price as the board determines[~~, but the interest cost of the money received from any issue of bonds shall not exceed five per cent (5%) per annum when computed to the maturity of the bonds according to standard tables of bond values~~]. *The board may pledge revenues from any source derived as securities for the bonds. The legislative body of the city and legislative body of the county in which the district operates may enter into appropriate rate covenants with the district and with bondholders with respect to district bonds.*

(3) Any resolution authorizing any bonds hereunder, may contain provisions, which shall be a part of the contract with the holders of the bonds, as to (a) pledging all or any part of the gross or net revenues of the district to secure the payment of the bonds and interest thereon; (b) the amounts to be raised in each year by rates, rentals, and charges, and the use and disposition thereof, and of any other revenues of the district; (c) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (d) limitations on the right of the district to restrict and regulate the use of its facilities; (e) limitations on the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) the procedure, if any, by which the term of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which the consent may be given.

(4) The bonds or other obligations of the district shall not constitute an obligation or indebtedness of the city or of the county and it shall be plainly stated on the face of each bond of the district that it has been issued under the provisions of KRS 76.010 to 76.210, and that it does not constitute an indebtedness of the city or of the county. All bonds authorized hereunder may be issued without a vote of the voters and without any other proceedings or happenings of any other conditions or things than those proceedings, conditions and things which are specified and required by KRS 76.010 to 76.210. The bonds shall be signed in the name of the district by the chairman or vice-chairman of the board, attested by the signature of the secretary-treasurer, with corporate seal of the district attached.

The Committee on Counties and Special Districts reported **SB 352** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 352, AN ACT relating to county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 68.005 is amended to read as follows:

(1) The fiscal court shall adopt a county administrative code which includes, but is not limited to, procedures and designation of responsibility for:

(a)[~~(1)~~] General administration of the office of county judge/executive, county administrative agencies, and public authorities;

(b)[~~(2)~~] Administration of county fiscal affairs, including budget formulation, receipt and disbursement of county funds and preparation of records required for the county audit, and the filing of claims against the county;

(c)[~~(3)~~] Personnel administration, including description and classification of non-elected positions, selection, assignment, supervision and discipline of employes, employe complaints and the county affirmative action program;

(d)[~~(4)~~] County purchasing and award of contracts;

(e)[~~(5)~~] Delivery of county services.

(2) The fiscal court shall review the county administrative code annually during the month of June and may by a two-thirds majority of the entire fiscal court amend the county administrative code at that time. The county judge/executive may at other times prepare and submit amendments to the code for the approval of a majority of the fiscal court.

The Committee on State Government reported **SB 12**, **SB 37**, **SB 42**, **SB 88** with Committee Amendment attached thereto, **SB 119**, **SB 227**, **SB 229**, **SB 267**, **SB 268**, **SB 269**, **SB 270**, **SB 316** with Committee Substitute and Committee amendment attached thereto, **SB 319**, **SB 340** with Committee Substitute and Committee Amendment attached thereto, **SB 344** with Committee Amendments attached thereto, **SCR 30**, **SCR 38**, **SJR 44** and **SJR 78** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 12, AN ACT relating to Personal Service Contracts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.700 is amended to read as follows:

(1) As used in KRS 45.705 to 45.720:

(a) "Contracting body" means each state board, bureau, commission, department, division, authority, university, college, officer, or other entity, except the legislature, authorized by law to contract for personal services;

(b) "Governmental emergency" means an unforeseen event or set of circumstances which creates an immediate need for services, which is necessary for maintenance of governmental operations or to prevent or minimize injury or damage;

(c) "Subcommittee" means personal service contract review subcommittee;

(d) "Personal service contract" means an agreement whereby an individual, firm, partnership or corporation is to perform certain duties, professional or otherwise for a specified period of time for a price agreed upon, which are exempted from competitive bidding pursuant to KRS 45.360. This definition does not apply to *agreements between the department of parks and a performing artist or artists involving amounts less than five thousand dollars ($5,000) per fiscal year, per artist or artists,* agreements with public utilities, foster care parents, medicaid providers, individuals performing homemaker services, transit authorities, agreements between a state agency and a state college or university, agreements between a state agency and an area development district, agreements between a state agency and a community action agency, agreements between a state agency and a mental health/mental retardation board, agreements between a state agency and another state agency, agreements between a state agency and a political subdivision and agreements between state universities and employers of students in the Commonwealth work study program sponsored by the Kentucky higher education assistance authority.

(2) Compliance with the provisions of KRS 45.705 to 45.720 does not dispense with the requirements of any other law necessary to make the personal service contract valid.

SB 37, AN ACT relating to "force account" capital construction projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 56.491 is amended to read as follows:

(1) No state agency shall have power or authority to make plans and specifications, advertise for bids, let contracts or incur any financing commitments, either in the way of a charge against public funds or in the way of negotiations for issuance of revenue bonds, for any capital construction projects involving the improvement of lands or the construction, alteration, reconstruction, or major repair of any building or other structure, or sewage disposal or water supply system, requiring the expenditure of more than *one hundred thousand dollars ($100,000)* [~~seventy-five thousand dollars ($75,000)~~] without first securing the approval of the finance and administration cabinet.

(2) The state agency seeking such approval shall submit to the finance and administration cabinet a general description of the proposed project, with such detailed information as the cabinet may require. Review of construction plans for conformance with the uniform state building code shall be conducted by the department of housing, buildings and construction. The finance and administration cabinet shall not approve any such project requiring its approval in any instance where it finds that the project is not needed, or that the proposed method of financing is not sound, or in cases where the project will exceed the amount of the funds available therefor, or the work contemplated will be insufficient to accomplish the purpose of the project, or that after providing for the ordinary recurring expenses of government and debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the state treasury to promptly pay for the work during the biennium, or except as provided in subsection (5) of this section that the work is to be done by employes of the agency.

(3) The finding of the finance and administration cabinet shall be final except in cases where the issuance and sale of bonds is proposed, in which cases the cabinet shall submit its findings to the commission for final approval, modification, or disapproval.

(4) Any capital construction project, the total cost of completion of which the finance and administration cabinet determines will exceed *one hundred thousand dollars ($100,000)* [~~seventy-five thousand dollars ($75,000)~~], shall be contracted for on a competitive bid basis, and the execution of such contracts must be approved and authorized by the cabinet. When a capital construction project has been approved as provided in this section, in whole or in part, the cabinet shall prepare the plans and specifications, advertise for bids, award the contracts, supervise the construction and handle the financial negotiations on behalf of the requesting state agency, or with prior written approval, the cabinet may authorize a state agency to do so with delegated authority of the cabinet.

(5) A capital construction project, the total cost of completion of which the finance and administration cabinet determines will not exceed *one hundred thousand dollars ($100,000)* [~~seventy-five thousand dollars ($75,000)~~], may be performed by the employes of the requesting agency or by individuals hired specifically for the project who shall be exempt from the requirements of KRS Chapter 18A; provided, however, that the project must be approved and authorized by the cabinet. Necessary materials and supplies shall be procured in accordance with the standard purchasing procedures and policies of the cabinet as defined in KRS Chapter 45.

(6) This section does not apply to capital outlays to the bureau of highways for roads and bridges.

(7) This section shall not apply to capital outlays by the corrections cabinet for repair, maintenance, improvement, or expansion of present correctional facilities on which projects inmates are used. Any capital construction project to be performed by the corrections cabinet shall be approved and authorized by the finance and administration cabinet.

Section 2. KRS 164A.585 is amended to read as follows:

(1) Subject to authorization by the general assembly, the governing boards may make plans and specifications, advertise for bids, let contracts or incur any financing commitments, either in the way of a charge against institution funds or in the way of negotiations for issuance of revenue bonds, for any capital construction projects involving the improvement of lands or the construction, alteration, reconstruction, or major repair of any building or other structure, or sewage disposal, water supply system or other utility system.

(2) Review of construction plans for conformance with the uniform state building code shall be conducted by the department of housing, buildings and construction. The board shall not approve any such project requiring its approval in any instance where it finds that the project is not needed, or that the proposed method of financing is not sound, or in cases where the project will exceed the amount of the funds available therefor, or the work contemplated will be insufficient to accomplish the purpose of the project, or that after providing for the ordinary recurring expenses of administration and debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the treasury to promptly pay for the work or that the work is to be done by employes of the institution.

(3) Any capital construction project, except as provided in subsection (4) of this section, shall be contracted for on a competitive bid basis, and the execution of such contracts shall be approved and authorized by the board. When a capital construction project has been approved as provided in this section, in whole or in part, the board shall prepare the plans and specifications, advertise for bids, award the contracts, supervise the construction and handle the financial negotiations.

(4) A capital construction project, the total cost of completion of which will not exceed *one hundred thousand dollars ($100,000)* [~~seventy-five thousand dollars ($75,000)~~], may be performed by the employes of the institution or by individuals hired specifically for the project. Necessary materials and supplies shall be procured in accordance with the standard purchasing procedures and policies of the board as defined in KRS 164A.575.

SB 42, AN ACT relating to the Kentucky Board of Tax Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 131.340 is amended to read as follows:

(1) The Kentucky board of tax appeals is hereby vested with exclusive jurisdiction to hear and determine appeals from final rulings, orders and determinations of any agency of state or county government affecting revenue and taxation.

(2) Any state or county agency charged with the administration of any taxing or licensing measure which is under the jurisdiction of the board shall mail by certified mail notice of its ruling, order or determination within three (3) working days from the date of the decision.

(3) Any party, including the attorney general, on behalf of the Commonwealth, aggrieved by any ruling, order or determination of any state or county agency charged with the administration of any taxing or licensing measure, may prosecute an appeal to the board by filing a complaint or petition of appeal before the board within thirty (30) days from the *date of the mailing* [~~receipt by such aggrieved party~~] of the agency's ruling, order, or determination.

(4)[~~(3)~~] In the event the revenue cabinet is aggrieved by the decision of any county board of assessment appeals on an assessment recommended by the cabinet and prosecutes an appeal to the Kentucky board of tax appeals as authorized herein, the secretary of revenue shall, within twenty (20) days, certify in writing to the Kentucky board of tax appeals the assessment recommended.

(5)[~~(4)~~] The Kentucky board of tax appeals shall immediately forward copies of the certification to the parties to the appeal. Such assessed value shall be prima facie evidence of the value at which the property should be assessed.

SB 88, AN ACT relating to state employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 18A.110 is amended to read as follows:

The commissioner shall prepare and submit to the board proposed rules for the classified service. Such rules shall have the force and effect of law, when approved by the board, after public notice and public hearing, and after filing with the legislative research commission in accordance with KRS Chapter 13A and procedures adopted thereunder. If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the board, the commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the secretary of the finance and administration cabinet. The plan shall *comply with the provisions of the federal Fair Labor Standards Act (FLSA) and shall* take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere;

and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(5) For the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the board for a period not to exceed one (1) additional year;

(6) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience, or who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(7) For the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

(8) For a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. Unless the appointing authority notifies the employe prior to the end of the probationary period that the employe's services are not satisfactory, the employe shall have status in the classified service. The notice shall be in writing and as provided by personnel rules;

(9) For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(10) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

(11) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(12) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part;

(13) For developing, in cooperation with the appointing authorities, uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(14) For lay-offs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off, giving consideration in both lay-offs and reemployment to qualifications, performance records, conduct and seniority in service;

(15) For imposition as disciplinary measures of a fine of not more than ten (10) working days' pay or for suspension from the service without pay for not longer than thirty (30) working days and for the manner of notification of the employe of the discipline and his right of appeal;

(16) For discharge or reduction in rank or grade only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner;

(17) For establishment of a plan for resolving employe grievances and complaints;

(18) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in subsection (2) of KRS 18A.075;

(19) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(20) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(21) For such other rules and administrative regulations not inconsistent with KRS 18A.005 to 18A.200, as may be proper and necessary for its enforcement.

Section 2. KRS 18A.155 is amended to read as follows:

(1) The commissioner shall prepare and submit proposed rules to the governor for employes in unclassified positions enumerated in paragraphs (g), (h), (i), (j), (k), (p), (u), and (v) of subsection (1) of KRS 18A.115. Such rules shall become effective after approval by the governor and promulgation in accordance with KRS Chapters 12 and 13A. The rules shall provide:

(a) For the preparation, maintenance and revision of a position classification plan for all aforementioned positions in the unclassified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification plan has been approved by the governor, the commissioner shall allocate the positions of every employe in the unclassified service to one (1) of the classes of the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(b) For a pay plan for all aforementioned employes in the unclassified service, after consultation with appointing authorities and the secretary of the finance and administration cabinet, *the plan shall comply with the provisions of the federal Fair Labor Standards Act (FLSA) and shall take* [~~and taking~~] into account such factors as 1. the relative levels of duties and responsibilities of various classes of positions; 2. rates paid for comparable positions elsewhere; and 3. the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the commissioner through the secretary of the finance and administration cabinet. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed;

(c) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(d) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in subsection (2) of KRS 18A.075;

(e) For the development and operation of programs to improve the work effectiveness and morale of employes in the unclassified service, including training, safety, health, welfare, counseling, recreation, and employe relations;

(f) For such other rules and administrative regulations, not inconsistent with KRS 18A.005 to 18A.200, as may be proper and necessary for its enforcement.

(2) Nothing herein shall be construed to preclude the optional use of rules promulgated under this section on behalf of employes enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.115 and on behalf of members of state boards and commissions who work on a full-time, salaried basis.

Section 3. KRS 18A.195 is amended to read as follows:

(1) A state employe who is *not covered by the provisions of the federal fair labor standards act (FLSA) and who is* authorized to work one (1) or more hours in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis. An employe who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his compensatory leave in the receiving agency. [~~(2)~~] Any *such* employe who leaves state service shall be paid for the balance of unused compensatory time.

(2) A state employe who is covered by the provisions of the federal fair labor standards act (FLSA) shall be subject to the compensatory pay and overtime provisions of the federal fair labor standards act (FLSA).

The Committee Amendment No. 1 to SB 88 is as follows:

Amend printed copy of SB 88:

On page 9, line 11, by deleting the words "*not covered*" and inserting in lieu thereof the word "*exempted*"; and

On page 9, line 21, by adding after the word "*covered*" the words "*and non-exempted*".

SB 119, AN ACT relating to the commission on fire protection, personnel standards and education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95A.020 is amended to read as follows:

(1) There is hereby created the commission on fire protection personnel standards and education, hereinafter called "commission" which shall be attached to the state fire marshal's office in the department of housing, buildings and construction.

(2) The commission shall be composed of sixteen (16) members, residents of the state of Kentucky, appointed by the governor. Such members should be persons well qualified by experience or education in the field of fire protection or related fields.

(3) It is recommended that the membership of the commission include:

(a) Two (2) volunteer firemen;

(b) Two (2) paid fire fighters;

(c) One (1) trustee of a volunteer fire department or fire district who is not a volunteer fireman;

(d) Two (2) fire chiefs of paid fire departments;

(e) One (1) licensed and practicing physician;

(f) One (1) teacher or administrator of vocational education;

(g) One (1) representative of the division of disaster and emergency services of the department of military affairs;

(h) One (1) mayor of a Kentucky city;

(i) One (1) county judge/executive;

(j) One (1) representative of Kentucky industry or business enterprise;

(k) One (1) representative of the general public.

The superintendent of public instruction and the state fire marshal, *or their designees,* shall serve as ex officio members of the commission. *Their designees shall have full voting rights.* Appointive members shall be appointed for a term of four (4) years, provided, however, that of the members first appointed, five (5) shall be appointed for a term of two (2) years, four (4) for a term of three (3) years, and four (4) for a term of four (4) years. After July 15, 1980, any member chosen by the governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is chosen to succeed.

(4) Members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

(5) Members of the commission appointed pursuant to this section shall first be appointed on July 15, 1980. The terms of members appointed earlier shall terminate on July 15, 1980, but the governor may reappoint those members who qualify under the provisions of this section.

SB 227, AN ACT relating to the department of law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly confirms Executive Order AG 84-001 reorganizing the department of law. The department of law shall consist of the following divisions:

(1) General administration and support division;

(2) General counsel division;

(3) Special prosecutions division

(4) Special investigations division;

(5) Consumer protection division;

(6) Utility and rate intervention division;

(7) Criminal appellate division;

(8) Civil and environmental law division;

(9) Uninsured employers fund division;

(10) Prosecutors advisory counsel services division; and

(11) Victims advocacy division.

Section 2. KRS 15.255 is amended to read as follows:

The *department of law* [~~division of natural resources and environmental law~~] shall have the following powers, duties and functions:

(1) To prevent or remedy damage to the environment caused by any person, group, partnership, association, body corporate or politic, or any agency, department, board, commission, division or authority, whether state or federal, or by commencing or intervening in any suit or action in state or federal courts, whether civil or criminal, to enforce any statute, ordinance, bylaw or regulation, or to secure any common law right or remedy.

(2) To counsel state agencies and commissions given the responsibility over environmental concerns including but not limited to the department for natural resources and environmental protection, department of mines and minerals, and the public service commission.

(3) To exercise the common law powers of the attorney general in protecting the environment.

(4) To bring public nuisance and other actions in circuit courts in the name of the Commonwealth upon complaint by private citizens, when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the Commonwealth.

(5) Nothing in this section shall be interpreted to derogate from any existing common law or statutory right or remedy against damage to the environment.

Section 3. KRS 15.260 is amended to read as follows:

The *department of law* [~~division of natural resources and environmental law~~] is hereby authorized to call upon any other state department, agency, commission, authority or institution, for whatever help or assistance said *department* [~~division~~] deems necessary to investigate and prosecute cases involving environmental damage, and such other departments, agencies, commissions, authorities, and institutions are hereby required to forthwith cooperate with and assist said *department* [~~division~~] without charge.

Section 4. KRS 367.150 is amended to read as follows:

The [~~division of consumer protection in the~~] department of law shall have the following functions, powers and duties:

(1) To promote the coordination of consumer protection activities of all departments, divisions and branches of state, county and city government, concerned with activities involving consumer interests;

(2) To assist, advise and cooperate with federal, state and local agencies and officials to protect and promote the interests of the consumer public; to advise the Governor and the legislature in all matters concerning consumer affairs;

(3) To conduct investigations, research, studies and analysis of matters affecting health, safety, the human environment, the marketplace and all other consumer affairs, and take appropriate action; to communicate the view of the consumer to state, county, and city agencies and officials;

(4) To study the operation of all laws, rules, regulations, orders, and state policies affecting consumers and to recommend to the Governor and to the legislature, new legislation, rules, regulations, orders, and policies in the consumers' interest;

(5) To organize and hold conferences on problems affecting consumers; to undertake activities to encourage business, industry, the professions, and others offering goods or services to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;

(6) To provide a central clearing house of information for all citizens of the Commonwealth by collecting and compiling consumer complaints and inquiries, and forwarding them to the proper governmental agencies if appropriate; it shall be the further responsibility of the *department* [~~division~~] to maintain records indicating the final disposition by the agency of any matter so referred;

(7) To organize, promote and conduct consumer education programs within the Commonwealth; to cooperate with and establish necessary liaison with consumer organizations;

(8) (a) To appear before any federal, state or local governmental branch, commission, department, rate-making or regulatory body or agency, to represent and be heard on behalf of consumers' interests;

(b) To be made a real party in interest to any action on behalf of consumer interests involving a quasi-judicial or rate-making proceeding of any state or local governmental branch, commission, department, agency, or rate-making body whenever deemed necessary and advisable in the consumers' interest by the Attorney General.

(9) To perform such other acts as may be incidental to the exercise of the functions, powers and duties set forth in KRS 367.110 to 367.300.

Section 5. KRS 367.160 is amended to read as follows:

All departments, agencies, officers and employes of the Commonwealth shall fully cooperate with the attorney general [~~and the division of consumer protection~~] in carrying out the functions of KRS 367.110 to 367.300. The persons designated by the attorney general as utility consumer intervenors shall have the same access to material evidence and information of the public service commission relating to any case before it as other parties to the case.

Section 6. The following KRS sections are repealed:

15.012 Division of special investigations.

15.250 Division of natural resources and environmental law established in office of attorney general.

SB 229, AN ACT relating to the department of military affairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

(1) It is the intent of the general assembly to provide a local management fund at the Kentucky national guard armories. The local management fund shall be receipts from the use of national guard facilities by local nonmilitary organizations.

(2) The general assembly further recognizes that the national guard armories are not staffed by state employes, but are staffed by members of the Kentucky national guard, who are on the federal payroll. It is the intent of the general assembly to authorize the adjutant general of Kentucky to appoint a member of the Kentucky national guard as custodian of each of the various local management funds.

SECTION 2. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

(1) The department of military affairs may establish an installation management fund account in a local bank for each national guard armory notwithstanding KRS 41.070 and 45.420. Funds derived from the use of the buildings and grounds by local civic and other non-military organizations for receptions, meetings and other events shall be deposited in the account.

(2) The adjutant general shall determine the maximum authorized balance in each armory's local installation management fund account. The adjutant general or his designated representative shall review at least annually each installation management fund account. If the account balance is excessive, the surplus funds shall be withdrawn from the installation management fund account for deposit in the appropriate department of military affairs trust and agency fund account.

(3) The local installation management fund account shall be used for miscellaneous maintenance and repairs and other services and equipment expenses associated with routine armory operations. Any expense in excess of fifty dollars ($50.00) shall have approval from the adjutant general or his designated representative.

SB 267, AN ACT relating to messengers allowance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 11.050, Messengers allowance, is hereby repealed.

SB 268, AN ACT relating to the financial administration of state government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.251 is amended to read as follows:

(1) Expenditures shall be limited to the amounts and purposes for which appropriations are made. All expenditures shall be reflected in the unified and integrated system of accounts as provided by KRS 45.305.

(2) The department of finance shall prescribe all forms to be used in, or in conjunction with, the unified accounting system.

(3) The governor, the chief justice, and the legislative research commission, shall designate in writing the officer or employe authorized to sign advices of employment, copies of purchase orders and contracts, and requisitions for reservation of funds, and no such advice, order, contract or requisition shall be honored as a commitment statement unless the designation, with a copy of the signature of the officer or employe designated, is on file in the office of the department of finance.

(4) The department of finance may approve for payment any expenditure document presented by a budget unit, provided that the department of finance is able to determine that the expenditure is to satisfy a liability of the Commonwealth of Kentucky created on behalf of that budget unit in fulfilling the governmental function assigned to that budget unit and that the expenditure is being made from the unexpended balance of a proper allotment.

(5) Subsidiary records shall be maintained to report the financial operation and condition of each budget unit. These subsidiary records shall be compatible with the unified accounting system prescribed by subsection (1) of this section and by KRS 45.305[~~, and may be on the accrual basis or cash basis~~]. Expenditures may be by prior encumbrances or by straight disbursements. The subsidiary records may be maintained by the department of finance and by the budget unit involved. When a budget unit is authorized to maintain subsidiary records, the department of finance shall have authority to prescribe the accounting and preauditing procedures. The unified system of accounts shall conform to accepted management and accounting principles.

Section 2. KRS 45.305 is amended to read as follows:

(1) The department of finance shall install a unified and integrated system of accounts for the state which shall comply with generally accepted accounting principles, and which shall be in addition to other accounts required by this chapter, and which shall include:

(a) A set of budgetary control accounts for each fund, comprising an account with the available cash of the fund, an account with the budget estimate of the amount of money to be derived from each source of revenue and nonrevenue receipts, an account with the total of the unallotted balances of appropriations, an account with the total of the free balances of allotments, an account with the total commitments under allotments, and an account with the estimated cash surplus or deficit, so as to show at all times the status of the budget fund.

(b) A subsidiary appropriation ledger for each fund from which appropriations are made, embracing an account with each appropriation, and designed to show the budget unit to which the appropriation was made, the purpose of the appropriation, the amount appropriated, the additions to the appropriation, the allotments from the appropriation, the unallotted balance of the appropriation, the commitments charged to allotments, and the free balances of the total amount allotted.

(c) A set of general controlling proprietary and operating accounts for each fund, so as to record the transactions to the fund in summary form and to show the actual current assets, prepaid expenses, current liabilities, deferred credits to income, reserves, actual income, actual expenditures, and the current surplus or deficit.

(d) A uniform classification of the sources of revenue and nonrevenue receipts.

(e) Standard classifications of the expenditures of the budget units.

(f) A standard classification of the budget units.

(g) Such other accounts, records and devices as the department of finance deems necessary for the production of needed information respecting financial condition, financial operations and costs.

(2) The accounts provided for in paragraphs (a), (b) and (c) of subsection (1) of this section or summary records shall be maintained by the department of finance.

(3) The department of finance shall keep controlling accounts with receipts, payments and state depositories entirely independent of those maintained by the state treasurer. The department shall obtain from the state treasurer the figures for the entries required to open such accounts, and thereafter it shall obtain the

information required for the keeping of such accounts from the pay-in vouchers, lists of warrants drawn under appropriations, and vouchers requesting transfers of deposits among state depositories.

(4) The accounting system prescribed and installed by the department of finance shall provide for the settlement of transactions between budget units by making debit and credit entries on the books of the department on the basis of adequate expenditure vouchers, without the issuance of warrants.

(5) The accounting system prescribed and installed by the department of finance shall include the following fund classifications:

(a) Governmental fund: This classification shall include those funds through which most governmental functions typically are financed including, but not limited to, the general fund, the road fund, bond debt related fund, federal fund, agency receipts funds, and the capital construction fund.

(b) Proprietary fund: This classification shall account for governmental activities which are similar to those activities found in the private sector. Activities which provide services to other governmental units and activities which provide services principally to the private sector are included.

(c) Fiduciary fund: This classification shall account for assets held by a governmental unit in a trustee capacity or as an agent for individuals, private organizations, other governmental units, or other funds. These include expendable trust funds, nonexpendable trust funds, pension trust funds and agency funds.

[~~(d) Loan fund: This classification shall account for funds advanced or to be advanced to other governments, other governmental agencies or private organizations or individuals.~~]

(6) Account groups. In order to establish accounting control and accountability for general fixed assets and the unmatured principal of general long-term debt, a general fixed assets account group and a general long-term debt account group may be established.

Section 3. KRS 48.800 is amended to read as follows:

The finance and administration cabinet shall prepare and submit to each branch of government:

(1) Within ten (10) days after the close of each month copies of the accounts of the budget units of that branch of government with the appropriations and allotments in favor of its budget units and the balances as of the beginning and end of that month.

(2) Within ten (10) days after the close of each month, prepare and transmit to each branch of government a report embodying a summary statement of the actual financial condition of each fund of the major fund groups as of the close of the previous month, a summary statement showing the receipts and payments of each such fund for the previous month and for the current fiscal year to the close of the previous month, a summary budget statement for each such fund showing the available cash balance as of the end of the previous month, the amount of cash estimated to be realized from each source during the remaining months of the fiscal year, the total means of financing, the amount of the unallotted balances of all appropriations, the estimated amount of unliquidated commitments, and the estimated cash surplus or deficit.

(3) *By January 1 of each calendar year* [~~Within ninety (90) days of the close of a fiscal year, file with each branch of government~~] a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the Commonwealth as of the end of that fiscal year, with such comments and supplementary data necessary to make the report complete and easy to understand.

(4) Each branch of government shall publish *by January 1 of each calendar year* a financial and program status report, [~~within ninety (90) days of the close of a fiscal year,~~] detailing for that period, activities, appropriations, allotments, expenditures, receipts, transfers, encumbrances and available balances of each budget unit of the branch, and an explanation of the programs and services provided by the branch.

(5) In order to effectuate the budget review function of the general assembly, each branch of government shall make available, on a continuing basis, records which detail activities, appropriations, allotments, expenditures, receipts, transfers, encumbrances and available balances of each budget unit of the branch. Such records shall be made available in the form necessary to facilitate their read only accession by means of electronic data processing procedures employed by the legislative research commission.

SB 269, AN ACT relating to the state investment commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 42.500 is amended to read as follows:

(1) There shall be a state investment commission composed of the governor who shall be chairman, the state treasurer who shall be vice-chairman and serve as chairman in the absence of the governor, the secretary of the finance and administration cabinet, and two (2) persons appointed by the governor.

(2) The individuals appointed by the governor shall be selected as follows: one (1) to be selected from a list of five (5) submitted to the governor by the Kentucky Bankers Association, and one (1) to be selected from a list of five (5) submitted to the governor by the Independent Community Bankers Association.

(3) The state investment commission shall meet at least *quarterly* [~~once per month~~] to review investment performance and conduct other business. *This provision shall not prohibit the commission from meeting more frequently as the need arises.*

(4) Three (3) members of the commission shall constitute a quorum. Any three (3) members of the commission may call a meeting.

[~~(5) The terms of office of the individuals appointed by the speaker of the house of representatives and the president pro tempore of the senate shall expire four (4) years from the date of their appointment.~~]

(5)[~~(6)~~] The provisions of KRS 61.070 shall not apply to members of the commission.

(6)[~~(7)~~] The commission shall have authority to and may invest any and all surplus funds of the state in direct obligations of the United States government, or of the Commonwealth of Kentucky. All such investments shall be obligations that will mature within five (5) years from the date of investment.

(7)[~~(8)~~] The commission shall also have authority and may, whenever in its opinion the cash in the state treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States treasury bills or certificates of indebtedness or any other United States government security which will mature within one (1) year from the date of investment.

(8)[~~(9)~~] The commission shall also have authority and may, whenever in its opinion the cash in the state treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in:

(a) Obligations backed by the full faith and credit of the United States or a U.S. government agency, including but not limited to:

1. U.S. treasury;

2. Export-import bank of the United States;

3. Farmers home administration;

4. Governmental national mortgage corporation;

5. Merchant marine bonds.

(b) Obligations of any corporation of the U.S. government, including but not limited to:

1. Federal home loan mortgage corporation;

2. Federal farm credit banks;

a. Bank for cooperatives;

b. Federal intermediate credit banks;

c. Federal land banks;

3. Federal home loan banks;

4. Federal national mortgage association;

5. Tennessee Valley Authority obligations.

(c) Collateralized certificates of deposit, or other interest-bearing accounts in depository institutions chartered by this state or by the United States, except for shares in mutual savings banks;

(9)[~~(10)~~] Interest earned from investments made pursuant to this section shall accrue to the credit of the surplus account of the general fund, except that interest from investments of excess cash in the road fund shall be credited to the surplus account of the road fund and interest from investments of excess cash in the game and fish fund shall be credited to the game and fish fund, interest earned from investments of imprest cash funds and funds in the trust and revolving fund for each state public university shall be credited to the appropriate institutional account, and interest earned from the investment of funds accumulated solely by means of contributions and gifts shall not be diverted to any purpose other than that stipulated by the donor, when such donor shall have designated the use to which such interest shall be placed, and interest earned from the investment of moneys appropriated to the capital construction fund and its accounts shall accrue to the capital construction surplus account of the capital construction fund.

(10)[~~(11)~~] The authority granted by this section to the state investment commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

(11)[~~(12)~~] The authority granted by this section to the state investment commission shall only be exercised pursuant to the regulations mandated by KRS 42.525.

(12)[~~(13)~~] Each member of the state investment commission shall post bond for his acts or omissions as a member thereof identical in amount and kind to that posted by the state treasurer.

SB 270, AN ACT relating to the Kentucky local correctional facilities construction authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 441.695 is amended to read as follows:

By January *1* [~~30~~] each year the authority shall make an annual report of its activities for the preceding *fiscal* [~~calendar~~] year to the governor and to the general assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall provide for an audit of its books and accounts to be made *within ninety (90) days after the close of each fiscal year* [~~at least once in each year~~] by certified public accountants and the cost thereof may be treated as a part of the cost of construction of the project. Such audits shall be public records within the meaning of KRS 61.870 to 61.884.

SB 316, AN ACT relating to the state investment commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 42.500 is amended to read as follows:

(1) There shall be a state investment commission composed of the governor who shall be chairman, the state treasurer who shall be vice-chairman and serve as chairman in the absence of the governor, the secretary of the finance and administration cabinet, and two (2) persons appointed by the governor.

(2) The individuals appointed by the governor shall be selected as follows: one (1) to be selected from a list of five (5) submitted to the governor by the Kentucky Bankers Association, and one (1) to be selected from a list of five (5) submitted to the governor by the Independent Community Bankers Association.

(3) The state investment commission shall meet at least once per month to review investment performance and conduct other business.

(4) Three (3) members of the commission shall constitute a quorum. Any three (3) members of the commission may call a meeting.

[~~(5) The terms of office of the individuals appointed by the speaker of the house of representatives and the president pro tempore of the senate shall expire four (4) years from the date of their appointment.~~]

(5)[~~(6)~~] The provisions of KRS 61.070 shall not apply to members of the commission.

(6)[~~(7)~~] The commission shall have authority to and may invest any and all surplus funds of the state in direct obligations of the United States government, or of the Commonwealth of Kentucky. All such investments shall be obligations that will mature within five (5) years from the date of investment.

(7)[~~(8)~~] The commission shall also have authority and may, whenever in its opinion the cash in the state treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States treasury bills or certificates of indebtedness or any other United States government security which will mature within one (1) year from the date of investment.

(8)[~~(9)~~] The commission shall also have authority and may, whenever in its opinion the cash in the state treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in:

(a) Obligations backed by the full faith and credit of the United States or a U.S. government agency, including but not limited to:

1. U.S. treasury;

2. Export-import bank of the United States;

3. Farmers home administration;

4. Governmental national mortgage corporation;

5. Merchant marine bonds.

(b) Obligations of any corporation of the U.S. government, including but not limited to:

1. Federal home loan mortgage corporation;

2. Federal farm credit banks;

a. Bank for cooperatives;

b. Federal intermediate credit banks;

c. Federal land banks;

3. Federal home loan banks;

4. Federal national mortgage association;

5. Tennessee Valley Authority obligations.

(c) Collateralized certificates of deposit, or other interest-bearing accounts in depository institutions chartered by this state or by the United States, except for shares in mutual savings banks;

(d) Obligations of the United States government or in obligations unconditionally guaranteed by the United States government, either directly or in the form of securities in any open-end management type investment company or investment trust registered under the investment company act of 1940, as from time to time amended, provided that the portfolio of such investment company or investment trust is limited to such obligations and to repurchase agreements fully collateralized by such obligations and provided further that any such investment company or investment trust shall take delivery of such collateral either directly or through an authorized custodian.

(9)[~~(10)~~] Interest earned from investments made pursuant to this section shall accrue to the credit of the surplus account of the general fund, except that interest from investments of excess cash in the road fund shall be credited to the surplus account of the road fund and interest from investments of excess cash in the game and fish fund shall be credited to the game and fish fund, interest earned from investments of imprest cash funds and funds in the trust and revolving fund for each state public university shall be credited to the appropriate institutional account, and interest earned from the investment of funds accumulated solely by means of contributions and gifts shall not be diverted to any purpose other than that stipulated by the donor, when such donor shall have designated the use to which such interest shall be placed, and interest earned from the investment of moneys appropriated to the capital construction fund and its accounts shall accrue to the capital construction surplus account of the capital construction fund.

(10)[~~(11)~~] The authority granted by this section to the state investment commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

(11)[~~(12)~~] The authority granted by this section to the state investment commission shall only be exercised pursuant to the regulations mandated by KRS 42.525.

(12)[~~(13)~~] Each member of the state investment commission shall post bond for his acts or omissions as a member thereof identical in amount and kind to that posted by the state treasurer.

The Committee Substitute to SB 316 is as follows:

SB 316, AN ACT relating to the state investment commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

As used in this chapter unless the context requires otherwise:

(1) "Qualified investment" means a new partnership interest or new stock in a qualified entity in which interest or stock is purchased for cash by the taxpayer;

(2) "New partnership interest" means either a general or limited partnership interest in a limited partnership if the interest is acquired by the taxpayer from the limited partnership;

(3) "New stock" means a share or shares of stock of a corporation if the stock, when purchased by the taxpayer, is authorized but unissued;

(4) "Qualified entity" means a venture capital limited partnership or corporation certified pursuant to Section 2 of this Act;

(5) "State tax liability" means a taxpayer's total tax liability that is incurred under:

(a) KRS Chapter 132—Intangibles tax;

(b) KRS 136.070—Corporation license tax;

(c) KRS 136.270—Bank and trust company share tax;

(d) KRS 136.300—Savings and loan tax; and

(e) KRS Chapter 141—Income tax.

(6) "Taxpayer" means any person, corporation, partnership or other entity that has any state tax liability.

(7) "Small business and industry" means a Kentucky based company, with capitalization of less than five hundred thousand dollars ($500,000), anticipated to employ less than fifty (50) people.

SECTION 2. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) The purposes of this Act are to encourage capital investment in the Commonwealth of Kentucky, to encourage the establishment or expansion of small business and industry, to provide additional jobs and to encourage the development of new products and technologies in the state through seed and venture capital.

(2) To carry out the purposes of this Act, a Kentucky-based venture capital entity shall be established with the name Commonwealth venture fund to provide financing to business entities including but not limited to corporations and partnerships. The fund shall give preference to Kentucky based entities. The financing may include any combination of equity investments, loans, guarantees and commitments for financing and the amount of financing shall be limited for any one business entity to less than five hundred thousand dollars ($500,000). The Commonwealth venture fund shall be certified as qualified under this chapter by a panel comprised of the governor of the Commonwealth, the secretary of the Kentucky commerce cabinet and the secretary of the Kentucky revenue cabinet, or their designated representatives. The panel and its respective staffs will establish guidelines relative to the certification of such qualified entity based on the purposes of this Act. Administrative regulations necessary to carry out the purposes of this Act shall be promulgated and issued by the panel and its respective staffs. Such guidelines and regulations shall assure that such qualified entity will make investments in small businesses in return for receiving this credit against state tax liability.

SECTION 3. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) Subject to Section 4 of this Act, a taxpayer is entitled to a credit against any state tax liability which may be imposed on the taxpayer for any tax year beginning after December 31, 1986, if the taxpayer purchases a qualified investment in the qualified entity. However, a taxpayer may only receive a credit for qualified investments purchased during calendar years 1986, 1987 and 1988. The total amount of credit that a taxpayer may receive under this Act shall be determined by multiplying the consideration paid for all qualified investments purchased by the taxpayer by four-tenths (.4).

(2) The amount of credit that a taxpayer may receive under this Act for a particular taxable year shall not exceed the taxpayer's state tax liability, reduced by other credits to which the taxpayer is entitled, for that taxable year.

(3) If the amount determined in subsection (1) of this section exceeds the taxpayer's state tax liability for that tax year, then the taxpayer may carry the excess credit over to the immediately succeeding tax years. However, the credit carryover may not be used for any tax year that begins on or after January 1, 1992. The amount of the carryover from a tax year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this Act for any subsequent tax year. A credit based on a qualified investment purchased during 1986 shall be a credit carryover to tax years that begin after December 31, 1986.

SECTION 4. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

The total amount of credits allowed under this chapter will not exceed, in the aggregate, seven million dollars ($7,000,000) for all taxpayers and all taxable years. If aggregate consideration paid for qualified investments which would otherwise qualify for the credit provided by this chapter exceeds the limits imposed by this section, the credit shall be allowed to taxpayers in the order of the time of the purchase of the qualified investments.

SECTION 5. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) A credit to which a taxpayer is entitled under this Act shall be applied against taxes owed by the taxpayer in the following order:

(a) First, against the taxpayer's income tax liability for the tax year;

(b) Second, against the taxpayer's intangibles tax liability for the tax year;

(c) Third, against the taxpayer's bank and trust company share tax liability or savings and loan tax liability for the tax year;

(d) Fourth, against the taxpayer's corporation license tax for the tax year.

(2) Whenever the tax paid by the taxpayer under any of the above listed tax provisions is a credit against the liability or a deduction in determining the tax base under another Kentucky tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer is entitled under this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) To receive the credit provided by this Act, a taxpayer must:

(a) Claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the revenue cabinet; and

(b) File with the cabinet and with the taxpayer's annual state tax return or returns a copy of the form issued by the qualified entity as to the qualified investment by the taxpayer.

(2) The qualified entity shall complete forms prescribed by the revenue cabinet which shall show as to each qualified investment in the qualified entity the following:

(a) The name, address, and employer identification number of the qualified entity;

(b) The name, address and identification number of the taxpayer who purchased the qualified investment; and

(c) The extent of the qualified investment purchased by the taxpayer and the amount paid therefor.

(3) The forms required to be filed with the revenue cabinet shall be filed by the qualified entity on or before the fifteenth day of the second month following the month in which the qualified investment is purchased. Copies of the forms shall be mailed to the taxpayer by the qualified entity on or before that same date.

Section 7. KRS 42.500 is amended to read as follows:

(1) There shall be a state investment commission composed of the governor who shall be chairman, the state treasurer who shall be vice-chairman and serve as chairman in the absence of the governor, the secretary of the finance and administration cabinet, and two (2) persons appointed by the governor.

(2) The individuals appointed by the governor shall be selected as follows: one (1) to be selected from a list of five (5) submitted to the governor by the Kentucky Bankers Association, and one (1) to be selected from a list of five (5) submitted to the governor by the Independent Community Bankers Association.

(3) The state investment commission shall meet at least once per month to review investment performance and conduct other business.

(4) Three (3) members of the commission shall constitute a quorum. Any three (3) members of the commission may call a meeting.

[~~(5) The terms of office of the individuals appointed by the speaker of the house of representatives and the president pro tempore of the senate shall expire four (4) years from the date of their appointment.~~]

(5)[~~(6)~~] The provisions of KRS 61.070 shall not apply to members of the commission.

(6)[~~(7)~~] The commission shall have authority to and may invest any and all surplus funds of the state in direct obligations of the United States government, or of the Commonwealth of Kentucky. All such investments shall be obligations that will mature within five (5) years from the date of investment.

(7)[~~(8)~~] The commission shall also have authority and may, whenever in its opinion the cash in the state treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States treasury bills or certificates of indebtedness or any other United States government security which will mature within one (1) year from the date of investment.

(8)[~~(9)~~] The commission shall also have authority and may, whenever in its opinion the cash in the state treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in:

(a) Obligations backed by the full faith and credit of the United States or a U.S. government agency, including but not limited to:

1. U.S. treasury;

2. Export-import bank of the United States;

3. Farmers home administration;

4. Governmental national mortgage corporation;

5. Merchant marine bonds.

(b) Obligations of any corporation of the U.S. government, including but not limited to:

1. Federal home loan mortgage corporation;

2. Federal farm credit banks;

a. Bank for cooperatives;

b. Federal intermediate credit banks;

c. Federal land banks;

3. Federal home loan banks;

4. Federal national mortgage association;

5. Tennessee Valley Authority obligations.

(c) Collateralized certificates of deposit, or other interest-bearing accounts in depository institutions chartered by this state or by the United States, except for shares in mutual savings banks;

(d) Obligations of the United States government or in obligations unconditionally guaranteed by the United States government, either directly or in the form of securities in any open-end management type investment company or investment trust registered under the investment company act of 1940, as from time to time amended, provided that the portfolio of such investment company or investment trust is limited to such obligations and to repurchase agreements fully collateralized by such obligatons and provided further that any such investment company or investment trust shall take delivery of such collateral either directly or through an authorized custodian.

(9)[~~(10)~~] Interest earned from investments made pursuant to this section shall accrue to the credit of the surplus account of the general fund, except that interest from investments of excess cash in the road fund shall be credited to the surplus account of the road fund and interest from investments of excess cash in the game and fish fund shall be credited to the game and fish fund, interest earned from investments of imprest cash funds and funds in the trust and revolving fund for each state public university shall be credited to the appropriate institutional account, and interest earned from the investment of funds accumulated solely by means of contributions and gifts shall not be diverted to any purpose other than that stipulated by the donor, when such donor shall have designated the use to which such interest shall be placed, and interest earned from the investment of moneys appropriated to the capital construction fund and its accounts shall accrue to the capital construction surplus account of the capital construction fund.

(10)[~~(11)~~] The authority granted by this section to the state investment commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

(11)[~~(12)~~] The authority granted by this section to the state investment commission shall only be exercised pursuant to the regulations mandated by KRS 42.525.

(12)[~~(13)~~] Each member of the state investment commission shall post bond for his acts or omissions as a member thereof identical in amount and kind to that posted by the state treasurer.

The Committee Title Amendment No. 1 to Committee Substitute to SB 316 is as follows:

Amend printed copy of Committee Substitute to SB 316:

To change the title to "AN ACT relating to investments.".

SB 319, AN ACT relating to affirmative action.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly confirms Executive Order 84-549 requiring the commissioner of personnel to develop and maintain an affirmative action program of equal employment opportunity for all employing agencies of state government.

SB 340, AN ACT relating to state personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) The commissioner may refuse to examine an applicant; or, after examination, may disqualify an applicant, remove his name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed if:

(a) It is found that he does not meet any one (1) of the preliminary requirements established for the examination for the class of position;

(b) He is unable to perform the duties of the class;

(c) He has made a false statement of material fact in his application;

(d) He has used or attempted to use political pressure or bribery to secure an advantage in the examination;

(e) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled;

(f) He has failed to submit his application correctly or within the prescribed time limits;

(g) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant;

(h) He has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause of which he had knowledge were pending;

(i) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(j) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification; or

(k) He has otherwise wilfully violated the provisions of this Act.

(2) An eligible may be removed from a register:

(a) If the eligible cannot be located by postal authorities at the last address provided by the eligible;

(b) If the eligible responds in writing that he no longer desires consideration for position in that class;

(c) If the eligible declines an offer of probationary appointment to the class for which the register was established;

(d) If it is shown that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;

(e) If the eligible fails to reply within a period of ten (10) calendar days of the receipt of the written request of the appointing authority for an interview, or fails to appear for an interview which he has scheduled with the appointing authority without good cause;

(f) If the eligible accepts an appointment and fails to present himself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority; or

(g) If the eligible states in writing that he is not available for appointment or does not wish to be considered for appointment.

(3) When an eligible notifies the department in writing that he is unavailable for employment or employment consideration, the department may remove the name of that eligible from the appropriate register without further notification to the person.

(4) When the department is notified in writing by an appointing authority that an eligible has accepted a bona fide offer of probationary appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he has been appointed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Except when appointed to a job classification with an initial probationary period in excess of six (6) months, an employe shall serve a six (6) months probationary period when he is initially appointed to the classified service. An employe may be separated from his position, reduced in class or rank, or replaced on the eligible list during this initial probationary period and shall not have the right to appeal except as provided by Section 15 of this Act. If an employe is separated from his position, he shall be notified in writing at least ten (10) working days prior to separation. A copy of the notification shall be forwarded to the commissioner. The employe shall be placed on an eligible list but shall not be certified to the agency from which he was separated unless that agency so requests. Unless the appointing authority notifies an employe prior to the end of the initial probationary period that he is separated, the employe shall acquire status in the classified service.

(2) An employe who satisfactorily completes the initial probationary period for the position to which he was initially appointed to the classified service shall be granted status and may not be demoted, disciplined, dismissed, or otherwise penalized except as provided by the provisions of this Act.

(3) An employe ordered reinstated by the board shall not be required to serve a probationary period unless the board rules otherwise as provided in Section 15 of this Act.

(4) An employe with status who has been promoted shall serve a probationary period of six (6) months. During this period, he shall retain the rights and privileges granted by the provisions of this Act to employes with status. An employe with status shall be evaluated after serving his promotional probation as provided by Section 3 of this Act.

(5) An employe with status may request that he be reverted to a position in his former class at any time during the promotional probationary period.

(6) A laid-off employe who accepts a bona fide written offer of appointment to a position shall not be required to serve an initial probationary period. Such an employe shall serve a promotional probationary period. He shall be an employe with status and shall have all rights and privileges granted employes with status under the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Evaluations of employes shall comply with the provisions of this section.

(2) Salary advancements, promotions and demotions shall be determined by an employe's performance evaluation.

(3) Evaluations shall be in writing. An evaluator shall present and explain all documentation affecting an employe's evaluation and shall discuss every aspect of his performance with the employe at each evaluation. The evaluator shall elicit the employe's opinions and suggestions, and shall advise the employe of the measures needed to improve his performance.

(4) Each full-time employe who has completed his initial probationary period; each part-time employe who works over one hundred (100) hours each month and who has completed his initial probationary period; and each federally funded time limited employe who has completed six (6) months service shall be evaluated.

(5) (a) The first line supervisor of an employe shall be his evaluator, providing he has supervised the employe for a period of at least ninety (90) calendar days.

(b) If the evaluator has supervised an employe for at least ninety (90) calendar days, and if he ceases to be the employe's first line supervisor after such period of time, he shall evaluate the employe at least five (5) working days prior to the day he ceases to be the employe's supervisor.

(c) If the first line supervisor ceases to be the supervisor of an employe due to the suspension, demotion or dismissal of the first line supervisor, paragraph (b) of this subsection shall not apply.

(d) If the first line supervisor ceases to be an employe's supervisor because the employe transfers, the first line supervisor shall evaluate the employe prior to his transfer, provided he has supervised the employe no less than ninety (90) calendar days prior to notification of his transfer.

(6) An employe's performance shall be evaluated in each of the following categories:

(a) Job knowledge and skills;

(b) Quality of work;

(c) Productivity;

(d) Employe conduct, provided that the requirements of KRS 18A.020(2)(c) have been met; and

(e) Improvement in performance provided that the requirements of KRS 18A.020(2)(c) have been met.

(7) For each category, one of the following ratings shall be given:

(a) Exceeds performance requirements;

(b) Meets performance requirements; or

(c) Fails to meet performance requirements.

(8) The ratings provided for in subsection (7) of this section shall be determined as follows:

(a) Exceeds performance requirements means that, in each category, an employe's performance exceeds the performance requirements established for the employe's job;

(b) Meets performance requirements means that, in each category, an employe's performance meets the performance requirements established for the employe's job; and

(c) Fails to meet performance requirements means that an employe has failed to meet the performance requirements established for the employe's job in at least one (1) category.

(9) An employe who exceeds performance requirements shall be awarded a lump sum payment of an amount equal to one and one-half percent (1 1/2%) of his base salary or wages, or six hundred dollars ($600), whichever is less. Such lump sum payment shall not increase the base salary or wages of the employe.

(10) Upon appointment to a position for which an evaluation is required by this section, and prior to the evaluation period of an evaluator shall:

(a) Identify the specific performance requirements established for an employe's job; and

(b) Meet with the employe to inform him of such requirements and to discuss them with the employe.

(c) Provide the employe with a written job description in sufficient detail to convey to the employe the

specific performance requirements of his job including but not limited to specific duties, time limits, reporting requirements, and required procedures.

(11) (a) At intervals of six (6) months and twelve (12) months after the procedure provided for in subsection (10) of this section, the evaluator shall:

1. Evaluate the employe's performance in writing;

2. Assign a rating to each category and an overall rating to the employe's performance; and

3. Discuss such evaluation with the employe; and

(b) The final rating of the employe's performance shall be made after the two (2) evaluations provided for in paragraph (a) of this subsection.

(12) (a) Within five (5) working days of an evaluation, an employe may request reconsideration of such evaluation by the evaluator.

(b) Within five (5) working days of such reconsideration, an employe may:

1. Submit a written response to any evaluation. Such response shall be attached to the evaluation; and

2. Submit a written request for reconsideration of any evaluation to his second line supervisor.

(c) No later than fifteen (15) working days after receipt of such request, the second line supervisor shall inform the employe and the evaluator in writing of his decision after he has:

1. Obtained written statements from both the employe and the evaluator; or

2. Met with the employe and the evaluator.

(13) Within thirty (30) days after the employe has received the written decision of his second line supervisor, he may appeal an evaluation to the board.

(14) If an employe receives a "fails to meet performance requirements" rating on two (2) successive evaluations, he shall be:

1. Demoted to a position commensurate with his abilities; or

2. Terminated.

SECTION 4. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) It shall be unlawful to coerce employes who may be or are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with statutes relating thereto, and layoffs shall not be utilized as a method of dismissing employes. In this section and in Sections 5 and 6, "cabinet" shall include an office or department headed by an elected official, and "cabinet secretary" and "cabinet head" shall include an elected official.

(2) In the same cabinet, county, and job classification, provisional, temporary, emergency, federally funded time-limited, and probationary employes shall be laid off before permanent full-time or permanent part-time employes with status. For purposes of layoff, "probationary employe" does not include an employe with status serving a promotional probation. A cabinet shall not transfer positions, including vacant positions, in order to circumvent the provisions of this section.

(3) If two (2) or more employes subject to layoff have the same qualifications, the employe with the lesser seniority shall be laid off first.

(4) An employe who is laid off shall be placed on a reemployment register for the class of position from which he was laid off and for any class for which he is qualified. He shall have the right to test for any class of position for which he is qualified to take an examination. If he passes the examination, he shall be placed on the register for the class.

(5) For a period of five (5) years laid-off employes shall be hired before any applicant or eligible except another laid-off employe with greater seniority who is already on such register.

(6) For a period of five (5) years, a laid-off employe shall not be removed from any register unless:

(a) He notifies the department in writing that he no longer desires consideration for a position on such register;

(b) He declines two (2) written offers of appointment;

(c) Without good cause, he fails to report for an interview after he has been notified in writing at least fifteen (15) calendar days prior to the date of the interview;

(d) He is unqualified for appointment;

(e) He is unable to perform the duties of the class;

(f) He has made a false statement of a material fact in his application;

(g) He has used or attempted to use political influence or bribery to secure an advantage in connection with his placement on the register;

(h) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(i) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification;

(j) He cannot be located by postal authorities at the last address provided by the employe; or

(k) He has otherwise wilfully violated the provisions of this Act.

(7) When the department is notified by an appointing authority that a laid-off employe has accepted a bona fide offer of appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same as or less than that of the class to which he has been appointed.

(8) When a laid-off employe is removed from a register he shall be notified in writing and shall be notified of his right to appeal to the board under the provisions of KRS 18A.095.

SECTION 5. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) A layoff of a state employe with status in the executive branch due to the abolition of a position, lack of work or a material change in duties or organization shall comply with the provisions of this section.

(2) Prior to the notification of an employe that he is subject to layoff and prior to the layoff of an employe, the appointing authority shall submit a layoff plan to the commissioner and the secretary of the finance and administration cabinet for their approval. Such plan shall contain the name of the employe and the reasons, in detail, for such layoff. Upon approval of the plan by the commissioner and the secretary, the employe shall be notified that he is subject to layoff, and of:

(a) The reason for the layoff;

(b) The procedures established by the provisions of this Act for the layoff of employes; and

(c) The rights granted employes subject to layoff and to laid off employes.

(3) (a) An employe subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties and responsibilities within the cabinet. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(b) If such a position is not available, the employe shall be transferred to a vacant position within the cabinet for which he is qualified. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(c) If such a position is not available, the employe shall be notified of all vacant positions for which he is qualified to take an examination. The employe shall have the right to take an examination for any vacant position within the cabinet for which he is qualified. If he passes the examination he shall be appointed to that position before any applicant or eligible on a register except another laid off employe with greater seniority already on such register.

(4) (a) If no position is available to an employe subject to layoff under the procedure established by subsection (2) of this section, the appointing authority shall notify the employe and the department.

(b) The department shall coordinate efforts to transfer an employe subject to layoff to another agency.

(5) If no position is available, the employe shall have the right to take an examination for any position for which he is qualified. If he passes the examination he shall be hired before any applicant or eligible on a register, except a laid-off employe with greater seniority already on such register.

(6) If no position is available to an employe subject to layoff under the procedure established by this section, the employe shall be notified in writing that he is to be laid-off thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

SECTION 6. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Prior to a layoff of state employes in the executive branch, required by a projected or actual reduction in tax receipts contemplated under the provisions of subsections (1) and (5) of Section 24 of this Act, each cabinet shall prepare a layoff plan that complies with the provisions of this Act.

(2) Each layoff plan shall provide that a layoff of state employes shall occur only after all other cost saving measures are taken and have failed to alleviate the projected or actual deficit. These measures shall be specified in the plan, in detail, and shall include but not be limited to:

(a) A suspension of appointments, unless the secretary of the cabinet certifies in writing that appointments are required in order to provide services mandated by law and that such appointments cannot be made by transfers of employes within the cabinet;

(b) A reduction or delay of expenditures that would not prevent the provision of services required by law;

(c) Consolidation of offices and job duties that would not prevent the provision of services required by law;

(d) Transfer of funds as provided by the budget reduction plan enacted pursuant to KRS Chapter 48;

(e) Transfer of funds appropriated for or allotted to vacant positions as provided by the budget reduction plan provided for by KRS 48.130, unless it is certified that the positions are essential and cannot be filled in the period during which layoffs are to occur by transfer of employes of the appointing authority;

(f) The filling of vacancies and promotions from within the cabinet; and

(g) Transfers of employes within the cabinet as provided by Section 5 of this Act.

(3) Each cabinet shall submit:

(a) Its layoff plan; and

(b) A list of employes who would remain subject to layoff after the implementation of cost saving measures, to the secretary of the finance and administration cabinet and to the commissioner for review. Upon approval by the secretary, the layoff plans shall be submitted to the governor for approval.

(4) Upon approval of the plans by the governor, the commissioner shall attempt to transfer employes as provided by Section 5 of this Act. Employes who cannot be so transferred may be laid-off.

(5) If no position is available to an employe subject to layoff under the procedures established by this section, the employe shall be notified in writing that he is to be laid-off effective thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

(6) When the commissioner and the secretary of finance and administration determine that appointments may be made, and the hiring freeze is ended, laid-off employes shall be hired before any applicant or eligible except laid-off employes already on such registers.

Section 7. KRS 18A.005 is amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Appointing *authority* [~~officer~~]" means the officer or employe or group of officers or employes authorized by law to make appointments;

(2) "Base salary or wages," means the compensation to which an employe is entitled under the salary schedules adopted pursuant to the provisions of this Act. Base salary or wages shall be adjusted as provided under the provisions of Sections 23 and 24 of this Act;

(3) "Board" means the personnel board created by KRS 18A.045;

(4)[~~(3)~~] "Career employe" shall mean a state employe with twenty (20) or more years of permanent full-time state service, or the part-time employment equivalent of at least twenty (20) years of full-time state service. The service may have been in the classified service, the unclassified service, or a combination thereof.

(5)[~~(4)~~] "Certification" means the referral of the name of one (1) or more qualified prospective employes by the commissioner on request of an appointing officer for consideration in filling a position in the classified service;

(6)[~~(5)~~] "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;

(7)[~~(6)~~] "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service;

(8)[~~(7)~~] "Commissioner" means the commissioner of the department of personnel as provided for in KRS 18A.015;

(9)[~~(8)~~] "Demotion" means a change in the rank of an employe from a position in one (1) class to a position in another class having a lower minimum salary range *or* [~~and~~] less discretion or responsibility;

(10)[~~(9)~~] "Department" means the department of personnel provided for in KRS 18A.015 unless the context indicates otherwise;

(11)[~~(10)~~] "Eligible" refers to a person who has made a passing score on any examination required under KRS 18A.005 to 18A.200 and who has qualified to be placed on a register;

(12)[~~(11)~~] "Emergency employe" means an employe appointed without regard to the examination requirements of KRS 18A.005 to 18A.200 to any position by reason of a governmental emergency. *An emergency* [~~, whose~~] appointment *shall* [~~is~~] not [~~to~~] exceed thirty (30) working days in duration and is nonrenewable;

(13)[~~(12)~~] "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis;

(14) "Federally funded time-limited employe" means an employe appointed to a federally funded time-limited position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS Chapter 18A;

(15) "Federally funded time-limited position" means a position created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

[~~(13) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;~~]

(16)[~~(14)~~] "*Initial* probation" means the *six (6) month* period of service following *initial* appointment to any position under KRS 18A.005 to 18A.200 which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in KRS 18A.110 *and by the provisions of this Act* [~~. An employe serving the probationary period is known as a "probationary employe"~~];

(17) "Penalization" shall include, but not be limited to, demotion, dismissal, suspension, fines and other disciplinary actions, involuntary transfers; any action, the effect of which is alleged to diminish the level, rank, discretion or responsibility of an employe without proper cause including a reclassification or reallocation; and the abridgement or denial of other rights granted to state employes.

(18) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;

(19)[~~(15)~~] "Promotion" means a change of rank of an employe from a position in one (1) class to a position in another class having a higher minimum salary *or* [~~and~~] carrying a greater scope of discretion or responsibility;

(20) "Promotional probation" means the six (6) month period of service following the promotion of an employe with status which must be successfully completed in order for the employe to retain the position to which he has been promoted;

(21)[~~(16)~~] "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under *the provisions of this Act* [~~KRS 18A.005 to 18A.200~~] without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in KRS 18A.110;

(22) "Reallocation" means the change in the allocation of an existing position to its proper class. Positions with similar duties, scope of discretion and responsibility, minimum requirements of training, experience or skill, meriting approximately equal pay shall be allocated to the appropriate class.

(23) "Reclassification" means the change in the classification of a current employe when a material and permanent change in the duties or responsibilities of that employe occurs.

(24) "Reemployment" shall mean the rehiring of an employe with status who has been laid off.

(25)[~~(17)~~] "Reemployment *register* [~~list~~]" means the separate list of names of persons reduced in force by reason of *lay off* [~~lack of appropriations, curtailment of program or abolishment of position or of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment~~]. Reemployment *registers shall be* [~~lists are~~] used as provided *by the provisions of this Act* [~~in KRS 18A.110 and subject to KRS 18A.130 and 18A.135~~];

(26)[~~(18)~~] "Register" means any official list of eligibles for a particular class, *and, except as provided in this Act,* placed in rank order according to the examination records, maintained for use in making original appointments or promotions to positions in the classified service;

(27) "Reinstatement" shall mean the restoration of an employe who has resigned in good standing or who has been ordered reinstated by the board or a court to a position in his former class or to a position of like status and pay;

(28) "Seasonal employe" means an employe appointed to a seasonal position either from an existing eligible list or without reference to an eligible list;

(29) "Seasonal position" means a position that is temporary, coincides with a particular season or seasons of the year, and does not exceed eleven (11) months duration;

(30) "Seniority" means the total number of months of state service;

(31) "Temporary employe" means an employe appointed to a temporary position;

(32) "Temporary position" means a position that is created for a definite period of time not to exceed six (6) months and not renewable;

(33)[~~(19)~~] "Status" means the acquisition of tenure with all rights and privileges *granted by the provisions of this Act* [~~appertaining thereunto~~] after satisfactory completion of the *initial* probationary period by an employe in the classified service;

[~~(20) A "temporary position" is one created for a defined period of time not to exceed six (6) months and not renewable; a "temporary employe" is one (1) appointed to such a temporary position. A "seasonal position," although temporary in duration in the foregoing sense, coincides in duration with a particular season or seasons of the year, but may not exceed eleven (11) months duration, and may recur regularly from year to year; a "seasonal employe" is one appointed to such a seasonal position from an existing eligible list or without reference to an eligible list;~~

~~(21) A "federally funded time-limited position" is one created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided. A "federally funded time-limited" employe is one appointed to such position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS 18A.005 to 18A.200;~~]

(34)[~~(22)~~] "Transfer" means a movement of any employe from one (1) position to another of the same grade having the same salary ranges, [~~and~~] the same level of responsibility within the classified service *and the same salary received immediately prior to transfer*;

(35)[~~(23)~~] A "war veteran" is a person who served on active duty in the United States armed forces during any war, or in a campaign or expedition for which a campaign badge or service medal has been authorized, or between *December 7, 1941* [~~April 28, 1952~~], and July 1, 1955 or between August 6, 1964 and May 7, 1975.

Section 8. KRS 18A.020 is amended to read as follows:

(1) The records of the department shall be public records and shall be open to public inspection, as provided in KRS 61.870 to 61.884.

(2) (a) A personnel file shall be maintained by the department and the appointing authority for each employe. The file maintained by the department shall be the official personnel file for the employe. Upon transfer, the personnel file maintained by the appointing authority from which the employe transfers shall be forwarded to the new appointing authority.

(b) Each file shall include, but not be limited to, for each employe, his name, address, title of positions held, classification, rates of compensation, all changes in status including evaluations, promotions, demotions, layoffs, transfers, disciplinary actions, commendations, awards, and preliminary and other supporting documentation for each action. Each file shall contain the complete record and supporting documentation for each personnel action.

(c) Whenever an employe is reprimanded for misconduct, other infraction, or failure to perform his duties in a proper or adequate manner, the supervising employe taking such action shall document such action in detail, and shall provide the employe with a copy of such documentation. The supervising employe shall inform the employe that he has the right to prepare a written response to the action taken after he has reviewed the written documentation prepared by the supervising employe. Such response shall be attached to the documentation prepared by the supervising employe. The supervising employe shall place a copy of the documentation and response provided for herein in the employe's personnel file and shall transmit a copy to the department to be placed in the official personnel file of the employe. The supervising employe shall notify the employe that copies of the documentation and the response provided for herein have been placed in his personnel files.

(3) Upon written request, an employe shall have the right to examine his personnel file. An employe may comment in writing on any item in his file. Such comments shall be made a part of his file and shall be attached to the specific record or document to which they pertain.

(4) Upon written request a state employe, an applicant for employment, and an eligible on a register shall have the right to inspect and to copy any record and preliminary documentation and other supporting documentation that relates to him except that a state employe shall not have the right to inspect or to copy any examination materials.

(5) No public agency, as defined by KRS 61.870, shall deny, abridge or impede the exercise of the rights granted in any manner by this section and Section 25 of this Act.

Section 9. KRS 18A.030 is amended to read as follows:

(1) The commissioner shall be the executive and administrative head of the department and shall supervise and control all examinations and work of the department. He shall *advise* [~~act as an adviser to~~] the board on matters pertaining to the classified service of this state. Within the limitations of the budget, the commissioner shall appoint and supervise such staff as may be needed in the department to carry out the purposes of KRS 18A.005 to 18A.200 except employes of the board *who shall be appointed* as provided in KRS 18A.090.

(2) Subject to the provisions of this Act and KRS Chapter 13A it shall be the duty of the commissioner, with the aid of his staff to:

(a)[~~(1)~~] Attend all meetings of the board;

(b)[~~(2)~~] *Promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A, and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants* [~~Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of KRS 18A.005 to 18A.200. Such rules shall provide, among other things, the manner of completing appointments and promotions, including multiple and simultaneous certifications; rejection of ineligible candidates; competitive examinations; creation of eligible lists with successful candidates ranked according to their rating in the examination; leaves of absence with and without pay; transfers, reinstatements, lay-offs; public notice of examinations; procedures for changes in rates of pay; and other conditions of employment~~];

(c)[~~(3)~~] Establish general procedures for personnel recruitment, for certification, *and for* [~~for~~] improving the efficiency of employed personnel[~~, and for the separation of employes deemed unsatisfactory or excessive by agency or department heads subject to the provisions of KRS 18A.005 to 18A.200~~];

(d)[~~(4)~~] Appoint such examiners and technicians as are necessary for the conduct of the personnel program, whether on a permanent or temporary basis;

(e)[~~(5)~~] Prepare and maintain a record of all employes, showing for each employe his name, address, title of position held, rate of compensation, changes in status, compensation, or title, transfer, and to make such data and the class specifications for all positions available to the press and public;

(f)[~~(6)~~] *Keep records relative to employe turnover and report to the board, the governor and the legislative research commission quarterly. The report shall reflect employe turnover rates by cabinet, department, bureau, division and section. If any cabinet, department, bureau, division or section has a turnover rate of fifteen percent (15%) or more in any twelve (12) month period, the commissioner shall conduct an investigation into the reasons for the turnover and report the findings to the board, the governor and the legislative research commission* [~~Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and the rules adopted thereunder, examinations, eligible lists, and ratings of candidates for appointment~~];

(g)[~~(7)~~] Make certification for appointment or promotion within the classified service, in accordance with the provisions of *this Act* [~~KRS 18A.005 to 18A.200~~];

(h)[~~(8)~~] Make investigations concerning all matters touching the enforcement and effect of the provisions of *this Act* [~~KRS 18A.005 to 18A.200~~] and *administrative* [~~rules and~~] regulations prescribed thereunder;

(i)[~~(9)~~] Prepare, *as provided by this Act,* in cooperation with appointing authorities and others, programs for

[~~appraising employe work performance and collaborate with the several departments of the Commonwealth in the development of programs for~~] employe training, safety, morale, work motivation, health, counseling, and welfare, and exercise leadership in the development of effective personnel administration within the several departments of the Commonwealth, and make available the facilities of the department to this end;

(j)[~~(10)~~] [~~Provide personnel services to unclassified employes~~] In agreement with the agencies involved *provide personnel services to unclassified employes* not otherwise provided for herein;

(k)[~~(11)~~] Present, in accordance with the provisions of KRS *Chapter 48* [~~48.050~~], budget requests for the support of the personnel system created by KRS *Chapter 18A* [~~18A.005 to 18A.200~~], excluding the board, which shall present its own budget *requests* [~~estimates~~];

(l)[~~(12)~~] Make a report and submit the same to the board, [~~and to~~] the governor, *and the legislative research commission* not later than October first of each year;

(m)[~~(13)~~] Discharge such other duties as are imposed upon him by KRS *Chapter 18A;* [~~18A.005 to 18A.200, or by the board.~~]

(n) The commissioner on behalf of the department may join or subscribe to any association or service having as its purpose the interchange of information relating to the improvement of the public service and especially improvement of personnel administration[~~; and~~

~~(14) Keep records relative to employe turnover and report to the board, the governor and the legislative research commission quarterly. The report shall reflect employe turnover rates by cabinet, department, bureau, division and section. If any cabinet, department, bureau, division or section has a turnover rate of fifteen percent (15%) or more in any twelve (12) month period, the commissioner shall conduct an investigation into the reasons for the turnover and report the findings to the board, the governor and the legislative research commission~~].

Section 10. KRS 18A.040 is amended to read as follows:

The board and the commissioner shall see that *administrative* [~~rules,~~] regulations and practices meeting federal merit system standards shall, where such standards apply as a prerequisite for federal grants-in-aid, be in effect continuously, notwithstanding any other provision of KRS 18A.005 to 18A.200.

Section 11. KRS 18A.050 is amended to read as follows:

(1) Any person serving on the board on July 15, 1982 shall serve until the expiration of his current term of office. Subsequent appointments shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was appointed as provided in subsections (2) and (3) of this section, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed in the same manner as provided in KRS 18A.045 and for the remainder of such term.

(2) Upon the expiration of the terms of office of the two (2) board members whose terms expire January 1, 1984, the governor shall appoint two (2) members from a list of four (4) names submitted by the legislative research commission. Thereafter, upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(3) Upon the expiration of the terms of office, of the members whose terms expire December 31, 1982, January 1, 1985, and January 1, 1986, the Governor shall appoint citizens at large who are not associated with state government in any manner. Thereafter upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(4) These five (5) appointments to the board shall be subject to confirmation by the senate. If the senate is not in session, these five (5) appointments shall be subject to review by the interim joint committee on state government which shall hold a public hearing and shall transmit its recommendations to the senate.

(5) The initial election of classified employes to the board shall be held as provided *by Section 12 of this Act* [~~in KRS 18A.055~~]. The two (2) classified employes initially elected to the board shall serve until July 1, 1986. Subsequent elections shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was elected. If a vacancy occurs prior to the expiration of such term, the board shall fill the

vacancy as provided in KRS 18A.060. *Effective for the election to be held in 1986 and all subsequent elections, a classified employe elected to the board shall not be eligible for reelection to the board. He shall also be ineligible to be appointed to fill a vacancy that occurs. The classified employes elected to the board at the election held in 1982 shall be eligible for the 1986 election.*

(6) If an elected board member accepts an unclassified position with state government, his membership on the board shall be terminated immediately and the vacancy shall be filled as provided in KRS 18A.060.

(7) If an elected board member accepts a classified position in a cabinet employing another board member or if, through no fault of his own, he is placed in that cabinet, his membership on the board shall not be terminated for the remainder of his term.

SECTION 12. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) (a) Elections to the board shall be scheduled every four (4) years on or before July 1. The department shall provide written notification of the date of the election to all classified employes on or before May 1.

(b) Upon receipt of the notification provided for by subsection (1)(a) of this section, an employe wishing to serve on the board shall notify the department, in writing, no later than June 1. This notification shall be notarized and shall include the candidate's name, address, social security number, job classification, and length of state employment. It shall also include the name and address of his current employer.

(2) On the last working day of May, the department shall certify a payroll that is current on such day and that contains the name, social security number and home address of every classified employe.

(3) At least fifteen (15) working days prior to the election provided for in subsection (1) of this section, the department shall mail to each classified employe whose name appeared on the payroll certified by the department at his home address:

(a) A list of candidates for election to the board, in alphabetical order, with a brief biography following the name of each candidate;

(b) Instructions for voting, including the instruction that the employe shall write his name, address and social security number in the upper left corner of the reply envelope;

(c) A ballot listing the names of all candidates for election to the board in alphabetical order and providing a blank space next to each name; and

(d) An envelope for returning the ballot. Prior to mailing the envelope to a state employe, it shall be addressed by the department to the impartial third party selected by the department to receive, validate and tabulate the ballots at a post office box rented by the department for the election. The upper left corner of the envelope shall contain a sufficient number of blank lines and spaces to permit an employe to write his name, address and social security number in such corner.

(4) Upon receipt of his ballot a classified employe wishing to participate in the election provided for in subsection (1) of this section shall:

(a) Vote for no more than two (2) candidates;

(b) Mark his ballot by placing a mark in the blank space next to the name of the candidate for whom he is casting his vote; and

(c) Print his name, address and social security number in the upper left corner of the reply envelope provided by the department.

(5) The department shall:

(a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by subsections (5) and (6) of this section;

(b) Acquire a post office box to which all ballots shall be mailed; and

(c) Provide the impartial third party with a computer generated list of the names and social security numbers of eligible voters, with the names of the eligible voters in numerical sequence as determined by their social security numbers. The names and social security numbers listed on such list shall correspond to those appearing on the payroll certified by the department under subsection (2) of this section.

(6) The impartial third party selected by the department shall collect all ballots, unopened, from the post office box. It shall:

(a) 1. Verify the name and social security number on each envelope by comparing them to the computer generated list of names and social security numbers of eligible voters provided by the department; and

2. Set aside, unopened, any envelope containing a name or a social security number on the envelope that does not match a name or a social security number appearing next to the name on the computer generated list;

(b) Examine the postmark on each envelope;

(c) Set aside, unopened, any envelope postmarked with a date subsequent to the deadline provided for by this section;

(d) Remove the ballot from each envelope;

(e) Tabulate the ballots by electronic data entry in duplicate, provided that ballots in envelopes specified in paragraphs (a)2. and (c) of this subsection shall not be counted;

(f) Compare the total tabulated vote with the total number of eligible employes appearing on the computer generated list provided by the department;

(g) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the department; and

(h) Certify to the department:

1. That the tabulation does not include two (2) or more ballots with the same social security number;

2. The total number of ballots received;

3. The total number of ballots set aside and not included in the tabulation;

4. The total number of ballots included in the tabulation; and

5. The total vote for each candidate.

(7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes and other election materials provided for by this section shall be public record and open to inspection.

(8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.

(9) Successful candidates shall be notified by the department no later than five (5) working days after the election. Successful candidates shall take office immediately upon notification.

(10) State employes shall not use state materials or equipment for any purpose related to the election of classified employes to the board, nor shall any activity related to the election of a classified employe to the board be conducted during working hours.

Section 13. KRS 18A.075 is amended to read as follows:

Subject to the provisions of this Act and KRS Chapter 13A, it shall be the duty of the board to:

(1) *(a) As provided by this Act, promulgate administrative regulations relating to appeals by state employes* [~~Adopt comprehensive rules~~] consistent with the provisions of KRS 18A.005 to 18A.200, and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants;

(b) Such administrative regulations shall comply with the provisions of this Act and KRS Chapter 13A, and shall have the force and effect of law, when approved by the board, after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder;

(c) Administrative regulations promulgated by the board shall not expand or restrict rights granted to, or duties imposed upon, employes and administrative bodies by the provisions of this Act;

(d) No administrative body other than the personnel board shall promulgate administrative regulations governing the subject matters specified in this section;

(2) Prior to filing an administrative regulation with the legislative research commission, the board shall submit such administrative regulation to the commissioner for review;

(a) The commissioner shall review the administrative regulation proposed by the board not less than twenty (20) days after its submission to him;

(b) Not less than five (5) days after his review, the commissioner shall submit his recommendations in writing to the board;

(c) The board shall review the recommendations of the commissioner and may revise the proposed administrative regulation as it deems necessary;

(d) After the board has completed the review provided for in this section, it may file the proposed administrative regulation with the legislative research commission pursuant to the provisions of KRS Chapter 13A;

[~~(2) Present to the governor, through the secretary of the department of finance, for his adoption such classification and compensation plans for the state service, provision for vacation, sick and special leave and hours of work, together with rules for their administration, as recommended by the commissioner and the board after a thorough survey of the personnel and departmental organizations included in such plan or plans;~~]

(3) Make investigations, either on petition of a citizen, taxpayer, interested party, or on its own motion, concerning the enforcement and effect of KRS 18A.005 to 18A.200, and to require observance of its provisions and the *administrative* [~~rules and~~] regulations *promulgated* [~~made~~] pursuant *to the provisions of this Act and KRS Chapter 13A* [~~thereto~~]; and to make such investigation as may be requested by the general assembly or the governor and to report thereon;

(4) Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, from unclassified employes who have been dismissed, demoted, suspended, or otherwise penalized for cause, and from officers or employes serving under the personnel system created by KRS *Chapter 18A* [~~18A.005 to 18A.200~~], as [~~hereinafter~~] provided *by this Act* [~~, subject to the procedural rules which the board may adopt pursuant to the provisions of this section~~];

(5) Promote public understanding of merit principles in government service;

(6) Present, in accordance with the provisions of KRS Chapter 48, budget requests for the support of the personnel board;

(7)[~~(6)~~] Make annual reports to the governor and the legislative research commission and biennial reports to the general assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy;

(8)[~~(7)~~] Advise the governor and the commissioner with respect to the administration of the personnel system created by KRS *Chapter 18A* [~~18A.005 to 18A.200~~];

(9)[~~(8)~~] Consider and act on such matters as may be referred to the board by the commissioner; and

(10)[~~(9)~~] Represent the public interest in the improvement of personnel administration in the state service, and advise and assist the commissioner in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

Section 14. KRS 18A.090 is amended to read as follows:

(1) As provided by the budget enacted by the general assembly and other laws applicable to state personnel, the board shall appoint an executive director who shall be the chief administrative officer of the board and serve as secretary to the board. He shall have proven administrative and managerial experience and familiarity with equal employment opportunity laws and regulations. The board shall appoint other employes it deems necessary in accordance with the provisions of this chapter. The salaries of the executive director and other employes of the board shall be determined by order of the board. The executive director of the board shall prepare the budget request for approval by the board in the form and manner required by applicable law. For the purposes of KRS *Chapter 48* [~~45.070~~] the board shall be considered a budget unit.

(2) The board shall appoint a general counsel pursuant to KRS 12.210 to provide legal services for the board. Upon request of the board, the attorney general may designate the general counsel as an assistant attorney general. The general counsel provided for by this subsection shall not be employed by personal service contract and shall be a full-time employe of the board. He shall serve as a hearing officer for the board [~~The attorney general shall be an advisory member of the board~~].

Section 15. KRS 18A.095 is amended to read as follows:

(1) A classified employe with status shall not be dismissed, demoted, suspended or otherwise penalized except for cause.

(2) Prior to dismissal, a classified employe with status shall be notified in writing of the intent to dismiss him. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the intent to dismiss is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(b) That the employe has the right to appear personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(3) The department shall prescribe and distribute a form to each appointing authority to be completed and forwarded by an employe who wishes to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy. Such form shall be attached to every notice of intent to dismiss, and shall contain written instructions explaining:

(a) The right granted an employe under the provisions of this Act relating to pretermination hearings; and

(b) The time limits and procedures to be followed by all parties in pretermination hearings.

(4) No later than five (5) working days after receipt of the notice of intent to dismiss, excluding the day he receives such notice, the employe may request to appear, personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(5) Such appearance shall be scheduled six (6) working days after receipt of an employe's request to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day his request is received.

(6) No later than five (5) working days after the employe appears before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day of the appearance, the elected official or his deputy or the cabinet head or his deputy shall:

(a) Determine whether to dismiss the employe or to alter, modify or rescind the intent to dismiss; and

(b) Notify the employe in writing of such determination.

(7) If the cabinet head or his deputy, or in the case of employes of elected officials, the elected official or his deputy, determines that the employe shall be dismissed or otherwise penalized, the employe shall be notified in writing of:

(a) The effective date of his dismissal or other penalization;

(b) The specific reason for such action, including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the dismissal or other penalization is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(c) That he may appeal such dismissal or other penalization to the board within thirty (30) days after receipt of this notification, excluding the day he receives such notification.

(8) A classified employe with status who is demoted, suspended or otherwise penalized shall be notified in writing of such action, the specific reason for such action, and that he has the right to appeal to the board within thirty (30) days excluding the day that he received notification.

(9) Any [~~classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service or any~~] unclassified employe who is dismissed, demoted, suspended, or otherwise penalized for cause may, within thirty (30) days after such dismissal, demotion, suspension, or other form of penalization, appeal to the board for review thereof.

(10) (a) An employe whose position is reallocated shall be notified in writing by the appointing authority of:

1. The reallocation; and

2. His right to request reconsideration by the commissioner within ten (10) working days of receipt of the notice, excluding the day he receives notification.

(b) He shall be provided with a form prescribed by the commissioner on which to request reconsideration; and

(c) The employe shall file a written request for reconsideration of the reallocation of his position with the commissioner and shall be given a reasonable opportunity to be heard thereon by the commissioner. The commissioner shall make a determination within sixty (60) days after the request has been filed by an employe. After reconsideration of the request by the commissioner, the employe may appeal to the board.

(11) An evaluation may be appealed to the board if an employe has complied with the review procedure established under Section 3 of this Act.

(12) Any state employe, applicant for employment, or eligible on a register may appeal to the personnel board on the grounds that his right to inspect or copy records, including preliminary and other supporting documentation, relating to him has been denied, abridged or impeded by a public agency. The board shall conduct a hearing to determine whether the records related to the employe, applicant or eligible, and whether his right to inspect or copy such was denied, abridged or impeded. If the board determines that the records related to the employe and that the right to inspect or copy such records has been denied, abridged or impeded,

the board shall order the public agency to make them available for inspection and copying and shall charge the cost of the hearing to the public agency. A state employe, applicant or eligible shall not have the right to inspect or to copy examination materials.

(13) Any classified state employe may appeal to the board an action alleged to be based on discrimination due to race, color, religion, national origin, sex, handicap, or age. Nothing herein shall be construed to preclude any classified or unclassified state employe from filing with the Kentucky Commission on Human Rights a complaint alleging discrimination on the basis of race, color, religion, national origin, sex, handicap or age in accordance with KRS Chapter 344.

(14) When an eligible's name is removed from a register, the commissioner shall notify the eligible of his action and the reasons therefor, and that he may appeal such removal to the board. An eligible's name shall be restored to the register upon presentation of reasons satisfactory to the commissioner or in accordance with the decision of the board.

(15) (a) Any employe, applicant for employment, or eligible on a register, who believes that he has been discriminated against, may appeal to the board;

(b) Any applicant whose application for admission to an open-competitive examination has been rejected shall be notified of such rejection and the reasons therefor and may appeal to the board for reconsideration of his qualifications and for admission to the examination. Applicants may be conditionally admitted to an examination by the commissioner pending reconsideration by the board;

(c) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly;

(d) An appeal to the board by applicants or eligibles under subsections (12), (14) and (15) of this section shall be filed in writing with the executive director not later than fifteen (15) calendar days after the notification of the action in question was mailed.

(16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the board. Appeal forms shall be available at the employe's place of work. The department shall be responsible for the distribution of such forms.

(b) The appeal form shall be attached to any notice or copy of such notice of dismissal, demotion, suspension, fine, involuntary transfer or other penalization, reallocation, or notice of any other action an employe may appeal under the provisions of this Act. The appeal form shall instruct the employe to state whether he is a classified or unclassified employe, his full name, his appointing authority, work station address and telephone number, and, if he has retained counsel at the time he files an appeal, the name, address and telephone number of his attorney.

(c) The form shall also instruct a classified employe to state the action he is appealing in a short, plain, concise statement of the facts. The form shall instruct an unclassified employe to make a short, plain, concise statement of the reason or cause given for his dismissal.

(d) Upon receipt of the appeal by the board, the appointing authority and the department of personnel shall be notified and the board shall schedule a hearing within the time limits prescribed by this Act.

(17) All notices from the board shall be in writing. Notices shall be written so as to be understood by non-attorneys.

(18) (a) [~~Upon such review, both~~] The appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts.

(b) Except as provided herein, an appeal shall be decided by the board only after a hearing. The board shall not deny, reject or sustain an appeal, or make any other determination relating to an appeal, except after a hearing is conducted pursuant to the provisions of this Act.

(c) The board may deny a hearing to an employe who has failed to file an appeal within the time prescribed by this Act; and, to an unclassified employe who has failed to state the cause for which he has been dismissed. The board shall notify the employe of its denial in writing and shall inform the employe of his right to appeal such denial under the provisions of KRS 18A.100.

(d) Any investigation by the board of any matter related to an appeal filed by an employe shall be conducted only upon notice to the employe, the employe's counsel, and the appointing authority. All parties to the appeal shall have access to information produced by such investigations and such information shall be presented at the hearing. Any party to the hearing shall be permitted an adequate opportunity to rebut or comment upon such information.

(e) Each appeal shall be decided on its merits.

(19) At the hearing of such appeals, technical rules of evidence shall not apply. *Upon its own motion or upon request by a party, the board may require the production by a party, a state employe or a state agency of documents, records and other material relevant to the appeal.*

(20) Each appeal shall be decided individually unless otherwise agreed by the parties and the board. The board shall not:

(a) Employ class action procedures; or

(b) Conduct test representative cases.

(21) Except as authorized by law, a board member shall neither initiate, participate in, nor consider ex parte or other communications concerning a pending or impending proceeding before the board. Board members shall abstain from public comment about a pending or impending proceeding before the board, and shall require similar abstention on the part of board personnel subject to the board's direction and control. This shall not prohibit board members from making public statements in the course of their official duties or from explaining for public information the procedures of the board.

(22) (a) An appeal to the board may be heard by*:*

1. The full board;

2. Two (2) board members;

3. A member of the board and its executive director;

4. A member of the board and a hearing officer;

5. The executive director and a hearing officer; or

6. The general counsel of the board and either a member of the board, the executive director or a hearing officer [~~individual members of the board, by its executive director or by a hearing officer of the board~~].

(b) Any appeal heard by less than the full board shall be *reviewed by the full board before a final order of the board is issued.*

1. Prior to a final order of the board, the board shall provide a copy of the findings of fact and recommendations to the parties to the appeal and shall provide them with an opportunity to submit written exceptions and responses to such findings of fact and recommendations. At the request of a party or on its own motion, the board shall permit oral argument before the full board. Such request shall be filed with the board within fifteen (15) days of the recommended order issued by a member, the executive director, or a hearing officer.

2. The board shall review the record of the evidence presented, the findings of fact and recommendations of the hearing officer, and the written exceptions and responses filed by parties to the appeal [~~subject to review by the full board upon petition for such review by either party to the appeal. Petition for review by the full board shall be filed with the board within thirty (30) days of the recommended order issued by a member, the executive director, or a hearing officer~~].

(c) If the board finds that the action complained of was taken by the appointing authority in violation of laws prohibiting favor for, or discrimination against, or bias with respect to his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex or age or handicap, the appointing authority shall, not later than thirty (30) days after receipt of such findings

and recommendations, reinstate the employe to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(d) If the board finds that the action complained of was taken without just cause, the board shall order the employe reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(e) [~~In all other cases,~~] If the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action.

(f) In all other cases, the board shall rescind the action taken or otherwise grant such other relief to which the employe is entitled.

(g) If a final order of the board is appealed, a court shall award reasonable attorney fees to an employe who prevails by a final adjudication on the merits as provided by Section 26 of this Act. Such award shall not include attorney fees attributable to the hearing before the board.

(h) The appointing authority shall, not later than thirty (30) days after receipt of the final order of the board, comply with such final order. When any employe is dismissed and not ordered reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he had been removed.

(23) After a final decision has been rendered by the board or court, an employe who prevails in his appeal shall be credited with the amount of leave time used for time spent at his hearing before the board or court. Employes who had an insufficient amount of leave time shall be credited with leave time equal to the amount of time spent at their hearings before the board or court.

[~~(2) Any unclassified employe who is dismissed without cause shall not have the right of appeal as provided in this section.~~]

(24)[~~(3)~~] The board shall, within sixty (60) days after an appeal is filed, hear the appeal, and shall, within ninety (90) days after an appeal is filed, issue a final determination for the disposition thereof.

Section 16. KRS 18A.110 is amended to read as follows:

(1) (a) Except as provided by Section 13 of this Act, the commissioner shall *promulgate comprehensive administrative regulations* [~~prepare and submit to the board proposed rules~~] for the classified service.

(b) The commissioner may promulgate an administrative regulation providing for an initial probationary period in excess of six (6) months, but not to exceed twelve (12) months. The subject of such administrative regulation shall be limited to job classifications for which an initial probationary period in excess of six (6) months is required and shall specify:

1. The job classification for which an initial probationary period in excess of six (6) months is required; and

2. The specific number of months constituting the initial probationary period, not to exceed twelve (12) months, for the job classification. No other administrative regulation shall include any provision prescribing an initial probationary period in excess of six (6) months.

(2) (a) Such *administrative regulations shall comply with the provisions of this Act and KRS Chapter 13A, and* [~~rules~~] shall have the force and effect of law, [~~when approved by the board,~~] after *compliance* [~~public notice and public hearing, and after filing~~] with the *provisions of* [~~legislative research commission in accordance with~~] KRS Chapter 13*A* and procedures adopted thereunder.

(b) Administrative regulations promulgated by the commissioner shall not expand or restrict rights granted to, or duties imposed upon, employes and administrative bodies by the provisions of this Act.

(c) No administrative body other than the department of personnel shall promulgate administrative regulations governing the subject matters specified in this section.

(3) Prior to filing an administrative regulation with the legislative research commission, the commissioner shall submit such administrative regulation to the board for review.

(a) The board shall review the administrative regulation proposed by the commissioner not less than twenty (20) days after its submission to it.

(b) Not less than five (5) days after its review, the board shall submit its recommendations in writing to the commissioner.

(c) The commissioner shall review the recommendations of the board and may revise the proposed administrative regulation if he deems it necessary.

(d) After the commissioner has completed the review provided for in this section, he may file the proposed administrative regulation with the legislative research commission pursuant to the provisions of KRS Chapter 13A [~~If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board~~].

(4) The *administrative regulations* [~~rules~~] shall provide:

(a)[~~(1)~~] For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. [~~After such classification has been approved by the board,~~]

1. The commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. *The commissioner shall reallocate existing positions when it is determined that they are incorrectly allocated, and there has been no substantial change in duties from those in effect when such positions were last classified.*

2. The secretary of the finance and administration cabinet may review and approve all proposed position establishments and abolishments. Reclassifications and reallocations may also be reviewed and approved by the secretary of the finance and administration cabinet on the basis of the availability of funds. The finance and administration cabinet shall notify the department of any review and approval conducted under the provisions of this section. [~~Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;~~]

(b)[~~(2)~~] For a pay plan for all employes in the classified service, after consultation with appointing authorities and the secretary of the finance and administration cabinet. The plan shall take into account such factors as*:*

1.[~~(a)~~] The relative levels of duties and responsibilities of various classes of positions;

2.[~~(b)~~] Rates paid for comparable positions elsewhere; and

3.[~~(c)~~] The state's financial resources.

The classification and compensation plans provided for by subsections (1) and (2) of this section shall be prepared by the commissioner after a thorough survey of personnel and departmental organizations. The commissioner shall present these plans to the governor, through the secretary of the finance and administration cabinet. Such plans shall be promulgated as administrative regulations only after they have been approved by the governor [~~Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board~~]. Amendments to the pay plan *shall* [~~may~~] be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(c)[~~(3)~~] For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on [~~a continuous basis~~] long enough to assure a sufficient number of eligibles to meet the needs of the service. *Except as provided by this*

Act, he[~~, and~~] shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(d)[~~(4)~~] For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. *Except as provided by this Act,* vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(e)[~~(5)~~] *As provided by this Act,* for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. *Except as provided by this Act,* eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the *commissioner* [~~board~~] for a period not to exceed one (1) additional year;

(f)[~~(6)~~] For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience[~~, or who have been guilty of infamous or disgraceful conduct~~]; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(g)[~~(7)~~] *Except as provided by this Act,* for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

(h)[~~(8)~~] For *probationary periods as provided by this Act* [~~a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. Unless the appointing authority notifies the employe prior to the end of the probationary period that the employe's services are not satisfactory, the employe shall have status in the classified service. The notice shall be in writing and as provided by personnel rules~~];

(i)[~~(9)~~] For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(j)[~~(10)~~] For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

(k)[~~(11)~~] For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary [~~ranges~~];

(l)[~~(12)~~] For reinstatement within not more than five (5) years, [~~only~~] with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part *as provided by this Act*;

(m)[~~(13)~~] For developing, in *accordance with Section 3 of this Act* [~~cooperation with the appointing authorities~~], uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(n)[~~(14)~~] For layoffs *in accordance with Sections 4 to 6 of this Act* by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off *as provided by this Act* [~~, giving consideration in both layoffs and reemployment to qualifications, performance records, conduct and seniority in service~~];

(o)[~~(15)~~] For imposition as disciplinary measures of a fine of not more than ten (10) working days' pay or for suspension from the service without pay for not longer than thirty (30) working days and for the manner of notification of the employe of the discipline and his right of appeal *as provided in this Act*;

(p)[~~(16)~~] For discharge or reduction in rank or grade *as provided by this Act* [~~only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear~~

~~personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner~~];

(q)[~~(17)~~] For establishment of a plan for resolving employe grievances and complaints *that does not restrict rights granted under this Act*;

(r)[~~(18)~~] For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided *by the provisions of this Act* [~~in subsection (2) of KRS 18A.075~~];

(s)[~~(19)~~] For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(t)[~~(20)~~] For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(u)[~~(21)~~] For such other [~~rules and~~] administrative regulations not inconsistent with *this Act and KRS Chapter 13A* [~~KRS 18A.005 to 18A.200~~], as may be proper and necessary for its enforcement.

Section 17. KRS 18A.115 is amended to read as follows:

(1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The general assembly and employes of the general assembly including the employes of the legislative research commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staff of the governor, the lieutenant governor, the office of the secretary of the governor's cabinet, and the office of program administration;

(e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television;

(f) Employes of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employes for employment, dismissal and setting of compensation, up to the maximum established for the executive director and his principal assistants;

(g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;

(h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size or complexity of the unit involved are such that the commissioner approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the commissioner;

(i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;

(j) Physicians employed as such;

(k) One (1) private secretary for each person exempted under subsections (1)(e), (1)(g) and (1)(h) of this section;

(l) The judicial department, referees, receivers, jurors, and notaries public;

(m) Officers and members of the staffs of state universities and colleges and student employes of such institutions; and officers, teachers, and employes of local boards of education;

(n) Patients or inmates employed in state institutions;

(o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the general assembly, or a committee thereof, or by authority of the governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45.700 to 45.720;

(p) Seasonal, temporary, and emergency employes;

(q) Federally funded time-limited employes;

(r) Officers and members of the state militia;

(s) State police troopers and sworn officers in the bureau of state police, department of justice;

(u) Superintendents of state mental institutions, including heads of mental retardation centers, and penal and correctional institutions as referred to in KRS 196.180(2);

(v) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;

(w) County and commonwealth's attorneys and their respective appointees.

(2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.

(3) Nothing herein is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(4) *Career employes within the* classified *service who are* [~~employes with status~~] promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified [~~pursuant to KRS 18A.130 and 18A.135~~].

(5) Nothing herein shall be construed as precluding appointing officers from filling nonclassified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.

Section 18. KRS 18A.125 is amended to read as follows:

(1) No disbursing or auditing officer of the Commonwealth shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the classified or unclassified service unless the payroll voucher or account of such pay bears the certification of the commissioner, or of his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of KRS 18A.005 to 18A.200, *administrative* [~~and the rules,~~] regulations, and orders thereunder. The commissioner may for proper cause or upon order of the board withhold certification from an entire payroll or from any specific item or items thereon. The commissioner may, however, provide that certification of payrolls may be made once every six (6) months, and such certification shall remain in effect except in the case of any officer or employe whose status has changed after the last certification of his payroll. In the latter case no voucher for payment of salary to such employe shall be issued or payment of salary made without the further certification of the commissioner.

(2) Any citizen, including public officers, may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of KRS 18A.005 to 18A.200, or of any rule, regulation or order thereunder. Any sum paid contrary to any provision of KRS 18A.005 to 18A.200 or of any *administrative* [~~rule,~~] regulation[~~,~~] or order thereunder may be recovered in an action maintained by any citizen, from any

officer who made, approved, or authorized such payment or who signed or countersigned a voucher, payroll, check or warrant for such payment, or from the sureties on the official bond of any such officer. All moneys recovered in any such action shall be paid into the treasury.

(3) Any person appointed or employed in contravention of any provision of KRS 18A.005 to 18A.200 or of any *administrative* [~~rule,~~] regulation[~~,~~] or order thereunder, who performs service for which he is not paid, may maintain an action against the officer or officers, employe or employes, who purported so to appoint or employ him, to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No such officer or employe shall be reimbursed by the Commonwealth at any time for any sum paid to such person on account of such services.

(4) If the commissioner wrongfully withholds certification of the payroll voucher or account of any employe, such employe may maintain a proceeding in the circuit court in the county in which he resides to compel the commissioner to certify such payroll voucher or account.

Section 19. KRS 18A.155 is amended to read as follows:

(1) The commissioner shall prepare and submit proposed *administrative regulations* [~~rules~~] to the governor for employes in unclassified positions enumerated in paragraphs (g), (h), (i), (j), (k), (p), (u), and (v) of subsection (1) of KRS 18A.115. Such *administrative regulations* [~~rules~~] shall become effective after approval by the governor and promulgation in accordance with KRS Chapters 12 and 13*A and the provisions of this Act*. The *administrative regulations* [~~rules~~] shall provide:

(a) For the preparation, maintenance and revision of a position classification plan for all aforementioned positions in the unclassified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification plan has been approved by the governor, the commissioner shall allocate the positions of every employe in the unclassified service to one (1) of the classes of the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(b) For a pay plan for all aforementioned employes in the unclassified service, after consultation with appointing authorities and the secretary of the department of finance, and taking into account such factors as:

1. The relative levels of duties and responsibilities of various classes of positions;

2. Rates paid for comparable positions elsewhere; and

3. The state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the commissioner through the secretary of the department of finance. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed;

(c) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(d) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor [~~as provided in subsection (2) of KRS 18A.075~~];

(e) For the development and operation of programs to improve the work effectiveness and morale of employes in the unclassified service, including training, safety, health, welfare, counseling, recreation, and employe relations;

(f) For such other [~~rules and~~] administrative regulations, not inconsistent with KRS 18A.005 to 18A.200, as may be proper and necessary for its enforcement.

(2) Nothing herein shall be construed to preclude the optional use of *administrative regulations* [~~rules~~] promulgated under this section on behalf of employes enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.115 and on behalf of members of state boards and commissions who work on a full-time, salaried basis.

Section 20. KRS 18A.165 is amended to read as follows:

[~~(1)~~] All officers and employes of the Commonwealth shall comply with, and aid in all proper ways in carrying out, the provisions of KRS 18A.005 to 18A.200, [~~and~~] the *administrative* [~~rules,~~] regulations *promulgated by the commissioner and the board* [~~,~~] and *the* orders of the board thereunder. All officers and employes shall furnish any records or information pertaining to the administration of KRS 18A.005 to 18A.200 which the commissioner or the board may request. The commissioner or the board may require the attorney general to institute and maintain such legal action as the commissioner or the board may consider necessary or appropriate to secure compliance with KRS 18A.005 to 18A.200 and the *administrative regulations* [~~rules~~] and orders thereunder.

[~~(2) The secretary of the department of finance may review and approve all proposed position establishments and abolishments. Reclassifications and reallocations may also be reviewed and approved by the secretary of the department of finance on the basis of the availability of funds. The department of finance shall notify the department and the board of any review and approval conducted under the provisions of this section.~~]

Section 21. KRS 18A.185 is amended to read as follows:

For the purpose of any *administrative* regulation issued under KRS 18A.110 or 18A.155 governing entitlement to annual leave days, sick leave days or the accumulation of such leave days, any period of service as an elected state official, including but not limited to service in the general assembly, by any officer or employe to whom such *administrative* regulation applies shall be considered to have been full-time employment in the state service.

Section 22. KRS 18A.202 is amended to read as follows:

[~~Subject to the approval of the personnel board,~~] The commissioner is authorized to install and implement by *administrative* regulation work-related incentive programs for state employes. Such programs may include, but need not be limited to, an employe suggestion system whereby employes in the classified service may be recognized and rewarded for submitting suggestions that result in the improvement of state service or in the realization of financial savings by the state. Such programs may provide that when an employe suggestion has been adopted and resulted in a financial savings to the state, the employe who submitted the suggestion may be compensated for his service through a cash bonus in an amount to the lesser of ten percent (10%) of the amount saved or two thousand five hundred dollars ($2,500).

Section 23. KRS 18A.355 is amended to read as follows:

(1) *(a)* An annual increment of not less than five percent (5%) of the *base* [~~gross annual~~] salary or wages of each state employe shall be granted to each employe *on his anniversary date.*

(b) An employe's base salary or wages shall be increased by:

1. The amount of the annual increment;

2. A promotional or performance increment granted an employe; and

3. A salary adjustment due to a reclassification or reallocation.

(2) The *branch* [~~biennial~~] budget *recommendation* [~~report~~] submitted to the general assembly under KRS *Chapter 48* [~~48.110, 48.180 and 48.185~~] shall include a request for the amount of the annual increment expressed as a percentage of each employe's gross salary or wages and a request for the total appropriation needed to fund the annual increment. The annual increment shall be uniform for all employes. The financial plan enacted under the provisions of KRS 48.300 [~~and 48.500~~] shall contain the annual increment expressed as a percentage of each employe's gross salary or wages, and the total appropriation needed to fund the annual increment.

(3) The budget reduction plan submitted and enacted under the provisions of KRS Chapter 48 shall provide that a reduction of the annual increment granted under this section shall be made only after other cost savings measures, as provided by subsection (2) of Section 6 of this Act, are taken. Any such reduction shall be uniform for all state employes and shall comply with the provisions of this Act and KRS Chapter 48.

Section 24. KRS 48.130 is amended to read as follows:

(1) The branch budget recommendation submitted by each branch of government shall include a plan for the reduction of the respective budget recommendations, by budget unit, when projected or actual tax receipts accruing to the general fund or road fund are at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates for these funds as determined under subsection (3) of KRS 48.120.

(2) *(a)* In recommending budget reductions, the governor, the chief justice, and the legislative research commission shall not recommend universal percentage reductions but shall weigh the needs of all budget units and shall strive to protect the highest possible level of service in their respective branches. Services which are not essential to constitutional functions shall be subject to reduction. Transfer of funds may be authorized by the budget reduction plan.

(b) In recommending budget reductions for the executive branch, the budget reduction plan provided for by subsection (1) of this section shall comply with subsections (1) through (3) of Section 6 of this Act.

(c) A layoff of state employes in the executive branch under the budget reduction plan enacted by the general assembly shall comply with the provisions of Sections 4 and 6 of this Act.

(d) A layoff of state employes in the executive branch required by an actual or projected deficit in tax receipts contemplated by subsection (5) of this section shall comply with the provisions of Sections 4 and 6 of this Act.

(3) The plan shall be enacted as modified by the general assembly, in each joint budget resolution.

(4) In the event of an actual or projected deficit in tax receipts provided for by this section, the department of revenue shall notify all branches of government:

(a) If funds that have accrued to the surplus accounts of the general or road funds are not sufficient to meet these deficits, the allotments to the respective branches shall be reduced according to the reduction provisions embodied in the joint budget resolution, and the governor, the chief justice, and the legislative research commission shall automatically implement budget reductions for their respective branches according to the reduction provisions embodied in the joint budget resolution*; and* [~~.~~]

(b) In the event funds that have accrued to the surplus accounts of the general or road funds are sufficient to meet these deficits, transfers from these surplus accounts shall be made, as appropriate, and the budget reduction provisions embodied in the joint budget resolution shall not be implemented.

(5) In the event of an actual or projected deficit in tax receipts provided for by this section of less than two and one-half percent (2 1/2%), the governor, the chief justice, and the legislative research commission shall implement budget reductions for their respective branches on their own initiative.

(6) *The budget reduction plan shall provide that the annual increment granted state employes under Section 23 of this Act shall be reduced as provided by this Act. Any such reduction of the annual increment shall be uniform for all employes.*

(7) If general fund or road fund tax receipts increase over the estimated deficits, then services shall be restored in the reverse order of the reduced services.

(8)[~~(7)~~] This section shall not preclude the general assembly, in regular or special session, from amending a joint budget resolution requiring budget reductions nor shall it preclude the governor from calling a special session of the general assembly at any time the budget reduction plan is in effect.

Section 25. KRS 61.878 is amended to read as follows:

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(i) All public records or information the disclosure of which is prohibited by federal law or regulation.

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) *No exemption in this section shall be construed to deny, abridge or impede the right of a state employe, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. Such records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, transfers, layoffs, disciplinary actions, examination scores and preliminary and other supporting documentation. A state employe, applicant or eligible shall not have the right to inspect or to copy any examination.*

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

(5)[~~(4)~~] The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

Section 26. KRS 453.260 is amended to read as follows:

(1) In addition to any costs which are awarded as prescribed by statute, a court shall award costs to any party which prevails by a final adjudication on the merits in any of the following:

(a) A civil action brought by the Commonwealth against the party;

(b) A civil action brought by the party against the Commonwealth to challenge the assessment or collection of taxes;

(c) A court proceeding to review an administrative review board decision, where the original administrative action was brought by the Commonwealth against the party.

(2) The court in its discretion may deny the award provided for in this section, or may reduce the award, if it finds that:

(a) During the course of the proceeding the prevailing party unduly and unreasonably protracted the final resolution of the matter; or

(b) The reason that the party other than the Commonwealth has prevailed is an intervening change in the applicable statutes, regulations or case law; or

(c) The prevailing party refused an offer of civil settlement which was at least as favorable to the party as the relief ultimately granted; or

(d) The position of the Commonwealth was substantially justified or a special circumstance would make an award unjust provided, however, that the burden of proof of substantial justification or special circumstance shall rest with the Commonwealth.

(3) A party may apply pursuant to the applicable Rules of Civil Procedure for an award of attorney fees and other expenses authorized under this section and shall include as part of the application evidence of the party's eligibility for the award and the amount sought, including an itemized and attested statement from the attorneys and experts stating the actual time expended in representing the party and the rate at which the fees were computed. The party shall also allege in such application that the Commonwealth acted without substantial justification.

(4) The court shall base any award of fees as provided in this section on prevailing market rates for the kind and quality of services furnished, except that:

(a) An expert is not eligible for compensation at a rate in excess of the prevailing rate of compensation for similar experts paid by the Commonwealth;

(b) The award of attorney fees may not exceed the amount which the prevailing party has paid or has agreed to pay the attorney or a maximum amount of forty dollars ($40.00) per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceeding involved, justifies a higher fee;

(c) No award shall be greater than ten thousand dollars ($10,000) to each party except that no award shall be made to any party who voluntarily intervenes in any such action.

(5) This section does not:

(a) Apply to an action arising from a proceeding before the Commonwealth in which the role of the Commonwealth was to determine the eligibility or entitlement of an individual to a monetary benefit or its equivalent, or to adjudicate a dispute or issue between private parties or to establish or fix a rate. As used in this subsection, monetary benefit or its equivalent shall not include a license, permit, charter or similar instrument that the Commonwealth may require to engage in a business, profession or similar activity;

(b) Apply to proceedings brought by the Commonwealth pursuant to KRS Chapters 218A, 431 to 439, and 500 to 534;

(c) Apply to proceedings involving eminent domain, foreclosure, collection of judgment debts or proceedings in which the Commonwealth is a nominal party;

(d) Personally obligate any officer or employe of the Commonwealth for the payment of an award entered under this section;

(e) Apply to proceedings brought pursuant to KRS Chapters [~~18,~~] 209, 342 and KRS 199.011 to 199.630.

SECTION 27. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

No provision in this chapter shall be construed to preclude any classified or unclassified state employe from appealing to the personnel board any action alleged to be in violation of laws prohibiting discrimination based on sex, age, religion, handicap, race or national origin, in accordance with KRS Chapter 18A.

Section 28. KRS 18A.045 is amended to read as follows:

(1) There is hereby created a personnel board in which shall be vested the constitutional powers and responsibilities of officers of the Commonwealth. The board shall consist of seven (7) members, five (5) of whom shall be appointed by the governor as provided in KRS 18A.050. Two (2) members of the board shall be elected by classified employes as provided in *Section 12 of this Act* [~~KRS 18A.055~~].

(2) Any person retaliating in any manner and any person ordering retaliation against a classified employe or a member of his family because he has participated in an election to the board, either by being a candidate or voting for a candidate, shall be subject to the provisions of KRS 18A.990.

Section 29. KRS 18A.130 is amended to read as follows:

(1) A career employe whose employment is terminated on or after January 1, 1980, by layoff, dismissal, other than for cause, and, in the case of an unclassified management employe, resignation other than resignation in lieu of dismissal for cause, shall, upon his written request, be reemployed or placed on reemployment lists in accordance with this section [~~and KRS 18A.135~~].

(2) If the career employe has previously attained status in a position in the classified service, he shall revert to a position in that class in the agency from which he was terminated if a vacancy in that class exists. If no such vacancy exists, he shall be considered for employment in any vacant position for which he is qualified pursuant to the reemployment procedures.

(3) If the career employe has not previously attained status in the classified service or if he has attained status but no vacancy exists in a position to which subsection (2) of this section applies, the employe shall be placed on reemployment lists for any positions for which he is qualified.

Section 30. KRS 18A.350 is amended to read as follows:

As used in [~~this~~] KRS 18A.355 [~~and 18A.360~~], "employe" means any officer or employe of the executive branch of government. The provisions of KRS 18A.355 and 18A.360 do not apply to employes of the general assembly, the legislative research commission, or the court of justice, or to any constitutional officer.

Section 31. KRS 64.640 is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, employes of the general assembly, including employes of the legislative research commission, members of boards and commissions, those officers and employes of Kentucky Educational Television exempt from classified service as provided in KRS 18A.115, presidents and employes of the state universities and the state colleges, and persons employed by the commissioner of parks on a temporary basis under KRS 148.026, the department of personnel shall prepare a schedule of compensation, payable out of the state treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employe, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the department of personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 18A.030, 18A.035, 18A.110, 18A.130, [~~18A.135,~~] and 18A.150 to 18A.160. No such schedule shall become effective until it has been approved by the governor.

(2) The governor shall set the compensation payable out of the state treasury to each officer or position in the state service, which officer or position heads a statutory administrative department, independent agency, or other unit of state government except for those excluded under subsection (1) of this section. Such compensation shall be based upon studies of the duties and responsibilities and classification of the positions by the governor and upon a comparison with compensation being paid for similar or comparable services elsewhere, provided, however, such compensation shall not exceed the amount provided for compensation to the governor in KRS 64.480, the provisions of KRS 64.660 to the contrary notwithstanding.

(3) The compensation payable out of the state treasury to officers and employes subordinate to any office or position covered by subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position, except with respect to physicians as provided in KRS 64.655 and employes of the public service commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the department of personnel with the approval of the governor as provided in subsection (1) of this section.

(4) Nothing in this section shall preclude the allowance of maintenance to officers and employes of the state.

Section 32. The following KRS sections are repealed:

18A.055 Board elections to be held by department—Campaign restrictions.

18A.130 Reemployment of career employe terminated on or after January 1, 1980.

18A.135 Reemployment of career employes.

18A.360 Increase or reduction of annual increment.

The Committee Substitute to SB 340 is as follows:

SB 340, AN ACT relating to state personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Except as provided by the provisions of this Act, the commissioner may refuse to examine an applicant; or, after examination, may disqualify an applicant, remove his name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed if:

(a) It is found that he does not meet any one (1) of the preliminary requirements established for the examination for the class of position;

(b) He is unable to perform the duties of the class;

(c) He has made a false statement of material fact in his application;

(d) He has used or attempted to use political pressure or bribery to secure an advantage in the examination;

(e) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled;

(f) He has failed to submit his application correctly or within the prescribed time limits;

(g) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant;

(h) He has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause of which he had knowledge were pending;

(i) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(j) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification; or

(k) He has otherwise wilfully violated the provisions of this Act.

(2) An eligible may be removed from a register:

(a) If the eligible cannot be located by postal authorities at the last address provided by the eligible;

(b) If the eligible responds in writing that he no longer desires consideration for position in that class;.

(c) If the eligible declines an offer of probationary appointment to the class for which the register was established;

(d) If it is shown that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;

(e) If the eligible fails to reply within a period of ten (10) calendar days of the receipt of the written request of the appointing authority for an interview, or fails to appear for an interview which he has scheduled with the appointing authority without good cause;

(f) If the eligible accepts an appointment and fails to present himself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority; or

(g) If the eligible states in writing that he is not available for appointment or does not wish to be considered for appointment.

(3) When an eligible notifies the department in writing that he is unavailable for employment or employment consideration, the department may remove the name of that eligible from the appropriate register without further notification to the person.

(4) When the department is notified in writing by an appointing authority that an eligible has accepted a bona fide offer of probationary appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he has been appointed.

(5) In determining whether a state employe meets the minimum requirements for experience required for a job classification, the department shall consider only the experience gained during permanent full-time state employment.

SECTION 2. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Except when appointed to a job classification with an initial probationary period in excess of six (6) months, an employe shall serve a six (6) months probationary period when he is initially appointed to the classified service. An employe may be separated from his position, reduced in class or rank, or replaced on the eligible list during this initial probationary period and shall not have a right to appeal except as provided by Section 15 of this Act. If the employe is separated from his position, he shall be notified in writing at least ten (10) working days prior to separation. A copy of the notification shall be forwarded to the commissioner. The employe shall be placed on an eligible list but shall not be certified to the agency from which he was separated unless that agency so requests. Unless the appointing authority notifies the employe prior to the end of the initial probationary period that he is separated, the employe shall be deemed to have served satisfactorily and shall acquire tenure in the classified service.

(2) An employe who satisfactorily completes the initial probationary period for the position to which he was initially appointed to the classified service shall be granted tenure and may not be demoted, disciplined, dismissed, or otherwise penalized except as provided by the provisions of this Act.

(3) An employe ordered reinstated by the board shall not be required to serve a probationary period unless the board rules otherwise as provided in Section 15 of this Act.

(4) An employe with tenure who has been promoted shall serve a promotional probationary period of six (6)

months. During this period, he shall retain the rights and privileges granted by the provisions of this Act to tenured employes.

(5) An employe with tenure may request that he be reverted to a position in his former class at any time during the promotional probationary period.

(6) A laid-off employe who accepts a bona fide written offer of appointment to a position shall not be required to serve an initial probationary period. Such an employe shall serve a promotional probationary period. He shall be an employe with tenure and shall have all rights and privileges granted employes with tenure under the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Evaluations of employes shall comply with the provisions of this section.

(2) Salary advancements, promotions and demotions shall be determined by an employe's performance evaluation.

(3) Evaluations shall be in writing. An evaluator shall present and explain all documentation affecting an employe's evaluation and shall discuss every aspect of his performance with the employe at each evaluation. The evaluator shall elicit the employe's opinions and suggestions, and shall advise the employe of the measures needed to improve his performance.

(4) Each full-time employe who has completed his initial probationary period; each part-time employe who works over one hundred (100) hours each month and who has completed his initial probationary period; and each federally funded time limited employe who has completed six (6) months service shall be evaluated.

(5) (a) The first line supervisor of an employe shall be his evaluator, providing he has supervised the employe for a period of at least ninety (90) calendar days.

(b) If the evaluator has supervised an employe for at least ninety (90) calendar days, and if he ceases to be the employe's first line supervisor after such period of time, he shall evaluate the employe at least five (5) working days prior to the day he ceases to be the employe's supervisor.

(c) If the first line supervisor ceases to be the supervisor of an employe due to the suspension, demotion or dismissal of the first line supervisor, paragraph (b) of this subsection shall not apply.

(d) If the first line supervisor ceases to be an employe's supervisor because the employe transfers, the first line supervisor shall evaluate the employe prior to his transfer, provided he has supervised the employe no less than ninety (90) calendar days prior to notification of his transfer.

(6) An employe's performance shall be evaluated in each of the following categories:

(a) Job knowledge and skills;

(b) Quality of work;

(c) Productivity;

(d) Employe conduct, provided that the requirements of KRS 18A.020(2)(c) have been met; and

(e) Improvement in performance provided that the requirements of KRS 18A.020(2)(c) have been met.

(7) For each category, one of the following ratings shall be given:

(a) Exceeds performance requirements;

(b) Meets performance requirements; or

(c) Fails to meet performance requirements.

(8) The ratings provided for in subsection (7) of this section shall be determined as follows:

(a) Exceeds performance requirements means that, in each category, an employe's performance exceeds the performance requirements established for the employe's job;

(b) Meets performance requirements means that, in each category, an employe's performance meets the performance requirements established for the employe's job; and

(c) Fails to meet performance requirements means that an employe has failed to meet the performance requirements established for the employe's job in at least one (1) category.

(9) An employe who exceeds performance requirements shall be awarded a lump sum payment of an amount equal to one and one-half percent (1 1/2%) of his base salary or wages, or six hundred dollars ($600), whichever is less. Such lump sum payment shall not increase the base salary or wages of the employe.

(10) Upon appointment to a position for which an evaluation is required by this section, and prior to the evaluation period of an evaluator shall:

(a) Identify the specific performance requirements established for an employe's job; and

(b) Meet with the employe to inform him of such requirements and to discuss them with the employe.

(c) Provide the employe with a written job description in sufficient detail to convey to the employe the specific performance requirements of his job including but not limited to specific duties, time limits, reporting requirements, and required procedures.

(11) (a) At intervals of six (6) months and twelve (12) months after the procedure provided for in subsection (10) of this section, the evaluator shall:

1. Evaluate the employe's performance in writing;

2. Assign a rating to each category and an overall rating to the employe's performance; and

3. Discuss such evaluation with the employe; and

(b) The final rating of the employe's performance shall be made after the two (2) evaluations provided for in paragraph (a) of this subsection.

(12) (a) Within five (5) working days of an evaluation, an employe may request reconsideration of such evaluation by the evaluator.

(b) Within five (5) working days of such reconsideration, an employe may:

1. Submit a written response to any evaluation. Such response shall be attached to the evaluation; and

2. Submit a written request for reconsideration of any evaluation to his second line supervisor.

(c) No later than fifteen (15) working days after receipt of such request, the second line supervisor shall inform the employe and the evaluator in writing of his decision after he has:

1. Obtained written statements from both the employe and the evaluator; or

2. Met with the employe and the evaluator.

(13) Within thirty (30) days after the employe has received the written decision of his second line supervisor, he may appeal an evaluation to the board.

(14) If an employe receives a "fails to meet performance requirements" rating on two (2) successive evaluations, he shall be:

1. Demoted to a position commensurate with his abilities; or

2. Terminated.

SECTION 4. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) It shall be unlawful to coerce employes who may be or are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with statutes relating thereto, and layoffs shall not be utilized as a method of dismissal.

(2) In the same cabinet, county and job classification, provisional, temporary, emergency, federally funded time-limited, and probationary employes shall be laid off before permanent full-time or permanent part-time employes with tenure. For purposes of layoff, "probationary employe" does not include an employe with tenure serving a promotional probation. A cabinet shall not transfer positions, including vacant positions, in order to circumvent the provisions of this section.

(3) If two (2) or more employes subject to layoff in a layoff plan submitted to the commissioner have the same qualifications, the employe with the lesser seniority shall be laid off first.

(4) An employe who is laid off shall be placed on a reemployment register for the class of position from which he was laid off and for any class for which he is qualified. He shall have the right to test for any class of position for which he is qualified to take an examination. If he passes the examination, he shall be placed on the register for the class.

(5) For a period of five (5) years laid-off employes shall be hired before any applicant or eligible except another laid-off employe with greater seniority who is already on such register.

(6) For a period of five (5) years, a laid-off employe shall not be removed from any register unless:

(a) He notifies the department in writing that he no longer desires consideration for a position on such register;

(b) He declines two (2) written offers of appointment to a position of the same classification and salary, and located in the same county, as the position from which he was laid off;

(c) Without good cause, he fails to report for an interview after he has been notified in writing at least ten (10) calendar days prior to the date of the interview;

(d) He is unqualified for appointment;

(e) He is unable to perform the duties of the class;

(f) He has made a false statement of a material fact in his application;

(g) He has used or attempted to use political influence or bribery to secure an advantage in connection with his placement on the register;

(h) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(i) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification;

(j) He cannot be located by postal authorities at the last address provided by him; or

(k) He has otherwise wilfully violated the provisions of this Act.

(7) When the department is notified by an appointing authority that a laid-off employe has accepted a bona fide offer of appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same as or less than that of the class to which he has been appointed.

(8) When a laid-off employe is removed from a register he shall be notified in writing and shall be notified of his right to appeal to the board under the provisions of KRS 18A.095.

SECTION 5. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) A layoff of a state employe with tenure in the executive branch due to the abolition of a position, lack of work or a material change in duties or organization shall comply with the provisions of this section.

(2) Prior to the notification of an employe that he is subject to layoff and prior to the layoff of an employe, the appointing authority shall submit a layoff plan to the commissioner and the secretary of the finance and administration cabinet for their approval. Such plan shall contain the name of the employe and the reasons, in detail, for such layoff. Upon approval of the plan by the commissioner and the secretary, the employe shall be notified that he is subject to layoff, and of:

(a) The reason for the layoff;

(b) The procedures established by the provisions of this Act for the layoff of employes; and

(c) The rights granted employes subject to layoff and to laid off employes.

(3) (a) An employe subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties and responsibilities for which he is qualified within the cabinet. Such position shall be located in the same county as the position from which the employe is subject to lay off;

(b) If such a vacancy does not exist, the employe shall be transferred to a vacant position within the cabinet for which he is qualified. Such position shall be located in the same county as the position from which the employe is subject to lay off;

(c) If such a position is not available, the employe shall be notified of all vacant positions within the cabinet for which he is qualified to take an examination. The employe shall have the right to take an examination for any vacant position within the cabinet for which he is qualified. If he passes the examination he shall be appointed to that position before any applicant or eligible on a register, except another laid off employe with greater seniority already on such register.

(4) (a) If no position is available to an employe subject to layoff under the procedure established by subsection (3) of this section, the appointing authority shall notify the employe and the department;

(b) The department shall coordinate efforts to transfer an employe subject to layoff to another agency. It shall have the authority to transfer an employe subject to layoff under this section, with or without the approval of the appointing authority of the agency to which the employe is to be transferred.

(5) The department shall transfer the employe:

(a) To a vacant position of the same pay grade, level of duties and responsibilities in any agency;

(b) If such a position is not available, the employe shall be transferred to a vacant position of the same job class in any agency for which he is qualified;

(c) If such a position is not available, the employe shall be notified of all vacant positions for which he is qualified to take an examination. The employe shall have the right to take an examination for any vacant position in any agency for which he is qualified. If he passes the examination he shall be appointed to that position before any applicant or eligible on a register, except another laid off employe with greater seniority already on such register.

(6) An employe transferred under this section shall be transferred to a position in the same county in which he was employed at the time he was subject to layoff if such a position is available.

(7) If no position is available, the employe shall have the right to take an examination for any position for which he is qualified. If he passes the examination he shall be hired before any applicant or eligible on a register, except a laid-off employe with greater seniority already on such register.

(8) If no position is available to an employe subject to layoff under the procedure established by subsections (3) and (4) of this section, the employe shall be notified in writing that he is to be laid-off effective fifteen (15) days after receipt of notice, and of the rights and privileges granted laid-off employes.

SECTION 6. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Prior to a layoff of state employes in the executive branch, required by a projected or actual reduction in tax receipts contemplated under the provisions of subsections (1) and (5) of Section 23 of this Act, each cabinet shall prepare a layoff plan that complies with the provisions of this Act.

(2) Each layoff plan shall provide that a layoff of state employes shall occur only after all other cost saving measures are taken and have failed to alleviate the projected or actual deficit. These measures shall be specified in the plan, in detail, and shall include but not be limited to:

(a) A hiring freeze of all types of appointments;

(b) A reduction or delay of expenditures that would not prevent the provision of services required by law;

(c) Consolidation of offices and job duties that would not prevent the provision of services required by law;

(d) Transfer of funds as provided by the budget reduction plan enacted pursuant to KRS Chapter 48;

(e) Transfer of funds appropriated for or allotted to vacant positions as provided by the budget reduction plan provided for by KRS 48.130, unless it is certified that the positions are essential and cannot be filled in the period during which layoffs are to occur by transfer of existing employes of the appointing authority;

(f) The filling of vacancies and promotions from within the cabinet; and

(g) Transfers of employes within the cabinet as provided by Section 5(3) and (4) of this Act.

(3) Each cabinet shall submit:

(a) Its layoff plan; and

(b) A list of employes who would remain subject to layoff after the implementation of cost saving measures;

to the commissioner and to the secretary of the finance and administration cabinet for review. Upon approval by the secretary, the layoff plans shall be submitted to the governor for approval.

(4) Upon approval of the plan by the governor, the commissioner shall attempt to transfer employes as provided by Section 5(5) of this Act. Employes who cannot be transferred as provided by Section 5(3) to (5) of this Act may be laid-off.

(5) If no position is available to an employe subject to layoff under the procedures established by this section, the employe shall be notified in writing that he is to be laid-off effective fifteen (15) days after receipt of notice, and of the rights and privileges granted laid-off employes.

(6) When the hiring freeze is ended, laid-off employes shall be hired before any applicant or eligible except laid-off employes already on such registers.

Section 7. KRS 18A.005 is amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Appointing *authority* [~~officer~~]" means the *agency head or any person whom he has authorized by law to designate to act on behalf of the agency with respect to employe appointments, position establishments, payroll documents, register requests, waiver requests, requests for certification or other position actions. Such designation shall be in writing and signed by both the agency head and his designee. Prior to the exercise of appointing authority, such designation shall be filed with the commissioner* [~~officer or employe or group of officers or employes authorized by law to make appointments~~];

(2) "*Base salary or wages,*" *means the compensation to which an employe is entitled under the salary schedules adopted pursuant to the provisions of this Act. Base salary or wages shall be adjusted as provided under the provisions of Sections 22 and 23 of this Act;*

(3) "Board" means the personnel board created by KRS 18A.045;

(4)[~~(3)~~] "Career employe" shall mean a state employe with *sixteen (16)* [~~twenty (20)~~] or more years of permanent full-time state service, or the part-time employment equivalent of at least *sixteen (16)* [~~twenty (20)~~] years of full-time state service. The service may have been in the classified service, the unclassified service, or a combination thereof.

(5)[~~(4)~~] "Certification" means the referral of the name of one (1) or more qualified prospective employes by the commissioner on request of an appointing officer for consideration in filling a position in the classified service;

(6)[~~(5)~~] "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;

(7)[~~(6)~~] "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service;

(8)[~~(7)~~] "Commissioner" means the commissioner of the department of personnel as provided for in KRS 18A.015;

(9)[~~(8)~~] "Demotion" means a change in the rank of an employe from a position in one (1) class to a position in another class having a lower minimum salary range *or* [~~and~~] less discretion or responsibility;

(10)[~~(9)~~] "Department" means the department of personnel provided for in KRS 18A.015 unless the context indicates otherwise;

(11)[~~(10)~~] "Eligible" refers to a person who has made a passing score on any examination required under KRS 18A.005 to 18A.200 and who has qualified to be placed on a register;

(12)[~~(11)~~] "Emergency employe" means an employe appointed without regard to the examination requirements of KRS 18A.005 to 18A.200 to any position by reason of a governmental emergency. *An emergency*[~~, whose~~] appointment *shall* [~~is~~] not [~~to~~] exceed thirty (30) working days in duration and is nonrenewable;

(13)[~~(12)~~] "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis;

(14) "Federally funded time-limited employe" means an employe appointed to a federally funded time-limited position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in this chapter;

(15) "Federally funded time-limited position" means a position created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

[~~(13) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;~~]

(16)[~~(14)~~] "*Initial* probation" means the period of service following *initial* appointment to any position under KRS 18A.005 to 18A.200 which requires special observation and evaluation of an employe's work and which must be passed successfully before *tenure* [~~status~~] may be conferred as provided in KRS 18A.110 *and by the provisions of this Act. "Initial probation" does not include a probationary period served by a laid-off employe who accepts a bona fide written offer of appointment* [~~An employe serving the probationary period is known as a "probationary employe"~~];

(17) "Penalization" shall include, but not be limited to, demotion, dismissal, suspension, fines and other disciplinary actions, involuntary transfers; salary adjustments; any action, that diminishes the level, rank, discretion or responsibility of an employe without proper cause including a reclassification or reallocation; and the abridgement or denial of other rights granted to state employes;

(18) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;

(19)[~~(15)~~] "Promotion" means a change of rank of an employe from a position in one (1) class to a position in another class having a higher minimum salary and carrying a greater scope of discretion or responsibility;

(20) "Promotional probation" means the six (6) month period of service following the promotion of an employe with tenure which must be successfully completed in order for the employe to retain the position to which he has been promoted;

(21)[~~(16)~~] "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under KRS 18A.005 to 18A.200 without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in KRS 18A.110;

(22) "Reallocation" means the correction of the classification of an existing position by placement of the position into the classification that is appropriate for the duties the employe has been and shall continue to perform;

(23) "Reclassification" shall mean the change in the classification of an employe when a material and permanent change in the duties or responsibilities of that employe occurs;

(24) "Reemployment" shall mean the rehiring of an employe with tenure who has been laid off;

(25)[~~(17)~~] "Reemployment *register* [~~list~~]" means the separate list of names of persons *who have been separated from state service* [~~reduced in force~~] by reason of *lay off* [~~lack of appropriations, curtailment of program or abolishment of position or of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment~~]. Reemployment *registers shall be* [~~lists are~~] used as provided *by the provisions of this Act* [~~in KRS 18A.110 and subject to KRS 18A.130 and 18A.135~~];

(26)[~~(18)~~] "Register" means any official list of eligibles for a particular class, *and, except as provided in this Act,* placed in rank order according to the examination *scores* [~~records~~], maintained for use in making original appointments or promotions to positions in the classified service;

(27) "Reinstatement" shall mean the restoration of an employe who has resigned in good standing or who has been ordered reinstated by the board or a court to a position in his former class or to a position of like status and pay;

(28) "Seasonal employe" means an employe appointed to a seasonal position;

(29) "Seasonal position" means a position that is temporary, coincides with a particular season or seasons of the year, and does not exceed eleven (11) months duration;

(30) "Seniority" means the total number of months of state service;

(31) "Temporary employe" means an employe appointed to a temporary position;

(32) "Temporary position" means a position that is created for a definite period of time not to exceed six (6) months and not renewable;

(33)[~~(19)~~] "*Tenure* [~~Status~~]" means the acquisition of *the* [~~tenure with all~~] rights and privileges *granted by the provisions of this Act* [~~appertaining thereunto~~] after satisfactory completion of the *initial* probationary period by an employe in the classified service;

[~~(20) A "temporary position" is one created for a defined period of time not to exceed six (6) months and not renewable; a "temporary employe" is one (1) appointed to such a temporary position. A "seasonal position," although temporary in duration in the foregoing sense, coincides in duration with a particular season or seasons of the year, but may not exceed eleven (11) months duration, and may recur regularly from year to year; a "seasonal employe" is one appointed to such a seasonal position from an existing eligible list or without reference to an eligible list;~~

~~(21) A "federally funded time-limited position" is one created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided. A "federally funded time-limited" employe is one appointed to such position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS 18A.005 to 18A.200;~~]

(34)[~~(22)~~] "Transfer" means a movement of any employe from one (1) position to another of the same grade having the same salary ranges, [~~and~~] the same level of responsibility within the classified service *and the same salary received immediately prior to transfer;*

(35)[~~(23)~~] A "war veteran" is a person who served on active duty in the United States armed forces during any war, or in a campaign or expedition for which a campaign badge or service medal has been authorized, or between *December 7, 1941* [~~April 28, 1952~~], and July 1, 1955 or between August 6, 1964 and May 7, 1975.

Section 8. KRS 18A.020 is amended to read as follows:

(1) The records of the department shall be public records and shall be open to public inspection, as provided in KRS 61.870 to 61.884.

(2) (a) A personnel file shall be maintained by the department and the appointing authority for each employe. The file maintained by the department shall be the official personnel file for the employe. Upon transfer, the personnel file maintained by the appointing authority from which the employe transfers shall be forwarded to the new appointing authority.

(b) Each file shall include, but not be limited to, for each employe, his name, address, title of positions held, classification, rates of compensation, all changes in status including evaluations, promotions, demotions, layoffs, transfers, disciplinary actions, commendations, awards, and preliminary and other supporting documentation for each action. Each file shall contain the complete record and supporting documentation for each personnel action.

(c) Whenever an employe is reprimanded for misconduct, other infraction, or failure to perform his duties in a proper or adequate manner, the supervising employe taking such action shall document such action in detail, and shall provide the employe with a copy of such documentation. The supervising employe shall inform the employe that he has the right to prepare a written response to the action taken after he has reviewed the written documentation prepared by the supervising employe. Such response shall be attached to the documentation prepared by the supervising employe. The supervising employe shall place a copy of the documentation and response provided for herein in the employe's personnel file and shall transmit a copy to the department to be placed in the official personnel file of the employe. The supervising employe shall notify the employe that copies of the documentation and the response provided for herein have been placed in his personnel files.

(3) Upon written request, an employe shall have the right to examine his personnel file. An employe may comment in writing on any item in his file. Such comments shall be made a part of his file and shall be attached to the specific record or document to which they pertain.

(4) Upon written request a state employe, an applicant for employment, and an eligible on a register shall have the right to inspect and to copy any record and preliminary documentation and other supporting documentation that relates to him except that an applicant, an eligible or a state employe shall not have the right to inspect or to copy any examination materials.

(5) No public agency, as defined by KRS 61.870, and no officer or employe shall deny, abridge or impede the exercise of the rights granted in any manner by this section and by Section 24 of this Act.

Section 9. KRS 18A.025 is amended to read as follows:

(1) The governor shall appoint the commissioner of personnel as provided in KRS 18A.015, who shall be considered an employe of the state. He shall be a graduate of an accredited college or university and have at least five (5) years experience in personnel administration or in related fields, have known sympathies with the merit principle in government and shall be dedicated to the preservation of this principle. Additional education may be substituted for the required experience and additional experience may be substituted for the required education.

(2) *For purposes of dissemination of information and coordination of activities only,* the department of personnel shall be attached to the office of the secretary of the governor's executive cabinet.[~~, and~~] The commissioner shall have such duties and responsibilities as *provided by this Act* [~~assigned by the secretary of the executive cabinet, and shall be responsible to and report to the secretary~~].

(3) There is established within the department of personnel the following divisions, each of which shall be headed by a director appointed by the commissioner [~~subject to the prior approval of the governor,~~] pursuant to KRS 12.050;

(a) The division of classification and compensation, which shall be responsible for the maintenance of plans of classification and compensation for the state service; for the review and evaluation of these plans; for the coordination of performance appraisal programs for state employes; for design and administration of employe benefits; for coordination of the workers' compensation program; and for the coordination of programs providing services to employes;

(b) The division of applicant counseling and examinations, which shall be responsible for the operation of a centralized applicant and employe counseling program, operation of an examination program for state employment, preparation of registers of candidates for state employment, coordination of equal employment opportunity and affirmative action, and outreach programs such as the administrative intern programs;

(c) The division of payroll administration, which shall be responsible for the maintenance of central personnel files for state employes, processing of personnel documents and personnel and position actions, operating and maintaining a uniform personnel payroll system, *implementation of lay off plans* and certification of payrolls of various state agencies.

(4) The department shall include such principal assistants appointed by the commissioner, pursuant to KRS 12.050, as may be necessary for the development and implementation of policy. The commissioner may employ, pursuant to the provisions of this chapter, such personnel as necessary to execute the functions and duties of the department.

Section 10. KRS 18A.030 is amended to read as follows:

(1) The commissioner shall be the executive and administrative head of the department and shall supervise and control all examinations and work of the department. He shall *advise* [~~act as an adviser to~~] the board on matters pertaining to the classified service of this state. Within the limitations of the budget, the commissioner shall appoint and supervise such staff as may be needed in the department to carry out the purposes of KRS 18A.005 to 18A.200 except employes of the board *who shall be appointed* as provided in KRS 18A.090.

(2) Subject to the provisions of this Act and KRS Chapter 13A, it shall be the duty of the commissioner, with the aid of his staff to:

(a)[~~(1)~~] Attend all meetings of the board;

(b)[~~(2)~~] *Promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A, and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants* [~~Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of KRS 18A.005 to 18A.200. Such rules shall provide, among other things, the manner of completing appointments and promotions, including multiple and simultaneous certifications; rejection of ineligible candidates; competitive examinations; creation of eligible lists with successful candidates ranked according to their rating in the examination; leaves of absence with and without pay; transfers, reinstatements, lay-offs; public notice of examinations; procedures for changes in rates of pay; and other conditions of employment~~];

(c)[~~(3)~~] Establish general procedures for personnel recruitment, for certification, *and* for improving the efficiency of employed personnel[~~, and for the separation of employes deemed unsatisfactory or excessive by agency or department heads subject to the provisions of KRS 18A.005 to 18A.200~~];

(d)[~~(4)~~] Appoint such examiners and technicians as are necessary for the conduct of the personnel program, whether on a permanent or temporary basis;

(e)[~~(5)~~] Prepare and maintain a record of all employes, showing for each employe his name, address, title of

position held, rate of compensation, changes in status, compensation, or title, transfer, and to make such data and the class specifications for all positions available to the press and public;

(f)[~~(6)~~] Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and the *administrative regulations* [~~rules~~] adopted thereunder, examinations, eligible lists, and ratings of candidates for appointment;

(g)[~~(7)~~] Make certification for appointment or promotion within the classified service, in accordance with the provisions of KRS 18A.005 to 18A.200;

(h)[~~(8)~~] Make investigations concerning all matters touching the enforcement and effect of the provisions of KRS 18A.005 to 18A.200 and *administrative* [~~rules and~~] regulations prescribed thereunder;

(i)[~~(9)~~] Prepare, in cooperation with appointing authorities and others, programs for [~~appraising employe work performance and collaborate with the several departments of the Commonwealth in the development of programs for~~] employe training, safety, morale, work motivation, health, counseling, and welfare, and exercise leadership in the development of effective personnel administration within the several departments of the Commonwealth, and make available the facilities of the department to this end;

(j)[~~(10)~~] Provide personnel services to unclassified employes in agreement with the agencies involved not otherwise provided for herein;

(k)[~~(11)~~] Present, in accordance with the provisions of KRS *Chapter 48* [~~48.050~~], budget requests for the support of the personnel system created by KRS 18A.005 to 18A.200, excluding the board, which shall present its own budget estimates;

(l)[~~(12)~~] Make a report and submit the same to the board, *the legislative research commission* and [~~to~~] the governor not later than October first of each year;

(m)[~~(13)~~] Discharge such other duties as are imposed upon him by KRS 18A.005 to 18A.200[~~, or by the board~~].

(n) The commissioner on behalf of the department may join or subscribe to any association or service having as its purpose the interchange of information relating to the improvement of the public service and especially improvement of personnel administration; and

(o)[~~(14)~~] Keep records relative to employe turnover and report to the board, the governor and the legislative research commission quarterly. The report shall reflect employe turnover rates by cabinet, department, bureau, division and section. If any cabinet, department, bureau, division or section has a turnover rate of fifteen percent (15%) or more in any twelve (12) month period, the commissioner shall conduct an investigation into the reasons for the turnover and report the findings to the board, the governor and the legislative research commission.

Section 11. KRS 18A.050 is amended to read as follows:

(1) Any person serving on the board on July 15, 1982 shall serve until the expiration of his current term of office. Subsequent appointments shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was appointed as provided in subsections (2) and (3) of this section, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed in the same manner as provided in KRS 18A.045 and for the remainder of such term.

(2) Upon the expiration of the terms of office of the two (2) board members whose terms expire January 1, 1984, the governor shall appoint two (2) members from a list of four (4) names submitted by the legislative research commission. Thereafter, upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(3) Upon the expiration of the terms of office, of the members whose terms expire December 31, 1982, January 1, 1985, and January 1, 1986, the Governor shall appoint citizens at large who are not associated with state government in any manner. Thereafter upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(4) These five (5) appointments to the board shall be subject to confirmation by the senate. If the senate is not in session, these five (5) appointments shall be subject to review by the interim joint committee on state government which shall hold a public hearing and shall transmit its recommendations to the senate.

(5) The initial election of classified employes to the board shall be held as provided in KRS 18A.055. The two (2) classified employes initially elected to the board shall serve until July 1, 1986. Subsequent elections shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was elected. If a vacancy occurs prior to the expiration of such term, the board shall fill the vacancy as provided in KRS 18A.060. *Effective for the election to be held in 1986 and all subsequent elections, a classified employe elected to the board shall not be eligible for reelection to the board for the four (4) year term succeeding the expiration of the term for which he shall have been elected. He shall also be ineligible to be appointed to fill a vacancy that occurs during the four (4) year term succeeding the expiration of the four (4) year term for which he shall have been elected. The classified employes elected to the board at the election held in 1982 shall be eligible for the 1986 election.*

(6) If an elected board member accepts an unclassified position with state government, his membership on the board shall be terminated immediately and the vacancy shall be filled as provided in KRS 18A.060.

(7) If an elected board member accepts a classified position in a cabinet employing another board member or if, through no fault of his own, he is placed in that cabinet, his membership on the board shall not be terminated for the remainder of his term.

SECTION 12. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) (a) Elections to the board shall be scheduled every four (4) years on or before July 1. The department shall provide written notification of the date of the election to all classified employes on or before May 1.

(b) Upon receipt of the notification provided for by subsection (1)(a) of this section, an employe wishing to serve on the board shall notify the department, in writing, no later than June 1. This notification shall be notarized and shall include the candidate's name, address, social security number, job classification, and length of state employment. It shall also include the name and address of his current employer.

(2) On the last working day of May, the department shall certify a payroll that is current on such day and that contains the name, social security number and home address of every classified employe.

(3) At least fifteen (15) working days prior to the election provided for in subsection (1) of this section, the department shall mail to each classified employe whose name appeared on the payroll certified by the department at his home address:

(a) A list of candidates for election to the board, in alphabetical order, with a brief biography following the name of each candidate;

(b) Instructions for voting, including the instruction that the employe shall write his name, address and social security number in the upper left corner of the reply envelope;

(c) A ballot listing the names of all candidates for election to the board in alphabetical order and providing a blank space next to each name; and

(d) An envelope for returning the ballot. Prior to mailing the envelope to a state employe, it shall be addressed by the department to the impartial third party selected by the department to receive, validate and tabulate the ballots at a post office box rented by the department for the election. The upper left corner of the envelope shall contain a sufficient number of blank lines and spaces to permit an employe to write his name, address and social security number in such corner.

(4) Upon receipt of his ballot a classified employe wishing to participate in the election provided for in subsection (1) of this section shall:

(a) Vote for no more than two (2) candidates;

(b) Mark his ballot by placing a mark in the blank space next to the name of the candidate for whom he is casting his vote; and

(c) Print his name, address and social security number in the upper left corner of the reply envelope provided by the department.

(5) The department shall:

(a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by subsections (5) and (6) of this section;

(b) Acquire a post office box to which all ballots shall be mailed; and

(c) Provide the impartial third party with a computer generated list of the names and social security numbers of eligible voters, with the names of the eligible voters in numerical sequence as determined by their social security numbers. The names and social security numbers listed on such list shall correspond to those appearing on the payroll certified by the department under subsection (2) of this section.

(6) The impartial third party selected by the department shall collect all ballots, unopened, from the post office box. It shall:

(a) 1. Verify the name and social security number on each envelope by comparing them to the computer generated list of names and social security numbers of eligible voters provided by the department; and

2. Set aside, unopened, any envelope containing a name or a social security number on the envelope that does not match a name and the social security number appearing next to the name on the computer generated list;

(b) Examine the postmark on each envelope;

(c) Set aside, unopened, any envelope postmarked with a date subsequent to the deadline provided for by this section;

(d) Remove the ballot from each envelope;

(e) Tabulate the ballots by electronic data entry in duplicate, provided that ballots in envelopes specified in paragraphs (a)2. and (c) of this subsection shall not be counted;

(f) Compare the total tabulated vote with the total number of eligible employes appearing on the computer generated list provided by the department;

(g) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the department; and

(h) Certify to the department:

1. That the tabulation does not include two (2) or more ballots with the same social security number;

2. The total number of ballots received;

3. The total number of ballots not included in the tabulation, and the reason each such ballot was not included in the tabulation;

4. The total number of ballots included in the tabulation; and

5. The total vote for each candidate.

(7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes and other election materials provided for by this section shall be public record and open to inspection.

(8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.

(9) Successful candidates shall be notified by the department no later than five (5) working days after the election. Successful candidates shall take office immediately upon notification.

(10) State employes shall not use state materials or equipment for any purpose related to the election of classified employes to the board, nor shall any activity related to the election of a classified employe to the board be conducted during working hours.

Section 13. KRS 18A.075 is amended to read as follows:

Subject to the provisions of this Act and KRS Chapter 13A, it shall be the duty of the board to:

(1) Adopt comprehensive rules consistent with the provisions of KRS 18A.005 to 18A.200, and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants *for the purpose of carrying out the provisions of KRS Chapter 18A*;

(2) [~~Present to the governor, through the secretary of the department of finance, for his adoption such classification and compensation plans for the state service, provision for vacation, sick and special leave and hours of work, together with rules for their administration, as recommended by the commissioner and the board after a thorough survey of the personnel and departmental organizations included in such plan or plans;~~

~~(3)~~] Make investigations, either on petition of a citizen, taxpayer, interested party, or on its own motion, concerning the enforcement and effect of KRS 18A.005 to 18A.200, and to require observance of its provisions and the *administrative* [~~rules and~~] regulations *promulgated* [~~made~~] pursuant *to the provisions of this Act and KRS Chapter 13A* [~~thereto~~]; and to make such investigation as may be requested by the general assembly or the governor and to report thereon;

(3)[~~(4)~~] Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, from unclassified employes who have been dismissed, demoted, suspended, or otherwise penalized for cause, and from officers or employes serving under the personnel *systems* [~~system~~] created by *this chapter* [~~KRS 18A.005 to 18A.200~~], as [~~hereinafter~~] provided *by this Act* [~~, subject to the procedural rules which the board may adopt pursuant to the provisions of this section~~];

(4)[~~(5)~~] *In cooperation with the commissioner,* promote public understanding of merit principles in government service;

(5) Present, in accordance with the provisions of KRS Chapter 48, budget requests for the support of the personnel board;

(6) Make annual reports to the governor, [~~and~~] the legislative research commission, *and the commissioner,* and biennial reports to the general assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy;

(7) Advise the governor and the commissioner with respect to the administration of the personnel system created by *this chapter* [~~KRS 18A.005 to 18A.200~~];

(8) Consider and act on such matters as may be referred to the board by the commissioner; and

(9) Represent the public interest in the improvement of personnel administration in the state service, and advise and assist the commissioner in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

SECTION 14. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) The board shall promulgate comprehensive administrative regulations for the classified service governing:

(a) Appeals by state employes;

(b) Demotion;

(c) Dismissal;

(d) Fines, suspensions, and other disciplinary measures;

(e) Probation, provided that the board may not require an initial probationary period in excess of six (6) months except as provided in subsection (4)(e) of this section;

(f) Promotion;

(g) Reinstatement;

(h) Transfer; and

(i) Employe grievances and complaints.

(2) (a) Such administrative regulations shall comply with the provisions of this Act and KRS Chapter 13A, and shall have the force and effect of law, when approved by the board, after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder.

(b) Administrative regulations promulgated by the board shall not expand or restrict rights granted to, or duties imposed upon, employes and administrative bodies by the provisions of this Act.

(c) No administrative body other than the personnel board shall promulgate administrative regulations governing the subject matters specified in this section.

(3) Prior to filing an administrative regulation with the legislative research commission, the board shall submit such administrative regulation to the commissioner for review.

(a) The commissioner shall review the administrative regulation proposed by the board not less than twenty (20) days after its submission to him.

(b) Not less than five (5) days after his review, the commissioner shall submit his recommendations in writing to the board.

(c) The board shall review the recommendations of the commissioner and may revise the proposed administrative regulation as it deems necessary.

(d) After the board has completed the review provided for in this section, it may file the proposed administrative regulation with the legislative research commission pursuant to the provisions of KRS Chapter 13A.

(4) Such administrative regulations shall provide:

(a) For the procedures to be utilized by the board in the conduct of hearings by the board;

(b) For reduction in rank or grade as provided by this Act;

(c) For discharge, as provided by this Act;

(d) For imposition as disciplinary measures of a fine of not more than ten (10) working days' pay or for suspension from the service without pay for not longer than thirty (30) working days and, in accordance with the provisions of this Act for the manner of notification of the employe of the discipline and his right of appeal;

(e) No probationary period may exceed twelve (12) months. The commissioner may recommend an initial probationary period in excess of six (6) months for specific job classifications to the board. Such recommendation shall take the form of a proposed administrative regulation that shall be submitted to the board for approval. The subject of such administrative regulation shall be limited to job classifications for which an initial probationary period in excess of six (6) months is required and shall specify:

1. The job classification for which an initial probationary period in excess of six (6) months is required; and

2. The specific number of months constituting the initial probationary period, not to exceed twelve (12) months, for the job classification. No other administrative regulation shall include any provision prescribing an initial probationary period in excess of six (6) months. Upon approval by the board of the proposed *administrative regulation provided for herein, the board shall file such regulation with the legislative research commission as provided by KRS Chapter 13A;*

(f) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. Except as provided by this Act, vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(g) For reemployment of laid off employes in accordance with the provisions of this Act;

(h) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges as provided by the provisions of this Act;

(i) For establishment of a plan for resolving employe grievances and complaints. Such plan shall not restrict rights granted employes by the provisions of this Act;

(j) For promotion of career employes to positions in the unclassified service without loss of tenure to the individual employes so promoted as provided by this Act; and

(k) For such other administrative regulations not inconsistent with this Act and KRS Chapter 13A as may be proper and necessary for its enforcement.

Section 15. KRS 18A.090 is amended to read as follows:

(1) As provided by the budget enacted by the general assembly and other laws applicable to state personnel, the board shall appoint an executive director who shall be the chief administrative officer of the board and serve as secretary to the board. He shall have proven administrative and managerial experience and familiarity with equal employment opportunity laws and regulations. The board shall appoint other employes it deems necessary in accordance with the provisions of this chapter. The salaries of the executive director and other employes of the board shall be determined by order of the board. The executive director of the board shall prepare the budget request for approval by the board in the form and manner required by applicable law. For the purposes of KRS *Chapter 48* [~~45.070~~] the board shall be considered a budget unit.

(2) The board shall appoint a general counsel pursuant to KRS 12.210 to provide legal services for the board. Upon request of the board, the attorney general may designate the general counsel as an assistant attorney general. The general counsel provided for by this subsection shall not be employed by personal service contract and shall be a full-time employe of the board. The general counsel shall serve as a hearing officer for the board [~~The attorney general shall be an advisory member of the board~~].

Section 16. KRS 18A.095 is amended to read as follows:

(1) *A classified employe with tenure shall not be dismissed, demoted, suspended or otherwise penalized except for cause.*

(2) Prior to dismissal, a classified employe with status shall be notified in writing of the intent to dismiss him. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the intent to dismiss is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(b) That the employe has the right to appear personally, or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy.

(3) The department shall prescribe and distribute a form to be completed and forwarded by an employe who wishes to appear before the head of the cabinet or his deputy to each appointing authority. Such form shall be attached to every notice of intent to dismiss, and shall contain written instructions explaining:

1. The right granted an employe under the provisions of this Act relating to pretermination hearings; and

2. The time limits and procedures to be followed by all parties in pretermination hearings.

(4) No later than five (5) working days after receipt of the notice of intent to dismiss, excluding the day he receives such notice, the employe may request to appear, personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy.

(5) Such appearance shall be scheduled six (6) working days after receipt of an employe's request to appear before the head of the cabinet or his deputy, excluding the day his request is received.

(6) No later than five (5) working days after the employe appears before the head of the cabinet or his deputy, excluding the day of the appearance, the cabinet head or his deputy shall:

(a) Determine whether to dismiss the employe or to alter, modify or rescind the intent to dismiss; and

(b) Notify the employe in writing of the decision.

(7) If the cabinet head or his deputy determines that the employe shall be dismissed or otherwise penalized, the employe shall be notified in writing of:

(a) The effective date of his dismissal or other penalization;

(b) The specific reason for such action, including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the dismissal or other penalization is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved;

(c) That he may appeal such dismissal or other penalization to the board within thirty (30) days after receipt of this notification, excluding the day he receives notice.

(8) A classified employe with tenure who is demoted, suspended or otherwise penalized shall be notified in writing of:

(a) The demotion, suspension or other penalization;

(b) The effective date of the demotion, suspension or other penalization;

(c) The specific reason for such action including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the demotion, suspension or other penalization is based;

3. The date, time and place of the action or activity; and

4. The name of the parties involved; and

(d) That he has the right to appeal to the board within thirty (30) days excluding the day that he received notification.

(9) Any [~~classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service or any~~] unclassified employe who is dismissed, demoted, suspended, or otherwise penalized for cause may, within thirty (30) days after such dismissal, demotion, suspension, or other form of penalization, appeal to the board for review thereof.

(10) (a) An employe whose position is reallocated shall be notified in writing by the appointing authority of:

1. The reallocation; and

2. His right to request reconsideration by the commissioner within ten (10) working days of receipt of the notice, excluding the day he receives notification.

(b) He shall be provided with a form prescribed by the commissioner on which to request reconsideration; and

(c) The employe shall file a written request for reconsideration of the reallocation of his position with the commissioner in such manner and form as the commissioner may prescribe, and shall be given a reasonable opportunity to be heard thereon by the commissioner. The commissioner shall make a determination within sixty (60) days after the request has been filed by an employe. After reconsideration of the request by the commissioner, the employe may appeal to the board.

(11) Any state employe, applicant for employment, or eligible on a register may appeal to the personnel board on the grounds that his right to inspect or copy records, including preliminary and other supporting documentation, relating to him has been denied, abridged or impeded by a public agency. The board shall conduct a hearing to determine whether the records related to the employe, applicant or eligible, and whether his right to inspect or copy such was denied, abridged or impeded. If the board determines that the records related to the employe and that the right to inspect or copy such records has been denied, abridged or impeded, the board shall order the public agency to make them available for inspection and copying and shall charge the cost of the hearing to the public agency. A state employe, an applicant for employment and an eligible on a register shall not have the right to inspect or to copy any examination materials.

(12) Any classified state employe may appeal to the board an action alleged to be based on discrimination due to race, color, religion, national origin, sex, handicap, or age between forty (40) and seventy (70). Nothing herein shall be construed to preclude any classified or unclassified state employe from filing with the Kentucky Commission on Human Rights a complaint alleging discrimination on the basis of race, color, religion, national origin, sex, handicap or age in accordance with KRS Chapter 344.

(13) When an eligible's name is removed from a register, the commissioner shall notify the eligible of his action and the reasons therefor, together with his right of appeal. An eligible's name shall be restored to the register upon presentation of reasons satisfactory to the commissioner or in accordance with the decision of the board.

(14) (a) Any employe, applicant for employment, or eligible on a register, who believes that he has been discriminated against, may appeal to the board;

(b) Any applicant whose application for admission to an open-competitive examination has been rejected shall be notified of such rejection and the reasons therefor and may appeal to the board for reconsideration of his qualifications and for admission to the examination. Applicants may be conditionally admitted to an examination by the commissioner pending reconsideration by the board;

(c) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly;

(d) An appeal to the board by applicants or eligibles under subsections (11) and (13) of this section and under this subsection shall be filed in writing with the executive director not later than thirty (30) calendar days after the notification of the action in question was mailed.

(15) An evaluation may be appealed to the board if an employe has complied with the review procedure established under Section 3 of this Act.

(16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the board. Appeal forms shall be available at the employe's place of work. The department shall be responsible for the distribution of such forms.

(b) The appeal form shall be attached to any notice, or copy of such notice, of dismissal, demotion, suspension, fine, involuntary transfer or other penalization, reallocation, or notice of any other action an

employe may appeal under the provisions of this Act. The appeal form shall instruct the employe to state whether he is a classified or unclassified employe, his full name, his appointing authority, work station address and telephone number, and, if he has retained counsel at the time he files an appeal the name, address and telephone number of his attorney.

(c) The form shall also instruct a classified employe to state the action he is appealing in a short, plain, concise statement of the facts. The form shall instruct an unclassified employe to make a short, plain, concise statement of the reason or cause given for his dismissal.

(d) Upon receipt of the appeal by the board, the appointing authority and the department of personnel shall be notified and the board shall schedule a hearing within the time limits prescribed by this Act.

(17) All notices from the board shall be in writing. Notices shall be written so as to be understood by non-attorneys.

(18) (a) [~~Upon such review, both~~] The appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts.

(b) Except as provided herein, an appeal shall be decided by the board only after a hearing. The board shall not deny, reject or sustain an appeal, or make any other determination relating to an appeal, except after a hearing is conducted pursuant to the provisions of this Act.

(c) The board may deny a hearing to an employe who has failed to file an appeal within the time prescribed by this Act; and, to an unclassified employe who has failed to state the cause for which he has been dismissed. The board shall notify the employe of its denial in writing and shall inform the employe of his right to appeal such denial under the provisions of KRS 18A.100.

(d) Any investigation by the board of any matter related to an appeal filed by an employe shall be conducted only upon notice to the employe, the employe's counsel, and the appointing authority. All parties to the appeal shall have access to information produced by such investigations and such information shall be presented at the hearing. Any party to the hearing shall be permitted an adequate opportunity to rebut or comment upon such information.

(e) Each appeal shall be decided on its merits and the board shall base its decision upon the evidence, facts and information contained in the record.

(19) At the hearing of such appeals, technical rules of evidence shall not apply. *Upon its own motion or upon request by a party, the board may require the production by a party, a state employe or a state agency of documents, records and other material relevant to the appeal.*

(20) Each appeal shall be decided individually unless otherwise agreed by the parties and the board. The board shall not:

(a) Employ class action procedures; or

(b) Conduct test representative cases.

(21) Except as authorized by law, a board member shall neither initiate, participate in, nor consider ex parte or other communications concerning a pending or impending proceeding before the board. Board members shall abstain from public comment about a pending or impending proceeding before the board, and shall require similar abstention on the part of board personnel subject to the board's direction and control. This shall not prohibit board members from making public statements in the course of their official duties or from explaining for public information the procedures of the board.

(22) (a) An appeal to the board may be heard by*:*

1. The full board;

2. Two (2) board members;

3. A member of the board and its executive director;

4. A member of the board and a hearing officer;

5. The executive director and a hearing officer; or

6. The general counsel of the board and either a member of the board, the executive director or a hearing officer [~~individual members of the board, by its executive director or by a hearing officer of the board~~].

(b) Any appeal heard by less than the full board shall be *reviewed by the full board before a final order of the board is issued.*

1. Prior to a final order of the board, the board shall provide a copy of the findings of fact and recommendations to the parties to the appeal and shall provide them with an opportunity to submit written exceptions and responses to such findings of fact and recommendations. At the request of a party or on its own motion, the board shall permit oral argument before the full board. Such request shall be filed with the board within fifteen (15) days of the recommended order issued by a member, the executive director, or a hearing officer.

2. The board shall review the record of the evidence presented, the findings of fact and recommendations of the hearing officer, and the written exceptions and responses filed by parties to the appeal [~~subject to review by the full board upon petition for such review by either party to the appeal. Petition for review by the full board shall be filed with the board within thirty (30) days of the recommended order issued by a member, the executive director, or a hearing officer~~].

(23) (a) If the board finds that the action complained of was taken by the appointing authority in violation of laws prohibiting favor for, or discrimination against, or bias with respect to his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex or age or handicap, the appointing authority shall, *immediately reinstate* [~~not later than thirty (30) days after receipt of such findings and recommendations, reinstate~~] the employe to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(b) If the board finds that the action complained of was taken without just cause, the board shall order the *immediate reinstatement of the* employe [~~reinstated~~] to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(c) [~~In all other cases,~~] If the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action.

(d) In all other cases, the board shall rescind the action taken or otherwise grant such other relief to which the employe is entitled.

(24) (a) If a final order of the board invalidating the dismissal, demotion, suspension or other penalization of an employe is not appealed by the appointing authority within thirty (30) days after its entry, the board shall award reasonable attorney fees pursuant to the provisions of Section 25 of this Act.

(b) If a final order of the board invalidating the dismissal, demotion, suspension or other penalization of an employe is appealed by the appointing authority within thirty (30) days after its entry and the employe prevails by a final adjudication on the merits, the court shall award reasonable attorney fees pursuant to the provisions of Section 25 of this Act. Such fees shall include attorney fees incurred as a result of the hearing before the board.

(25) [~~The appointing authority shall, not later than thirty (30) days after receipt of the final order of the board, comply with such final order.~~] When any employe is dismissed and not ordered reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he had been removed.

(26) After a final decision has been rendered by the board or court, an employe who prevails in his appeal shall be credited with the amount of leave time used for time spent at his hearing before the board or court. Employes who had an insufficient amount of leave time shall be credited with leave time equal to the amount of time spent at their hearings before the board or court.

[~~(2) Any unclassified employe who is dismissed without cause shall not have the right of appeal as provided in this section.~~]

(27)[~~(3)~~] The board shall, within sixty (60) days after an appeal is filed, hear the appeal, and shall, within ninety (90) days after an appeal is filed, issue a final determination for the disposition thereof.

(28) If the appointing authority appeals the final order of the board, the reinstated employe shall remain in his former position, or a position of like status or pay, until the conclusion of the appeals process, at which time the appointing authority shall take action in accordance with the court order.

Section 17. KRS 18A.110 is amended to read as follows:

(1) The commissioner shall *promulgate comprehensive administrative regulations* [~~prepare and submit to the board proposed rules~~] for the classified service *governing:*

(a) Applications and examinations;

(b) Certification and selection of eligibles;

(c) Classification and compensation plans;

(d) Incentive programs;

(e) Layoffs;

(f) Registers;

(g) Rules for the unclassified service; and

(h) Types of appointments;

(i) Attendance; hours of work; compensatory time; annual, court, military, sick, voting and special leaves of absence, provided that the commissioner shall not promulgate administrative regulations that would reduce the rate at which employes may accumulate leave time below the rate effective on December 10, 1985.

(2) (a) Except as provided by Section 22 of this Act, the commissioner shall not promulgate administrative regulations that would reduce an employe's salary.

(b) As provided by subsection (4)(e) of Section 14 of this Act, the commissioner may submit a proposed administrative regulation providing for an initial probationary period in excess of six (6) months, but not to exceed twelve (12) months, to the board for its approval.

(3) (a) Such *administrative regulations shall comply with the provisions of this Act and KRS Chapter 13A, and* [~~rules~~] shall have the force and effect of law[~~, when approved by the board,~~] after *compliance* [~~public notice and public hearing, and after filing~~] with the *provisions of* [~~legislative research commission in accordance with~~] KRS *Chapters* [~~Chapter~~] 13*A and 18A* and *the* procedures adopted thereunder.

(b) Administrative regulations promulgated by the commissioner shall not expand or restrict rights granted to, or duties imposed upon, employes and administrative bodies by the provisions of this Act.

(c) No administrative body other than the department of personnel shall promulgate administrative regulations governing the subject matters specified in this section.

(4) Prior to filing an administrative regulation with the legislative research commission, the commissioner shall submit such administrative regulation to the board for review.

(a) The board shall review the administrative regulation proposed by the commissioner not less than twenty (20) days after its submission to it.

(b) Not less than five (5) days after its review, the board shall submit its recommendations in writing to the commissioner.

(c) The commissioner shall review the recommendations of the board and may revise the proposed administrative regulation if he deems it necessary.

(d) After the commissioner has completed the review provided for in this section, he may file the proposed administrative regulation with the legislative research commission pursuant to the provisions of KRS Chapter 13A.

[~~If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board.~~]

(5) The *administrative regulations* [~~rules~~] shall provide:

(a)[~~(1)~~] For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. [~~After such classification has been approved by the board,~~]

1. The commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. *The commissioner shall reallocate existing positions, after consultation with appointing authorities, when it is determined that they are incorrectly allocated, and there has been no substantial change in duties from those in effect when such positions were last classified. The occupant of a position being reallocated shall continue to serve in the reallocated position.*

2. The secretary of the finance and administration cabinet may review and approve all proposed position establishments and abolishments on the basis of the availability of funds. Reclassifications and reallocations may also be reviewed and approved by the secretary of the finance and administration cabinet on the basis of the availability of funds. The finance and administration cabinet shall notify the department of any review and approval conducted under the provisions of this section [~~Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner~~];

(b)[~~(2)~~] For a pay plan for all employes in the classified service, after consultation with appointing authorities and the secretary of the finance and administration cabinet. The plan shall take into account such factors as*:*

1.[~~(a)~~] The relative levels of duties and responsibilities of various classes of positions;

2.[~~(b)~~] Rates paid for comparable positions elsewhere *taking into consideration the effect of seniority on such rates*; and

3.[~~(c)~~] The state's financial resources.

[~~Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board.~~] Amendments to the pay plan *shall* [~~may~~] be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed, *provided that the full amount of the annual increment provided for by the provisions of this Act, and the full amount of an increment due to a promotion, salary adjustment, reclassification, or reallocation, shall be added to an employe's base salary or wages*;

(c)[~~(3)~~] For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service. *Except as provided by this Act, he*[~~, and~~] shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(d)[~~(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of~~

~~performance, conduct and seniority. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service;~~

~~(5)~~] *As provided by this Act,* for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. *Except as provided by this Act,* eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the *commissioner* [~~board~~] for a period not to exceed one (1) additional year;

(e)[~~(6)~~] For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience*;*[~~, or who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics,~~] or who have attempted any deception or fraud in connection with an examination;

(f)[~~(7)~~] *Except as provided by this Act,* for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

[~~(8) For a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. Unless the appointing authority notifies the employe prior to the end of the probationary period that the employe's services are not satisfactory, the employe shall have status in the classified service. The notice shall be in writing and as provided by personnel rules;~~]

(g)[~~(9)~~] For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(h)[~~(10)~~] For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

[~~(11) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;~~

~~(12) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part;~~

~~(13) For developing, in cooperation with the appointing authorities, uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;~~

~~(14) For layoffs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off, giving consideration in both layoffs and reemployment to qualifications, performance records, conduct and seniority in service;~~

~~(15) For imposition as disciplinary measures of a fine of not more than ten (10) working days' pay or for suspension from the service without pay for not longer than thirty (30) working days and for the manner of notification of the employe of the discipline and his right of appeal;~~

~~(16) For discharge or reduction in rank or grade only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner;~~

~~(17) For establishment of a plan for resolving employe grievances and complaints;~~]

(i)[~~(18)~~] For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided *by this Act* [~~in subsection (2) of KRS 18A.075~~];

(j) For layoffs, in accordance with the provisions of this Act, by reasons of lack of work, abolishment of a position, a material change in duties or organization, or a lack of funds;

(k)[~~(19)~~] For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

[~~(20) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;~~]

(l)[~~(21)~~] For such other [~~rules and~~] administrative regulations not inconsistent with *this Act and KRS Chapter 13A* [~~KRS 18A.005 to 18A.200~~], as may be proper and necessary for its enforcement.

Section 18. KRS 18A.115 is amended to read as follows:

(1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The general assembly and employes of the general assembly including the employes of the legislative research commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staff of the governor, the lieutenant governor, the office of the secretary of the governor's cabinet, and the office of program administration;

(e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television;

(f) Employes of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employes for employment, dismissal and setting of compensation, up to the maximum established for the executive director and his principal assistants;

(g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;

(h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size or complexity of the unit involved are such that the commissioner approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the commissioner;

(i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;

(j) Physicians employed as such;

(k) One (1) private secretary for each person exempted under subsections (1)(e), (1)(g) and (1)(h) of this section;

(l) The judicial department, referees, receivers, jurors, and notaries public;

(m) Officers and members of the staffs of state universities and colleges and student employes of such institutions; officers and employes of the teachers' retirement system; and officers, teachers, and employes of local boards of education;

(n) Patients or inmates employed in state institutions;

(o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the general assembly, or a committee thereof, or by authority of the governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45.700 to 45.720;

(p) Seasonal, temporary, and emergency employes;

(q) Federally funded time-limited employes;

(r) Officers and members of the state militia;

(s) State police troopers and sworn officers in the bureau of state police, department of justice;

(t) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program approved by the commissioner;

(u) Superintendents of state mental institutions, including heads of mental retardation centers, and penal and correctional institutions as referred to in KRS 196.180(2);

(v) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;

(w) County and commonwealth's attorneys and their respective appointees;

(x) Chief district engineers and the state highway engineer.

(2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.

(3) Nothing herein is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(4) *Career employes within the* classified *service* [~~employes with status~~] promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be *appointed to* [~~considered for employment in~~] any vacant position for which they *are or* were qualified. *If no such vacant position exists, the provisions of* [~~pursuant to~~] KRS 18A.130 and 18A.135 *shall apply.*

(5) Nothing herein shall be construed as precluding appointing officers from filling nonclassified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.

Section 19. KRS 18A.140 is amended to read as follows:

(1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified services because of his political or religious opinions or affiliations or ethnic origin or sex or handicap. No person between the ages of forty (40) and seventy (70) shall be discriminated against because of age.

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.

(3) *Employes* [~~No employe~~] in the classified service, *members* [~~or member~~] of the board or its executive director, *the* [~~or~~] commissioner *and classified employes appointed to a position exempted from the classified service who have elected to retain the right to revert granted by KRS 18A.115(4)* shall, *not* directly or indirectly,

pay or promise to pay any assessment for political purposes, or solicit or take any part in soliciting for any political party, or solicit or take any part in soliciting any political assessment, subscription, contribution, or service. No person shall solicit any political assessment, subscription, contribution, or service of*:*

(a) Any employe in the classified service*;*

(b) Any classified employe appointed to a position exempted from the classified service who has elected to retain the right to revert granted by KRS 18A.115(4).

(4) *Employes* [~~No employe~~] in the classified service, *members* [~~or member~~] of the board or its executive director *and classified employes appointed to a position exempted from the classified service who have elected to retain the right to revert granted by KRS 18A.115(4)* shall *not* be a member of any national, state, or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or [~~shall~~] take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Officers or employes of the classified service *and classified employes appointed to a position exempted from the classified service who have elected to retain the right to revert granted by KRS 18A.115(4)* may be candidates for and occupy a town or school district office if the office is one for which no compensation, other than a per diem payment, is provided and the election is on a nonpartisan basis.

(5) In order to retain the right to revert granted by KRS 18A.115 (4), upon appointment to a position in the unclassified service a classified employe shall sign an affidavit stating that:

(a) He has elected to retain his right to revert; and

(b) He shall comply with the provisions of subsections (3) and (4) of this section.

Section 20. KRS 18A.155 is amended to read as follows:

(1) The commissioner shall prepare and submit proposed *administrative regulations* [~~rules~~] to the governor for employes in unclassified positions enumerated in paragraphs (g), (h), (i), (j), (k), (p), (u), and (v) of subsection (1) of KRS 18A.115. Such *administrative regulations* [~~rules~~] shall become effective after approval by the governor and promulgation in accordance with KRS Chapters 12 and 13. The *administrative regulations* [~~rules~~] shall provide:

(a) For the preparation, maintenance and revision of a position classification plan for all aforementioned positions in the unclassified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification plan has been approved by the governor, the commissioner shall allocate the positions of every employe in the unclassified service to one (1) of the classes of the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(b) For a pay plan for all aforementioned employes in the unclassified service, after consultation with appointing authorities and the secretary of the department of finance, and taking into account such factors as 1. the relative levels of duties and responsibilities of various classes of positions; 2. rates paid for comparable positions elsewhere; and 3. the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the commissioner through the secretary of the department of finance. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed;

(c) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(d) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in subsection (2) of KRS 18A.075;

(e) For the development and operation of programs to improve the work effectiveness and morale of employes in the unclassified service, including training, safety, health, welfare, counseling, recreation, and employe relations;

(f) For such other rules and administrative regulations, not inconsistent with KRS 18A.005 to 18A.200, as may be proper and necessary for its enforcement.

(2) Nothing herein shall be construed to preclude the optional use of *administrative regulations* [~~rules~~] promulgated under this section on behalf of employes enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.115 and on behalf of members of state boards and commissions who work on a full-time, salaried basis.

Section 21. KRS 18A.202 is amended to read as follows:

[~~Subject to the approval of the personnel board,~~] The commissioner is authorized to install and implement by *administrative* regulation work-related incentive programs for state employes. Such programs may include, but need not be limited to, an employe suggestion system whereby employes in the classified service may be recognized and rewarded for submitting suggestions that result in the improvement of state service or in the realization of financial savings by the state. Such programs may provide that when an employe suggestion has been adopted and resulted in a financial savings to the state, the employe who submitted the suggestion may be compensated for his service through a cash bonus in an amount to the lesser of ten percent (10%) of the amount saved or two thousand five hundred dollars ($2,500).

Section 22. KRS 18A.355 is amended to read as follows:

(1) An annual increment of not less than five percent (5%) of the *base* [~~gross annual~~] salary or wages of each state employe shall be granted to each employe *on his anniversary date. The employe's base salary or wages shall be increased by the amount of the annual increment. When any increment due to a promotion, reallocation, reclassification or salary adjustment is granted an employe, the employe's base salary or wages shall be increased by the amount of such increment. An employe's base salary or wages shall not be increased by the amount of a cash bonus awarded him*.

(2) The *branch* [~~biennial~~] budget *recommendation* [~~report~~] submitted to the general assembly under KRS *Chapter 48* [~~45.110, 48.180 and 48.185~~] shall include a request for the amount of the annual increment expressed as a percentage of each employe's *base* [~~gross~~] salary or wages and a request for the total appropriation needed to fund the annual increment. The annual increment shall be uniform for all employes. The financial plan enacted under the provisions of KRS 45.300 [~~and 48.500~~] shall contain the annual increment expressed as a percentage of each employe's *base* [~~gross~~] salary or wages, and the total appropriation needed to fund the annual increment.

(3) The budget reduction plan submitted and enacted under the provisions of KRS Chapter 48 shall provide that a reduction of the annual increment granted under this section shall be made only after other cost savings measures, as provided by Section 6 of this Act, are taken. Any such reduction shall be uniform for all state employes and shall comply with the provisions of this Act and KRS Chapter 48.

Section 23. KRS 48.130 is amended to read as follows:

(1) The branch budget recommendation submitted by each branch of government shall include a plan for the reduction of the respective budget recommendations, by budget unit, when projected or actual tax receipts accruing to the general fund or road fund are at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates for these funds as determined under subsection (3) of KRS 48.120.

(2) *(a)* In recommending budget reductions, the governor, the chief justice, and the legislative research commission shall not recommend universal percentage reductions but shall weigh the needs of all budget units and shall strive to protect the highest possible level of service in their respective branches. Services which are not essential to constitutional functions shall be subject to reduction. Transfer of funds may be authorized by the budget reduction plan.

(b) In recommending budget reductions for the executive branch, the budget reduction plan provided for by subsection (1) of this section shall comply with the provisions of Section 6 of this Act.

(c) A layoff of state employes in the executive branch under the budget reduction plan enacted by the general assembly shall comply with the provisions of Section 6 of this Act.

(d) A layoff of state employes in the executive branch required by an actual or projected deficit in tax receipts contemplated by subsection (5) of this section shall comply with the provisions of Section 6 of this Act.

(3) The plan shall be enacted as modified by the general assembly, in each joint budget resolution.

(4) In the event of an actual or projected deficit in tax receipts provided for by this section, the department of revenue shall notify all branches of government:

(a) If funds that have accrued to the surplus accounts of the general or road funds are not sufficient to meet these deficits, the allotments to the respective branches shall be reduced according to the reduction provisions embodied in the joint budget resolution, and the governor, the chief justice, and the legislative research commission shall automatically implement budget reductions for their respective branches according to the reduction provisions embodied in the joint budget resolution*; and* [~~.~~]

(b) In the event funds that have accrued to the surplus accounts of the general or road funds are sufficient to meet these deficits, transfers from these surplus accounts shall be made, as appropriate, and the budget reduction provisions embodied in the joint budget resolution shall not be implemented.

(5) In the event of an actual or projected deficit in tax receipts provided for by this section of less than two and one-half percent (2 1/2%), the governor, the chief justice, and the legislative research commission shall implement budget reductions for their respective branches on their own initiative.

(6) The budget reduction plan shall provide that the annual increment granted state employes under Section 22 of this Act shall be reduced as provided by this Act. Any such reduction of the annual increment shall be uniform for all employes.

(7) If general fund or road fund tax receipts increase over the estimated deficits, then services shall be restored in the reverse order of the reduced services.

(8)[~~(7)~~] This section shall not preclude the general assembly, in regular or special session, from amending a joint budget resolution requiring budget reductions nor shall it preclude the governor from calling a special session of the general assembly at any time the budget reduction plan is in effect.

Section 24. KRS 61.878 is amended to read as follows:

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(i) All public records or information the disclosure of which is prohibited by federal law or regulation.

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) *No exemption in this section shall be construed to deny, abridge or impede the right of a state employe, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. Such records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores and preliminary and other supporting documentation. A state employe, applicant or eligible shall not have the right to inspect or to copy any examination.*

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

(5)[~~(4)~~] The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

Section 25. KRS 453.260 is amended to read as follows:

(1) In addition to any costs which are awarded as prescribed by statute, a court shall award costs to any party which prevails by a final adjudication on the merits in any of the following:

(a) A civil action brought by the Commonwealth against the party;

(b) A civil action brought by the party against the Commonwealth to challenge the assessment or collection of taxes;

(c) A court proceeding to review an administrative review board decision, where the original administrative action was brought by the Commonwealth against the party.

(2) The court in its discretion may deny the award provided for in this section, or may reduce the award, if it finds that:

(a) During the course of the proceeding the prevailing party unduly and unreasonably protracted the final resolution of the matter; or

(b) The reason that the party other than the Commonwealth has prevailed is an intervening change in the applicable statutes, regulations or case law; or

(c) The prevailing party refused an offer of civil settlement which was at least as favorable to the party as the relief ultimately granted; or

(d) The position of the Commonwealth was substantially justified or a special circumstance would make an award unjust provided, however, that the burden of proof of substantial justification or special circumstance shall rest with the Commonwealth.

(3) A party may apply pursuant to the applicable Rules of Civil Procedure for an award of attorney fees and other expenses authorized under this section and shall include as part of the application evidence of the party's eligibility for the award and the amount sought, including an itemized and attested statement from the attorneys and experts stating the actual time expended in representing the party and the rate at which the fees were computed. The party shall also allege in such application that the Commonwealth acted without substantial justification.

(4) The court shall base any award of fees as provided in this section on prevailing market rates for the kind and quality of services furnished, except that:

(a) An expert is not eligible for compensation at a rate in excess of the prevailing rate of compensation for similar experts paid by the Commonwealth;

(b) The award of attorney fees may not exceed the amount which the prevailing party has paid or has agreed to pay the attorney or a maximum amount of forty dollars ($40.00) per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceeding involved, justifies a higher fee;

(c) No award shall be greater than ten thousand dollars ($10,000) to each party except that no award shall be made to any party who voluntarily intervenes in any such action.

(5) This section does not:

(a) Apply to an action arising from a proceeding before the Commonwealth in which the role of the Commonwealth was to determine the eligibility or entitlement of an individual to a monetary benefit or its equivalent, or to adjudicate a dispute or issue between private parties or to establish or fix a rate. As used in this subsection, monetary benefit or its equivalent shall not include a license, permit, charter or similar instrument that the Commonwealth may require to engage in a business, profession or similar activity;

(b) Apply to proceedings brought by the Commonwealth pursuant to KRS Chapters 218A, 431 to 439, and 500 to 534;

(c) Apply to proceedings involving eminent domain, foreclosure, collection of judgment debts or proceedings in which the Commonwealth is a nominal party;

(d) Personally obligate any officer or employe of the Commonwealth for the payment of an award entered under this section;

(e) Apply to proceedings brought pursuant to KRS Chapters [~~18,~~] 209, 342 and KRS 199.011 to 199.630.

Section 26. KRS 18A.350 is amended to read as follows:

As used in [~~this~~] KRS 18A.355 [~~and 18A.360,~~] "employe" means any officer or employe of the executive branch of government. The provisions of KRS 18A.355 [~~and 18A.360~~] do not apply to employes of the general assembly, the legislative research commission, or the court of justice, or to any constitutional officer.

SECTION 27. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

No provision in this chapter shall be construed to preclude any classified or unclassified state employe from appealing to the personnel board any action alleged to be in violation of laws prohibiting discrimination based on sex, age, religion, handicap, or race or national origin, in accordance with this chapter.

Section 28. KRS 12.020 is amended to read as follows:

Departments, program cabinets (and their departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order, provided, however, in the case of the personnel board, *the department of personnel,* and where the attached department or administrative body is headed by a constitutionally elected officer such attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of such department or administrative body.

I. Cabinet for general government—Departments headed by elected officers:

1. The governor.

2. Lieutenant governor.

3. Department of state.

(a) Secretary of state.

(b) Board of elections.

4. Department of law.

(a) Attorney general.

5. Department of the treasury.

(a) Treasurer.

6. Department of agriculture.

(a) Commissioner of agriculture.

(b) Kentucky council on agriculture.

7. Department of education.

(a) Superintendent of public instruction.

(b) State board of education.

8. Auditor of public accounts.

9. Railroad commission.

II. Program cabinets headed by appointed officers:

1. Justice cabinet:

(a) Department of state police.

(b) Department of training.

(c) Office of administration.

2. Education and humanities cabinet:

(a) Department for the blind.

(b) Department of education.

(c) Department for libraries and archives.

(d) State advisory council for vocational education.

(e) Kentucky industries for the blind.

(f) Kentucky educational television.

(g) Kentucky historical society.

(h) Kentucky teachers retirement system board of trustees.

(i) Kentucky school building authority.

3. Natural resources and environmental protection cabinet:

(a) Environmental quality commission.

(b) Kentucky nature preserves commission.

(c) Department for environmental protection.

(d) Department for natural resources.

(e) Department for surface mining reclamation and enforcement.

(f) Office of general counsel.

(g) Office of communications and community affairs.

4. Transportation cabinet:

(a) Department of highways.

(b) Department of vehicle regulation.

(c) Department of administrative services.

(d) Department of fiscal management.

(e) Department of rural and municipal aid.

(f) Office of aeronautics.

(g) Office of general counsel.

(h) Office of public relations.

(i) Office of personnel management.

(j) Office of minority affairs.

5. Commerce cabinet:

(a) Department of economic development.

(b) Department of the arts.

(c) Tobacco research board.

(e) Kentucky development finance authority.

6. Public protection and regulation cabinet:

(a) Public service commission.

(b) Department of insurance.

(i) Custodian of insurance securities.

(c) Department of housing, buildings, and construction.

(d) Department of financial institutions.

(e) Department for mines and minerals.

(f) Department of public advocacy.

(g) Department for alcoholic beverage control.

(h) Kentucky harness racing commission.

(i) Kentucky state racing commission.

(j) Registry of election finance.

(k) Board of claims.

(l) Crime victims compensation board.

(m) Kentucky board of tax appeals.

(n) Backside improvement commission.

7. Cabinet for human resources:

(a) Department for health services.

(b) Department for employment services.

(c) Department for social insurance.

(d) Department for social services.

(e) Unemployment insurance commission.

(f) Public assistance appeals board.

(g) Office of administrative services.

(h) Office of communications and council affairs.

(i) Office of general counsel.

(j) Office of inspector general.

(k) Office of policy and budget.

(l) Office of the ombudsman.

8. Finance and administration cabinet:

(a) Office of legal and legislative services.

(b) Office of management services.

(c) Office of historic properties.

(d) Department for administration.

(e) Department of facilities management.

(f) Department of information systems.

(g) State property and buildings commission.

(h) Kentucky pollution abatement authority.

(i) Kentucky savings bond authority.

(j) Deferred compensation systems.

(k) Office of equal employment opportunity contract compliance.

(l) Capital plaza authority.

(m) County officials compensation board.

(n) Financial disclosure review commission.

(o) Kentucky employes retirement systems.

(p) Commonwealth credit union.

(q) State investment commission.

(r) Kentucky housing corporation.

(s) Governmental services center.

(t) Kentucky local correctional facilities construction authority.

(u) Kentucky turnpike authority.

(v) Historic properties advisory commission.

9. Energy cabinet:

(a) Department of energy production and utilization.

(b) Department of energy research and development.

(c) Office of administration.

(d) Office of energy policy and evaluation.

10. Corrections cabinet:

(a) Parole board.

(b) Commission on corrections and community services.

(c) Department of adult correctional institutions.

(d) Department of community services and facilities.

(e) Office of administrative services.

(f) Office of corrections training.

(g) Office of general counsel.

11. Labor cabinet:

(a) Department of workplace standards.

(b) Department of workers' claims.

(c) Kentucky labor-management advisory council.

(d) Occupational safety and health standards board.

(e) Prevailing wage review board.

(f) Workers' compensation board.

(g) Kentucky employes insurance association.

(h) Apprenticeship and training council.

(i) State labor relations board.

(j) Kentucky occupational safety and health review commission.

(k) Office of administrative services.

(l) Office of labor management relations.

(m) Office of general counsel.

12. Revenue cabinet:

(a) Department of property taxation.

(b) Department of processing and enforcement.

(c) Department of professional and support services.

(d) Office of revenue estimating and economic analysis.

13. Tourism cabinet:

(a) Department of travel development.

(b) Department of parks.

(c) Department of fish and wildlife resources.

(d) Kentucky horse park.

(e) State fair board.

(f) Office of administrative services.

(g) Office of general counsel.

III. Other departments headed by appointed officers:

1. Department of military affairs.

2. Department of personnel.

3. Council on higher education.

4. Department of local government.

5. Kentucky commission on human rights.

6. Kentucky commission on women.

Section 29. KRS 18A.055, Board elections to be held by department—Campaign restrictions, and KRS 18A.360 Increase or reduction of annual increment, is repealed.

The Committee Amendment No. 1 to SB 340 is as follows:

Amend printed copy of SB 340:

On Page 4, line 24:

Delete the word "*may*" and insert in lieu thereof "*shall*".; and,

On Page 5, line 2:

Delete the words "*unless the*"; and,

On Page 5:

Delete line 3 in its entirety; and,

On Page 5, line 4:

Delete the word "*Act*"; and,

On Page 8, line 10:

Delete the words "*equal to*"; and,

On Page 8:

Delete lines 11 and 12 in their entirety, and insert in lieu thereof: "*determined by the commissioner based upon the amount appropriated for performance pay by the biennial budget.*"; and,

On Page 14, line 6:

After the word "*cabinet*" insert the following language: "*or, in the case of an employe of an elected official, within the office or department headed by such elected official*"; and,

On Page 14, line 13:

After the word "*cabinet*" insert the following language: "*or, in the case of an employe of an elected official, within the office or department headed by such elected official*"; and,

On Page 18, line 5:

Before the word "twenty", insert the following: "*sixteen (16)*"; and,

On Page 18, line 5:

Place bracket before "twenty" and after "(20)", and strike through "twenty (20)"; and,

On Page 18, line 7:

Place a bracket before "twenty" and after "(20)" and strike through the words "twenty (20)"; and,

On Page 19, line 6:

Delete the word "*or*"; and,

On Page 19, line 7:

Delete the brackets before and after the word "and", and delete the strike through of the word "and"; and,

On Page 21, line 12:

Delete the word "*or*"; and,

On Page 21, line 12:

Delete the brackets before and after the word "and", and delete the strike through of the word "and"; and,

On Page 33, line 10:

Delete the words "*Effective for the*"; and,

On Page 33:

Delete lines 11 through 17 in their entirety and insert in lieu thereof: "*Effective for the election to be held in 1986 and all subsequent elections, a classified employe elected to the board shall not be eligible for reelection to the board for the four (4) year term succeeding the expiration of the term for which he shall have been elected. He shall also be ineligible to be appointed to fill a vacancy that occurs during the four (4) year term succeeding the expiration of the four (4) year term for which he shall have been elected. The classified employes elected to the board at the election held in 1982 shall be eligible for the 1986 election.*"; and,

On Page 40, line 4:

Before the semi-colon, insert the following: "*. The board shall file the written recommendations of the commissioner with the proposed administrative regulation*"; and,

On Page 48, line 2:

Before the period, insert the following: "*between forty (40) and seventy (70)*"; and,

On Page 51, line 24:

Before the word "*shall*" insert "*or an employe of the board*"; and,

On Page 52:

Delete line 11 in its entirety; and,

On Page 52, line 12:

Delete "*4.*" and insert in lieu thereof "*3.*"; and,

On Page 52, line 12:

After the semi-colon, insert the word "*or*"; and,

On Page 52:

Delete line 13 in its entirety; and,

On Page 52, line 14:

Delete "*6.*" and insert in lieu thereof "*4.*"; and,

On Page 52, line 15:

Delete the words: "*, the executive director*"; and,

On Page 53, line 21:

Before the word "not" insert the word: "*immediately*"; and,

On Page 53, line 21:

Place a bracket before the word "not" and strike through each word on line 21; and,

On Page 53, line 22:

Strike through the words "findings and recommendations," and place a bracket after the comma following the word "recommendations"; and,

On Page 54, line 2:

Before the word "employe" insert the following: "*immediate reinstatement of the*"; and,

On Page 54, line 2:

Place a bracket before and after the word "reinstated" and strike through the word "reinstated"; and,

On Page 55, between lines 14 and 15:

Insert the following: "*(25) If the appointing authority appeals the final order of the board, the reinstated employe shall remain in his former position, or a position of like status or pay, until the conclusion of the appeals process, at which time the appointing authority shall take action in accordance with the court order.*" and,

On Page 57, line 15:

After the word "*KRS Chapter 13A*", insert the following: "*. The commissioner shall file the written recommendations of the board with the proposed administrative regulation*"; and,

On Page 86:

Delete lines 16 through 26 in their entirety; and,

On Page 87:

Delete lines 1 through 11 in their entirety, and renumber subsequent sections accordingly; and,

On Page 87, line 16:

Place a bracket before the word "and" and strike through the word "and"; and,

On Page 87, line 16:

Strike through "18A.360" and place a bracket after "18A.360"; and,

On Page 88, line 22:

Place a bracket before "18A.130," and strike through "18A.130,"; and,

On Page 88, line 22:

Remove the bracket before "18A.135".

SB 344, AN ACT relating to senatorial districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.011 is amended to read as follows:

The Commonwealth of Kentucky is divided into senatorial districts as follows:

(1) First District: Fulton, Hickman, Carlisle, Graves, Calloway and Trigg Counties.

(2) Second District: Ballard, McCracken and Marshall Counties.

(3) Third District: Christian and Todd Counties; that part of Muhlenberg County contained within voting precincts Drakesboro, Beechmont, Cleaton, East Boggess, Ennis, Penrod, Rosewood, and Weir; that part of Butler County contained within voting precincts Sugar Grove, Boston, Davenport, Forgytown, South Hill, Rochester, Judge Office, Sheriffs Office, Courthouse, and Little Bend.

(4) Fourth District: Livingston, Crittenden, Union, Lyon, Webster and Henderson Counties.

(5) Fifth District: Breckinridge, Meade, Grayson and Hart Counties; that part of Ohio County not contained within the Eighth and Ninth Districts; that part of Hardin County contained within voting precincts Eastview, Meeting Creek, White Mills, and Vertrees; that part of Hardin County bounded by Meade County line, U.S. Highway 31 W. and Vine Grove Road (part of Fort Knox Military Reservation).

(6) Sixth District: McLean, Caldwell and Hopkins Counties; that part of Muhlenberg County not contained within the Third District.

(7) Seventh District: That part of Jefferson County contained within the following voting precincts: B District precincts 17, 75, 79, 82, 92; C District precincts 5, 6, 7, 8, 11, 12, 14, 16, 18, 19, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 39, 40, 42, 43, 44, 45, 46, 47, 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 85, 87, 89, 90, 91, 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 105, 107, 108, 109, 110, 112.

(8) Eighth District: Daviess and Hancock Counties; that part of Ohio County contained within voting precincts Magan, Aetnaville, and Buford.

(9) Ninth District: Simpson, Allen, Monroe, Barren and Edmonson Counties; that part of Butler County not contained within the Third District; that part of Ohio County contained within voting precincts Horse Branch, Rosine, Cromwell, and Cool Springs.

(10) Tenth District: Larue County; that part of Bullitt County contained within voting precincts Lebanon Junction #14, Lebanon Junction #15, and Bernheim; that part of Bullitt County contained within the Fort Knox Military Reservation; that part of Hardin County not contained within the Fifth District.

(11) Eleventh District: Campbell County; Bracken County; that part of Pendleton County contained within voting precincts Falmouth #1, Falmouth #3, Falmouth #4, McKenneysburg, Bonar, and Sandsuck.

(12) Twelfth District: That part of Fayette County not contained in the Thirteenth and Thirtieth Districts.

(13) Thirteenth District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of Versailles Road (US 60) and New Circle Road (Ky 4), then with New Circle Road in a generally northeastward direction through the intersections of Old Frankfort Pike and Leestown Pike to Georgetown Pike (US 25), then in a northwestward direction with the center line of Georgetown Pike to a point where it overpasses Interstate 64 and Interstate 75, then in a southeastward direction with the center line of Interstate 64 and Interstate 75 to the overpass at Russell Cave Pike, then in a southwestward direction with the center line of Russell Cave Pike to New Circle Road, then in a generally southeastward direction with the center line of New Circle Road through the following intersections: North Broadway, Old Paris Pike, Bryan Station Road, Winchester Road and Liberty Road, to the intersection of Richmond Road, then in a northwestward direction with the center line of Richmond Road to the intersection of Chinoe Road, then in a southwestward direction along the center line of Chinoe Road to the intersection of Cooper Drive, then in a northwestward direction with the center line of Cooper Drive to a point where it meets the eastern property boundary of the

University of Kentucky campus, then south around the property line of the University of Kentucky campus to the western boundary where it meets Iroquois Court, then northwest along the center line of Iroquois Court to the intersection of South Limestone (Nicholasville Pike), then south along the center line of South Limestone (Nicholasville Pike) to the intersection of Southland Drive, then northwest along the center line of Southland Drive to the intersection of Rosemont Garden, then northwest along the center line of Rosemont Garden to the intersection of Clays Mill Road, then in a generally southward direction along the center line of Clays Mill Road to Longview Drive, then in a northwestward direction along the center line of Longview Drive to Harrodsburg Road, then in a southwestward direction along the center line of Harrodsburg Road to New Circle Road, then in a generally northward direction along the center line of New Circle Road to a point opposite the center line of Alexandria Drive, then in a northeastward direction along the center line of Alexandria Drive to Lane Allen Road, then in a northwestward direction along the center line of Lane Allen Road to the intersection of Traveller Road and along the center line of Traveller Road to the northwest property line of Antietam Road, then along the rear property lines of Traveller Road and Alexandria Drive to Parkers Mill Road, then continuing in a northwestward direction along the center line of Parkers Mill Road to Versailles Road, then in a westward direction along the center line of Versailles Road to the intersection of New Circle Road, the place of beginning.

(14) Fourteenth District: Washington, Marion, Boyle, Nelson and Anderson Counties.

(15) Fifteenth District: Pulaski, Lincoln, Rockcastle and Garrard Counties; that part of Jackson County contained within the Census County Division of Sand Gap, Census Enumeration District 78T, and Census Enumeration District 78U, which are bounded as follows: Rockcastle County line, Laurel Branch; Racoon Creek, Lear Road, Tree Tower Road, Indian Creek-Sand Gap Road, State Highway 89, Northern city limits of McKee, U.S. Highway 421, State Highway 587, Owsley County line, Lee County line, Estill County line, Madison County line, Rockcastle County line.

(16) Sixteenth District: Russell, Cumberland, Metcalfe, Adair, Green, Taylor and Casey Counties.

(17) Seventeenth District: Bell and Harlan Counties; that part of Letcher County not contained within the Thirty-first District; that part of Perry County contained within voting precincts Whitaker, Little Leatherwood, and Big Leatherwood.

(18) Eighteenth District: Greenup, Carter, Lewis and Mason Counties.

(19) Nineteenth District: That part of Jefferson County contained within the following voting precincts: Second Ward of Louisville precinct 23; A District precincts 22, 36, 50, 63, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 98, 99, 100, 101, 102, 104, 105, 114, 115, 117, 118, 119, 125, 127, 129, 134, 135, 137, 138, 139, 141, 146, 151; B District precincts 1, 2, 6, 9, 14, 20, 22, 23, 24, 26, 33, 34, 36, 37, 38, 43, 44, 45, 47, 50, 51, 52, 53, 55, 59, 60, 61, 62, 64, 65, 66, 68, 69, 70, 71, 72, 73, 77, 80, 86, 88, 89, 90, 93, 94.

(20) Twentieth District: Spencer and Franklin Counties; that part of Bullitt County not contained within the Tenth District; that part of Shelby County contained within voting precincts Shelbyville 1, 2, 3 and 4, Southeast Shelbyville, Southville, Waddy, Clay Village and Bagdad.

(21) Twenty-first District: Laurel, Leslie and Clay Counties; that part of Jackson County not contained within the Fifteenth District; that part of Knox County contained within the Census County Division of Corbin, Census Enumeration District 471, Census Enumeration District 472, and Barbourville City, which are bounded as follows: Whitley County line, State Highway 1530, Cumberland River, Lundy Branch, Lundy Branch Road, Davis Bend Road, Eastern city limits of Barbourville, U.S. Highway 25E, Redworm Road, unnamed stream, Indian Creek Gray Road, Poplar Grove Gray Road, Laurel County line, Whitley County line.

(22) Twenty-second District: Madison, Mercer and Jessamine Counties.

(23) Twenty-third District: That part of Kenton County contained within the following voting precincts: Covington 1, 3, 6, 7, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 35, 36, 39, 40, 41, 42, 43; Bromley; Crescent Springs 1 and 2; Elsmere 1, 2, 3, and 4; Ludlow 1, 2, 3, 4, and 5; Erlanger 1, 2, 3, 4, 5, 6, 7, 8, and 9; Villa Hills 1 and 2; Winston Park; Decoursey; Visalia; Morning View; Taylor Mill 1 and 2; Oakridge; and Whites Tower; that part of Pendleton County not contained within the Eleventh District.

(24) Twenty-fourth District: Boone County; that part of Kenton County not contained within the Twenty-third District.

(25) Twenty-fifth District: Boyd, Johnson, and Lawrence Counties; that part of Floyd County contained within *the voting precincts of Courthouse, Trimble Branch, Cliff 1, Cliff 2, Auxier, Richmond and Abbott* [~~Census Enumeration Districts 576 T, 578, 579, 581, and 582, which are bounded as follows: beginning at the intersection of the Magoffin County line and State Highway 114, then east with the center line of State Highway 114 to State Highway 1427, then east with the center line of State Highway 1427 to the western Prestonsburg city limits, then generally south with the Prestonsburg city limits to Town Branch Road, then with the center line of Town Branch Road to Graham Street, then northeast with the center line of Graham Street to Third Street, then northwest with the center line of Third Street to Westmister Street, then northeast with the center line of Westmister Street to Highland Street, then south and east with the center line of Highland Street to an unnamed street one (1) block east of Clay Street, then south with the center line of said unnamed street to the center line of Highway 1428 to the footbridge, then with the footbridge to the Levisa Fork (Prestonsburg city limits), then generally east with the Levisa Fork to an unnamed stream between Circle Drive and Poplar Street, then northeast with said stream to the Prestonsburg city limits, then east with the city limits to State Highway 3, then north with the center line of State Highway 3 to the Johnson County line, then west with the Johnson County line to the Magoffin County line, then south with the Magoffin County line to the point of beginning~~].

(26) Twenty-sixth District: Oldham, Trimble, Henry, Carroll, Owen, Gallatin and Grant Counties; that part of Shelby County not contained within the Twentieth District.

(27) Twenty-seventh District: Owsley, Lee, Breathitt, Wolfe, Magoffin, Morgan, Menifee, Elliott and Rowan Counties.

(28) Twenty-eighth District: Clark, Estill, Powell, Montgomery, Bath and Fleming Counties.

(29) Twenty-ninth District: Knott County; that part of Perry County not contained within the Seventeenth District; that part of Floyd County not contained within the Twenty-fifth District; that part of Martin County not contained within the Thirty-first District.

(30) Thirtieth District: Bourbon, Scott, Woodford, Harrison, Nicholas and Robertson Counties; that part of Fayette County which is contained within the following boundaries: Beginning where the Briar Hill Road intersects the Fayette County-Bourbon County line, then with the center line of the Briar Hill Road in a westward direction to the intersection of the Muir Station Pike, then in a northwestward direction along the center line of the Muir Station Pike to the intersection of the Bryan Station Road, then in a southwestward direction with the center line of the Bryan Station Road to the Interstate 64—Interstate 75 overpass, then in a northwestward direction along the center line of Interstate 64—Interstate 75 to the intersection of North Broadway (US 27, 68), then in a southwestward direction along the center line of North Broadway to New Circle Road, then in a northwestward direction along the center line of New Circle Road to Russell Cave Pike, then in a northeastward direction along the center line of Russell Cave Pike to the point where it overpasses Interstate 64—Interstate 75, then with the center line of Interstate 64—Interstate 75 in a northwestward direction to the point where Georgetown Pike overpasses Interstate 64—Interstate 75, then in a generally southward direction along the center line of Georgetown Pike to New Circle Road, then in a generally westward direction along the center line of New Circle Road through the Leestown Pike intersection and Old Frankfort Pike intersection to the Versailles Road, then in a generally westward direction along the center line of Versailles Road to the Fayette County-Woodford County line, then in a generally northeastward direction along the Woodford County-Fayette County, Scott County-Fayette County, Bourbon County-Fayette County lines to the point of beginning.

(31) Thirty-first District: Pike County; that part of Martin County contained within *the voting precincts of Turkey, Long Branch, Emily, Himlerville and Warfield* [~~Census Enumeration Districts 25, 26, 27, 28, and 32, which are bounded as follows: Lawrence County line, State Highway 3, State Highway 40, State Highway 2032, State Highway 1439, Lowgap Fork, unnamed road, Pike County line, Kentucky-West Virginia state line, Lawrence County line~~]; that part of Letcher County contained within voting precincts Burdine, Rocky Branch, West Jenkins, East Jenkins, Mayking, Ermine, Thorton, East Whitesburg, West Whitesburg, Sandlick, and Millstone.

(32) Thirty-second District: Logan and Warren Counties.

(33) Thirty-third District: That part of Jefferson County contained within the following voting precincts: First Ward of Louisville precinct 15; Fifth Ward of Louisville precincts 2, 4, 6, 8, 31; Ninth Ward of Louisville precincts 1, 2, 3, 4, 5, 6, 7, 7A, 8, 9, 10, 11, 16, 17, 18, 19, 20, 22; Tenth Ward of Louisville precincts 1, 2, 3, 4,

5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16A, 17, 19, 20, 21, 21A, 22, 23, 24, 25, 25A, 26, 27, 28, 28A, 29, 30; Eleventh Ward of Louisville precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18A, 19, 20, 21, 21A, 22; Twelfth Ward of Louisville precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, 20, 21, 22, 23, 24, 25.

(34) Thirty-fourth District: McCreary, Whitley, Wayne and Clinton Counties; that part of Knox County not contained within the Twenty-first District.

(35) Thirty-fifth District: That part of Jefferson County contained within the following voting precincts: First Ward of Louisville precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 19A, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34; Second Ward of Louisville precincts 1, 2, 3, 4, 5, 6, 7, 7A, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41; Third Ward of Louisville in its entirety; Fourth Ward of Louisville precincts 1, 8A, 22; Fifth Ward of Louisville precincts 7, 11, 12, 13; A District precincts 5, 17, 34, 39, 82, 83, 84, 94, 96, 103; B District precincts 10, 13, 16, 19, 54, 67, 85.

(36) Thirty-sixth District: That part of Jefferson County contained within the following voting precincts: A District precincts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 106, 107, 108, 109, 110, 111, 112, 113, 116, 120, 121, 122, 123, 124, 126, 128, 130, 131, 132, 133, 136, 140, 142, 143, 144, 145, 147, 148, 149, 150, 152, 153.

(37) Thirty-seventh District: That part of Jefferson County contained within the following voting precincts: Fourth Ward of Louisville precincts 2, 34; Sixth Ward of Louisville precincts 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 26A, 27, 28, 29, 30, 31, 32; Seventh Ward of Louisville precincts 1, 2, 3, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26; Eighth Ward of Louisville precincts 17, 18, 18A, 19, 20, 21; B District precincts 3, 4, 5, 7, 27, 28, 29, 30, 39, 56, 76, 81, 83, 91; C District precincts 1, 2, 3, 4, 9, 10, 13, 15, 17, 20, 25, 26, 27, 28, 35, 36, 37, 38, 41, 48, 49, 51, 52, 63, 68, 76, 77, 83, 84, 86, 88, 92, 95, 104, 106, 111.

(38) Thirty-eighth District: That part of Jefferson County contained within the following voting precincts: Fourth Ward of Louisville precincts 5, 5A, 7, 8, 9, 9A, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25, 26, 27, 28, 29, 30, 32, 33; Fifth Ward of Louisville precincts 3, 5, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30; Sixth Ward of Louisville precincts 4, 5, 6, 7, 8, 9, 10, 23, 33; Eighth Ward of Louisville precincts 1, 2, 3, 4, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 13, 14, 14A, 15, 15A, 16, 16A, 22; Ninth Ward of Louisville precincts 13, 14, 14A, 15, 21; Tenth Ward of Louisville precinct 18; B District precincts 8, 11, 12, 15, 18, 21, 25, 31, 32, 35, 40, 41, 42, 46, 48, 49, 57, 58, 63, 74, 78, 84, 87.

Section 2. KRS 6.041 is amended to read as follows:

(1) Any reference in KRS 6.011 and 6.031 to a census unit, city, county, road, highway or stream means that census unit, city, county, road, highway or stream as its boundaries or location existed on January 1, 1980.

(2) Any reference to a ward, commissioner's district or precinct means that ward, commissioner's district or precinct as its boundaries existed on July 15, 1980, *except that in KRS 6.011(25) and (31), any reference to Floyd County precincts or Martin County precincts shall mean those precincts as their boundaries existed on January 1, 1986, and* except that in KRS 6.031(18), Buck Grove precinct shall mean that precinct as it existed January 1, 1984, and except that for purposes of KRS 6.031:

(a) Any reference to the Madison County election precincts of Middletown and Menales Todd shall mean those precincts as their boundaries existed on January 1, 1984; and

(b) Any references to Fayette County election precincts shall mean those precincts as their boundaries existed on January 1, 1984.

The Committee Amendment No. 1 to SB 344 is as follows:

Amend printed copy of SB 344:

On page 14, after line 20, by inserting the following:

"Section 3. KRS 6.031 is amended to read as follows:

The Commonwealth of Kentucky is divided into representative districts as follows:

(1) First District: Ballard, Carlisle, Fulton, and Hickman Counties and that part of McCracken County contained in the election precincts of Ragland, Grahamville, Woodville, Lamont and Maxon and in that part of the election precinct of Messac-Milan lying north-northwest of U.S. Highway 62.

(2) Second District: Graves County.

(3) Third District: That part of McCracken County not contained in the First and Fourth Districts.

(4) Fourth District: Livingston County; that part of Crittenden County not contained in the Twelfth District and that part of McCracken County contained in the election precincts of Reidland No. 1, Reidland No. 2, Clark River, Hovekamp, Oaks Station, Hendron No. 2, Florence Station, Harper, New Hope-Melber, Rolling Hills, Lone Oak No. 1 and Lone Oak No. 2, and that part of the election precinct of Messac-Milan lying south-southwest of U.S. Highway 62.

(5) Fifth District: Calloway County and that part of Trigg County contained in the Land Between the Lakes and in the voting precincts of Bethesda, Canton, West Cadiz, North Cadiz 1, North Cadiz 2, South Cadiz 1 and South Cadiz 2.

(6) Sixth District: Lyon and Marshall Counties and that part of Caldwell County contained in election precincts Princeton #1, Princeton #4, Princeton #5 and Harmony.

(7) Seventh District: Union County; that part of Henderson County not contained in the Eleventh District; that part of Daviess County contained in the voting precincts of Pleasant Ridge, Utica, Snyder, West Louisville, Curdsville, St. Joseph, Rome, Sorgho, Masonville, Stanley, Northtown, Southtown, Fields, and Habit but excluding those parts of Northtown, Southtown and Fields precincts that are completely surrounded by one or more election precincts of the city of Owensboro.

(8) Eighth District: That part of Trigg County contained in Fort Campbell Military Reservation and in the voting precincts of Wallonia, Cerulean, Maggie and Caledonia-Roaring Spring; that part of Christian County not contained within the Ninth District.

(9) Ninth District: That part of Christian County contained in Fort Campbell Military Reservation and within the following voting precincts: Beverly, North Pembroke, Elmo, South Pembroke, Oak Grove, Lafayette, Sinking Fork, Consolation, West Crofton, East Crofton, Pilot Rock, Fearsville and Apex; that part of Hopkins County contained within the following voting precincts: East Dawson, Charleston and Ilsley.

(10) Tenth District: That part of Hopkins County not contained in the Ninth and Twelfth Districts.

(11) Eleventh District: Henderson County, except for the voting precincts of South Corydon, Niagara, Hebbardsville-Bluff City and South Robards.

(12) Twelfth District: Webster County; that part of Crittenden County contained in election precincts Rosebud, Shady Grove, Marion #5 and Marion #6; that part of Hopkins County contained in election precincts Ashbyburg, Hanson, East Hanson, Manitou and Nebo; that part of Caldwell County not contained in the Sixth District; and that part of McLean County not contained in the Fifteenth District.

(13) Thirteenth District: That part of Daviess County contained in the following election precincts: Owensboro #1, #2, #5, #8, #12, #13, #16, #21, #22, #23, #25, #26, #27, #28, #29, #30, #31, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #44 and #45 and those parts of the election precincts of Northtown, Southtown or Fields that are completely surrounded by one or more of the Owensboro precincts contained within the Thirteenth District.

(14) Fourteenth District: That part of Daviess County not contained in the Seventh District or in the Thirteenth District.

(15) Fifteenth District: Muhlenberg County and that part of McLean County contained in voting precincts: Sacramento, Livermore #3, Livermore #8 and Island.

(16) Sixteenth District: Todd and Logan Counties.

(17) Seventeenth District: Ohio and Butler Counties and that part of Hancock County contained in election precincts Boiling Chappell, Pellville, Chambers and Utility.

(18) Eighteenth District: Breckinridge County; that part of Hancock County not contained in the Seventeenth District; and, except for Buck Grove precinct, that part of Meade County contained in election precincts Concordia, Flaherty, Guston, Payneville, Battletown and Wolfe Creek and in that part of Ekron election precinct lying west of a line formed by State Highway 144 and Rock Haven Road, and in that part of Woodland election precinct southeast of a line following Osborne Road northeastward to Hobbs-Reesor Road to State Highway 1238 and northeast on State Highway 1238 to the Woodland election precinct line.

(19) Nineteenth District: Edmonson and Grayson Counties; that part of Hardin County contained in voting precincts Upton, White Mills, Eastview and Meeting Creek.

(20) Twentieth District: That part of Warren County containing voting precincts Courthouse, Potter Gray, Nellums, Whayne Supply, Briarwood-Richland, Laurel and Broadway, Ogden College, Municipal Park, Shive-Kiel, 11th Street School, D and F Market, Greenwood, Carver-Harris, T. C. Cherry, Millers, 17th and Normal, Cabell Fire Station, Crestmoor, Millers #2, Carver Harris II, 11th Street Fire Station, Church Street, Watts Mill #2, Watts Mill and Mt. Victor.

(21) Twenty-first District: That part of Simpson County contained in the voting precincts of West Simpson, North Simpson and Prospect Hill and that part of Warren County not contained in the Twentieth District.

(22) Twenty-second District: Allen and Monroe Counties, and that part of Simpson County not contained in the Twenty-first District.

(23) Twenty-third District: Barren County and that part of Metcalfe County containing voting precincts Randolph-Wisdom No. 3, Knob Lick No. 4, Savoyard No. 5, Summer Shade No. 8 and Willow Shade-Beaumont No. 9.

(24) Twenty-fourth District: Hart County; Marion County; that part of Larue County contained in the election precincts of Buffalo, Buffalo East, Attilla, Otter and Mt. Sherman.

(25) Twenty-fifth District: That part of Hardin County not contained in the Nineteenth, Twenty-sixth and Twenty-seventh Districts.

(26) Twenty-sixth District: That part of Hardin County contained in the voting precincts of Radcliff Northwest, Radcliff Southwest, Radcliff Southeast, Radcliff East, Radcliff North, Radcliff South, Radcliff West, Vine Grove East, Vine Grove West, Longview, Colesburg, [~~that part of Yates precinct north of State Highway 144,~~] and that part of the Fort Knox Military Reservation not included in the Twenty-seventh District; that part of Larue County not contained in the Twenty-fourth District.

(27) Twenty-seventh District: That part of Meade County not contained in the Eighteenth District; that part of Bullitt County contained in election precincts Cupio 13, Brooks 12 and Brooks 12A; that part of Hardin County contained in West Point election precinct and in that part of the Fort Knox Military Reservation whose southern boundary is Chaffee Avenue extended westward to the Hardin-Meade County line and eastward to Park Road; thence southward to Eleventh Avenue; thence eastward on Eleventh Avenue and a line extending due eastward to the Bullitt County-Hardin County line.

(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C8, C14, C31, C32, C33, C40, C43, C44, C45, C47, C53, C56, C57, C58, C64, C65, C66, C72, C73, C78, C79, C82, C90, C91, C98, C99, C101, C103, C107, C108, C109 of Commissioner's District C.

(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C16, C19, C21, C24, C30, C34, C39, C46, C50, C54, C55, C59, C61, C67, C69, C71, C74, C75, C80, C81, C85, C94, C97, C100, C112 of Commissioner's District C.

(30) Thirtieth District: That part of Jefferson County containing voting precinct 37 of the Third Ward of the city of Louisville, and voting precincts B10, B13, B18, B19, B21, B22, B24, B25, B31, B40, B42, B43, B48, B49, B54, B58, B64, B67, B70, B71, B72, B78, B84, B85, B87, B89 of Commissioner's District B.

(31) Thirty-first District: That part of Jefferson County containing voting precincts 16, 17, 19, 26, 29, 34, 35,

36, 38 and 39 of the Second Ward of the city of Louisville; and voting precincts A22, A35, A39, A63, A80, A81, A85, A86, A89, A91, A98, A99, A100, A102, A105, A114, A117, A118, A119, A123, A125, A127, A128, A135, A138, A139, A146 and A151 of Commissioner's District A.

(32) Thirty-second District: That part of Jefferson County containing voting precincts 4, 5, 6, 7, 8, 9, 10, 23A, 23B, 23, 24, 25, 27, 28, 29, 30 and 33 of the First Ward of the city of Louisville; voting precincts 1, 2, 3, 4, 5, 6, 7A, 7, 8, 10, 13, 15, 18, 20, 27, 32, 40 and 41 of the Second Ward of the city of Louisville; voting precincts 1 and 2 of the Third Ward of the city of Louisville; and voting precincts A4, A5, A6, A17, A18, A19, A24, A26, A27, A31, A32, A34, A46, A51, A64, A68, A71, A82, A83 and A94 of Commissioner's District A.

(33) Thirty-Third District: That part of Jefferson County containing voting precincts 23, 30 and 31 of the Second Ward of the city of Louisville; voting precincts A10, A11, A15, A16, A36, A53, A57, A70, A75, A76, A84, A87, A90, A92, A93, A95, A97, A101, A104, A112, A115, A120, A130, A132, A134, A137, A141 and A152 of Commissioner's District A.

(34) Thirty-fourth District: That part of Jefferson County containing voting precincts 12, 16, 19A and 19 of the First Ward of Louisville; voting precincts 9, 11, 12, 14, 21, 24, 28, and 33 of the Second Ward of the city of Louisville; voting precincts 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 and 36 of the Third Ward of the city of Louisville; and voting precincts 7 and 11 of the Fifth Ward of the city of Louisville; voting precincts A96 and A103 of Commissioner's District A; and voting precinct B16 of Commissioner's District B.

(35) Thirty-fifth District: That part of Jefferson County containing voting precincts 16, 17 and 29 of the Third Ward of the city of Louisville; 1, 5A, 5, 7, 8A, 8, 9A, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 32 and 33 of the Fourth Ward of the city of Louisville; voting precincts 22, 26, 27, 28, 29 and 30 of the Fifth Ward of the city of Louisville; and voting precincts 10 and 13 of the Eighth Ward of the city of Louisville; and voting precincts B4, B8, B11, B12, B15 and B32 of Commissioner's District B.

(36) Thirty-sixth District: Garrard County; that part of Jessamine County contained in election precincts of East Nicholasville #1, East Nicholasville #2, West Nicholasville #1 and #2, Southeast Nicholasville #1 and #2, Southwest Nicholasville #1, #2 and #3, Sulphur Well, Little Hickman, and Bethel; and that part of Madison County contained in the election precincts of Blue Lick, East Berea, Gay-Stephens, North Berea, South Berea, West Berea, Big Hill, Bobtown-Redlick, Clay, Brassfield-Bearwallow, Middletown and Poosey.

(37) Thirty-seventh District: That part of Jefferson County containing voting precincts 2, 21, 23 and 34 of the Fourth Ward of the city of Louisville; voting precincts 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 20, 21, 22, 23, 25, 29 and 33 of the Sixth Ward of the city of Louisville; voting precincts 6, 8, and 9 of the Seventh Ward of the city of Louisville; voting precincts 11, 12, 14A, 14, 16A and 16 of the Eighth Ward of the city of Louisville; voting precincts B5 (not including that part of B5 located within the city limits of Louisville), B29, B75, B79, B82 and B92 of Commissioner's District B; and voting precincts C22 and C70 of Commissioner's District C.

(38) Thirty-eighth District: That part of Jefferson County containing voting precincts 12, 13, 15, 16, 24, 26A, 26, 27, 28, 30, 31 and 32 of the Sixth Ward of the city of Louisville; voting precincts 3A, 3, 5, 7, 10, 13, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of the Seventh Ward of the city of Louisville; that part of voting precinct B5 of Commissioner's District B not contained within the Thirty-seventh District; and voting precincts C12, C18, C60, C87, C89 and C96 of Commissioner's District C.

(39) Thirty-ninth District: That part of Harlan County contained in the election precincts of Old Baxter, New Baxter, Pine Mountain, Bledsoe, Loyall-Old, Loyall-School and Rio Vista; that part of Perry County not contained in the Ninety-first District; that part of Owsley County not contained in the Ninetieth District.

(40) Fortieth District: That part of Jefferson County containing voting precincts 24 and 25 of the Fifth Ward of the city of Louisville; voting precinct 5 of the Sixth Ward of the city of Louisville; voting precincts 1, 2, 4, 11, 12, 14 and 17 of the Seventh Ward of the city of Louisville; voting precincts 7, 8A, 8, 9, 15A, 15, 17, 18A, 18, 19, 20 and 21, of the Eighth Ward of the city of Louisville; voting precincts 10, 11, 13, 14A, 14, 15, 16, 17 and 18 of the Ninth Ward of the city of Louisville; voting precincts 25A and 25 of the Tenth Ward of the city of Louisville; and voting precincts C9, C25, C27, C35, C51, C63 and C68 of Commissioner's District C.

(41) Forty-first District: That part of Jefferson County containing voting precincts 1, 2, 3, 11, 13, 14, 15, 17, 21, 31, 32 and 34 of the First Ward of the city of Louisville; voting precincts 2, 3, 4, 5, 6, 8, 10, 13, 15, 18, 19 and 31 of the Fifth Ward of the city of Louisville; and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 29 and 30 of the Tenth Ward of the city of Louisville.

(42) Forty-second District: That part of Jefferson County containing voting precincts 12, 16, 17, 20, 21, and 23 of the Fifth Ward of the city of Louisville; voting precincts 1, 2, 3, 4, 5, 6 and 22 of the Eighth Ward of the city of Louisville; voting precincts 1, 2, 4, 7A, 7, 8, 9, 19, 20 and 21 of the Ninth Ward of the city of Louisville; voting precincts 16A, 16, 17, 19, 21A, 21, 22, 23, 24, 26, 27, 28A and 28 of the Tenth Ward of the city of Louisville; voting precincts 14, 15. 16, 17, 18A, 18, 19, 20, 21A, and 21 of the Eleventh Ward of the city of Louisville; and voting precincts 24 and 25 of the Twelfth Ward of the city of Louisville.

(43) Forty-third District: That part of Jefferson County containing voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 22 of the Eleventh Ward of the city of Louisville; and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11A, 11, 12, 13, 14, 15, 16A, 16, 17, 18, 19, 20, 21, 22 and 23 of the Twelfth Ward of the city of Louisville.

(44) Forty-fourth District: That part of Jefferson County containing voting precincts 3, 5, 6 and 22 of the Ninth Ward of the city of Louisville; and voting precincts C1, C2, C3, C4, C10, C13, C15, C17, C20, C26, C28, C29, C36, C37, C38, C41, C42, C48, C49, C52, C62, C76, C77, C83, C84, C86, C88, C92, C93, C95, C104, C105, C106, C110 and C111 of Commissioner's District C.

(45) Forty-fifth District: That part of Jefferson County containing voting precincts B1, B2, B3, B6, B7, B9, B17, B23, B27, B28, B30, B39, B45, B55, B56, B59, B63, B66, B73, B74, B76, B81, B83, B90, B91 and B94 of Commissioner's District B; and voting precincts C23 and C102 of Commissioner's District C.

(46) Forty-sixth District: That part of Jefferson County containing voting precinct A88 of Commissioner's District A; and voting precincts B14, B20, B26, B33, B34, B35, B36, B37, B38, B41, B44, B46, B47, B50, B51, B52, B53, B57, B60, B61, B62, B65, B68, B69, B77, B80, B86, B88 and B93 of Commissioner's District B.

(47) Forty-seventh District: That part of Jefferson County containing voting precincts A8, A12, A13, A14, A20, A21, A23, A25, A28, A33, A37, A38, A41, A42, A43, A44, A45, A50, A58, A65, A69, A72, A74, A77, A106, A107, A108, A109, A110, A124, A126, A129, A133, A136, A147, A149 and A153 of Commissioner's District A.

(48) Forty-eighth District: That part of Jefferson County containing voting precincts 20 and 22 of the First Ward of the city of Louisville; and voting precincts A1, A2, A3, A7, A9, A29, A30, A40, A47, A48, A49, A52, A54, A55, A56, A59, A60, A61, A62, A66, A67, A73, A78, A79, A111, A113, A116, A121, A122, A131, A140, A142, A143, A144, A145, A148 and A150 of Commissioner's District A.

(49) Forty-ninth District: That part of Bullitt County not contained in the Twenty-seventh District.

(50) Fiftieth District: Nelson and Washington Counties.

(51) Fifty-first District: Green and Taylor Counties, and that part of Metcalfe County not contained in the Twenty-third District.

(52) Fifty-second District: Adair and Casey Counties and that part of Russell County contained in the election precincts of Webbs, Irvins, Esto, Royville, City Hall, Fairgrounds, Eli and Rowes.

(53) Fifty-third District: Wayne, Clinton and Cumberland Counties; that part of Russell County not contained within the Fifty-second and Eighty-third Districts.

(54) Fifty-fourth District: Boyle County; that part of Lincoln County contained in the Census County Divisions of Hustonville and Stanford and in Census Enumeration Districts 564 and 565.

(55) Fifty-fifth District: Mercer, Spencer and Anderson Counties.

(56) Fifty-sixth District: Woodford County; that part of Franklin County contained in election precincts Forks of Elkhorn, Switzer, Peaks Mill, Owenton Road and Swallowfield; that part of Jessamine County not contained in the Thirty-sixth District.

(57) Fifty-seventh District: That part of Franklin County not contained in the Fifty-sixth District.

(58) Fifty-eighth District: Henry and Shelby Counties.

(59) Fifty-ninth District: Oldham and Trimble Counties.

(60) Sixtieth District: That part of Boone County not contained in the Sixty-sixth District.

(61) Sixty-first District: Carroll, Gallatin, Grant and Owen Counties.

(62) Sixty-second District: Harrison and Scott Counties.

(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crescent Springs 1 and 2; Crestview Hills; Edgewood 1, 2, 3, 4, 5 and 6; Fort Mitchell 1, 2, 3, 4, 5 and 6; Fort Wright 1, 2, 3, 4 and 5; Lakeside Park 1, 2 and 3; Park Hills 1, 2 and 3; Richardson; and that part of Sandfordtown Precinct west of the L & N Railroad track and west of Madison Pike.

(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 26, 27, 29, 30 and 43, Decoursey, Independence 1, 2 and 3, Morningview, Nicholson, Oakridge, Piner, that part of Sandfordtown not contained in the Sixty-third District, Taylor Mill 1 and 2, Visalia, Whites Tower, and Winston Park; and that part of Pendleton County contained in voting precinct Grassy Creek.

(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 7, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, 31, 33, 34, and 42; and that part of Kenton County contained within the city of Ludlow and the city of Bromley.

(66) Sixty-sixth District: That part of Boone County containing the following voting precincts: Devon 1, 1A and 2; Florence 1; that part of Florence 3 bounded as follows: beginning at the Boone County line and Old Dixie Highway, then west with Old Dixie Highway to State Highway 1017, then north on State Highway 1017 to Sebree Drive, then west on Sebree Drive to Jortha Avenue, then north on Jortha Avenue to Lloyd, then east on Lloyd and Drexel Avenue to Oakwood Drive, then northeast on Oakwood Drive and High Ridge Avenue to Florence city limits, then east with city limits of Florence to Boone County line, then to point of beginning; Florence 6; that part of Kenton County containing the following voting precincts: that part of Bromley precinct not contained in Ludlow city and in Bromley city, Elsmere 1, 2, 3 and 4, Erlanger 1, 2, 3, 4, 5, 6, 7, 8 and 9, Villa Hills 1 and 2.

(67) Sixty-seventh District: That part of Campbell County containing all of the voting precincts in the city of Newport; that part of Campbell County containing the following voting precincts: Southgate A, B and C, Wilder and Woodlawn; that part of Kenton County containing the following voting precincts: Covington 1, 3, 6, 35, 36, 39, 40, and 41.

(68) Sixty-eighth District: That part of Campbell County containing the following voting precincts Bellevue A, B, C, D, E, F, G, H and I; Dayton A, B, C, D, E, F, and G; Fort Thomas A, B, C, D, E, G, L and P, Brent, Crestview, Silver Grove, Hayfield, Carthage, Camp Springs, California, Mentor and Gubser's Mill and Melbourne; Pendleton County precincts Bonar, Sandsuck, and Falmouth 3; and Bracken County precincts Foster, Johnsville, Augusta West and Augusta East.

(69) Sixty-ninth District: That part of Campbell County not contained in the Sixty-seventh and Sixty-eighth Districts; that part of Pendleton County not contained in the Sixty-fourth District and in the Sixty-eighth District.

(70) Seventieth District: Mason, Fleming and Robertson Counties; that part of Bracken County not contained in the Sixty-eighth District.

(71) Seventy-first District: Morgan and Rowan Counties; that part of Lawrence County contained in election precincts Martha, Blaine, Brushey and Meades Branch; and that part of Lewis County contained in the election precincts of Concord, Mowers, Tollesboro, Petersville, and Burtonsville.

(72) Seventy-second District: Bourbon County and that part of Fayette County not contained in the Seventy-fifth District, the Seventy-sixth, Seventy-seventh, Seventy-eighth and Seventy-ninth Districts.

(73) Seventy-third District: Clark and that part of Powell County west of a line extending from the Montgomery County line south with the centerline of State Highway 213 to State Highway 11 and 15, then westward with the center of State Highway 11 and 15 to the western city limits of Stanton, then eastward around the southern city limits of Stanton to the Mountain Parkway, then eastward with the Mountain Parkway to State Highway 11 and 15, then southward with State Highway 11 and 15 to Cat Creek-High Rock

Road, then south with said road and an unnamed branch of Cat Creek to Knowlton Ridge Road, then southward with Knowlton Ridge Road to State Highway 213, then southward with State Highway 213 to the Estill County line.

(74) Seventy-fourth District: Bath, Nicholas and Montgomery Counties.

(75) Seventy-fifth District: That part of Fayette County contained within the following election precincts: Davidson Court, Fayette Park, Hampton Court, Preston Inn, West Main, Church, Deerfield, Fair Grounds, Goodrich, Merino, Open Gates, Picadome, Rodes Addition, Rosemont, Towers, Alabama, Ashland Avenue, Aylesford, Bell Place, Bunker, Campsie, Clifton, College View, Hollywood, Lawrence, Mt. Vernon, and Woodland.

(76) Seventy-sixth District: That part of Fayette County contained within the following election precincts: Blue Acres, Marlboro, Radcliffe, Aspendale-Bluegrass, Breckenridge, Bryan Station, Castlewood, Crawford, Deep Springs, Dixie, Eastland, Emerson, Helm, Henry Clay, Hermitage, Idle Hour, Kenwick, Liberty Heights, Loudon, Northern, Ohio-Walnut, Rookwood, Victory, Walton, Warfield Place, Augusta, Greenleaf and Delaware.

(77) Seventy-seventh District: That part of Fayette County contained within the following election precincts: Alexandria, Barker, Cardinal Valley, Douglas-Washington, Evans, Fairlawn, Garden Springs, Gibson Park, Holiday Hills, Julius Marks, Keys, Lane Allen, Larkspur, Meadowthorpe, Oxford, Pine Meadows, St. Martins, Skycrest, Terrace View, Turfland, Versailles Road, Viley Heights, Wolf Run, Barkley, Lafayette, Clays Mill, Hill-n-Dale, Indian Hills, Longview, Pershing, Southview and Arlington-Imperial.

(78) Seventy-eighth District: That part of Fayette County contained within the following election precincts: Beaumont, Meridian, The Colony, Airport North, Airport South, Blueberry Hills South, Blueberry Hills West, Brigadoon, Brookhaven, Camelot, Glendover, Hinda Heights, Keithshire, Lansdowne, Leawood, McDowell East, McDowell West, Malabu, Montavesta East, Montavesta West, Monticello, Redding Road, Shadeland, Shady Lane, Stone, Stonewall, Wem, Zandale, Robinwood, South Point, South Point North, Tudor, Bayswater, Kirklevington East, Kirklevington West, Stoneybrook, Surfside, and Plantation.

(79) Seventy-ninth District: That part of the county of Fayette contained within the following election precincts: Fairway, Gainesway, Lakeview North, Lakeview South, Mt. Tabor, Merrick, Richmond Road, Shrine, Southeastern Hills, Tates Creek, Walnut Hill, Delong, Delong East, River Park, Blairmore, Edgewater, Ascot, Park Hills North, Park Hills South, Cove Lake North, Cove Lake South, Chevy Chase, Chilesburg, Duke, Ellerslie, Fontaine, Woodspoint, Alsab, and Ridgeway.

(80) Eightieth District: Rockcastle County; that part of Lincoln County not contained in the Fifty-fourth District; that part of McCreary County not contained in the Eighty-second district; and that part of Pulaski County contained within the following voting precincts: Eubank 25, Estesburg 26, Hazeldell 29, Good Hope 28, Dallas, Mayfield, Mt. Victory, Sloans Valley, Gamblin, Buncombe, and Catron 31.

(81) Eighty-first District: That part of Madison County not contained in the Thirty-sixth District.

(82) Eighty-second District: That part of Whitley County not contained in the Eighty-seventh District; that part of McCreary County contained within Census Enumeration Districts 182, 183, 185 and 186.

(83) Eighty-third District: That part of Pulaski County not contained in the Eightieth District; and that part of Russell County contained in the election precinct of Jabez.

(84) Eighty-fourth District: Estill, Lee and Menifee Counties; that part of Powell County not contained in the Seventy-third District; and that part of Jackson County not contained in the Ninetieth District.

(85) Eighty-fifth District: Laurel County.

(86) Eighty-sixth District: Knox County; that part of Clay County contained in voting precincts Harts Branch, Horse Creek, Manchester, Garrard and Whites Branch.

(87) Eighty-seventh District: Bell County and that part of Whitley County southeast of a line beginning at the Tennessee State line, following the Pine Mountain Divide northeastward, then westward with the Vanderpool Mountain Divide to the Rose Creek-Seng Branch Divide, then northward with said divide to the Gatliff

Lookout Road, then with said road to State Highway 904, then eastward with State Highway 904 to State Highway 1809, then northward with State Highway 1809 to the Knox County line.

(88) Eighty-eighth District: That part of Harlan County not contained in the Thirty-ninth District.

(89) Eighty-ninth District: Breathitt, Wolfe and Magoffin Counties.

(90) Ninetieth District: Leslie County; that part of Jackson County contained in Census Enumeration Districts 81, 82, 83 and 76U; that part of Clay County not contained in the Eighty-sixth District; that part of Owsley County contained in election precincts Island Creek, Sturgeon and Elk Lick.

(91) Ninety-first District: That part of Perry County contained in the election precincts of Whitaker, Little Leatherwood, Cornettsville, Fusonia, Vicco, Happy, Jeff, Farmertown and Christopher; that part of Pike County south and west of a line beginning at the Letcher County line, then northeast with the Marshall Branch-Booker Branch Divide and the Orchard Branch-Blaze Branch Divide to Gale Road, then with the Gale Road to its intersection with U.S. Highway 23, then in a straight line eastwardly to Herman Siding Station, then south-southeast with northern boundary of Dorton Census County Division to the Virginia state line and that part of Letcher County not contained in the Ninety-second District.

(92) Ninety-second District: Knott County; that part of Letcher County contained in the voting precincts of Ison, Colson, Marion, Blackey, Doty and Baker; that part of Floyd County contained in the voting precincts of Rock Fork #37, Wayland #18, Lackey #17, Bosco #15, Beechgrove #41, Jack Allen, Middle Creek #8, Maytown, Rough and Tough #12, Abbott #35, and Garrett #16.

(93) Ninety-third District: That part of Pike County not contained in the Ninety-first and Ninety-fourth Districts.

(94) Ninety-fourth District: That part of Pike County contained in the Census County Divisions of Pikeville, Mayflower, Raccoon, Sidney and South Williamson and Census Enumeration Districts 505 and 506.

(95) Ninety-fifth District: That part of Floyd County not contained in the Ninety-second District.

(96) Ninety-sixth District: Carter County; that part of Lewis County not contained in the Seventy-first District; that part of Greenup County contained in Census Enumeration District 831.

(97) Ninety-seventh District: Johnson and Martin Counties.

(98) Ninety-eighth District: That part of Greenup County not contained in the Ninety-sixth and One hundredth Districts.

(99) Ninety-ninth District: Elliott County; that part of Lawrence County not contained in the Seventy-first District; that part of Boyd County containing the following voting precincts: Court House, City Building, Argo, Hampton, England Hill, Durbin, East Fork, Cannonsburg, Princess, Garner, Hoods Creek, Fairview, Buckley #1, Buckley #2, Westwood, Fannin, Ashland Oil and Greenhill.

(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District and that part of Greenup County contained in the city of Bellefonte.''

Section 4. Section 3 of this Act shall become effective January 1, 1987.

The Committee Title Amendment No. 1 to SB 344 is as follows:

Amend printed copy of SB 344:

By deleting ''senatorial'' and inserting in lieu thereof ''legislative''.

SCR 30, A CONCURRENT RESOLUTION directing a study of the space needs of state government in Frankfort.

WHEREAS, the 1985 budget requests of agencies of the Commonwealth had requests for two separate office buildings; and

WHEREAS, the 1985 budget requests of agencies of the Commonwealth had requests for two separate laboratories; and

WHEREAS, the last space study done on the needs of the state was done in 1977; and

WHEREAS, some of the state agencies are spread over two or more buildings in Frankfort; and

WHEREAS, the Commonwealth is now leasing in excess of 600,000 square feet of space in Frankfort; and

WHEREAS, it is the objective of the General Assembly to provide needed space for the Commonwealth in the most economical and efficient manner;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Capital Construction and Equipment Purchase Oversight Committee is hereby directed to conduct during the 1986-88 interim a study of the space needs of the Commonwealth in Frankfort. In conducting this study, the committee is directed to examine the needs of the executive, judicial, and legislative branches of state government.

Section 2. The Facilities Management Division of the Finance and Administration Cabinet and the Facilities Administrator of the Administrative Office of the Courts are directed to work with the Capital Construction and Equipment Purchase Oversight Committee in conducting the study.

Section 3. A report of the findings shall be completed and made available to the General Assembly, the Chief Justice, and the Governor no later than October 1, 1987.

Section 4. Staff services to be utilized in completing this study are estimated to cost $20,000. These staff services shall be provided from the regular budget of the Legislative Research Commission and are subject to the limitations and other research responsibilities of the commission.

SCR 38, A CONCURRENT RESOLUTION designating the month of April, 1986 to be Fair Housing Month across the Commonwealth.

WHEREAS, in spite of constitutional guarantees of equality and justice for all, racial discrimination has left an indelible stain on the principles upon which the United States was founded; and

WHEREAS, in order to implement the inalienable rights of minorities and triumph over discrimination, the United States Congress passed Title 8 of the United States Code—the Federal Civil Rights Act; and

WHEREAS, an essential provision of this historical 1968 legislation is the Fair Housing Law; and

WHEREAS, the Fair Housing Law is deemed to be of particular import because housing discrimination intimidates citizens from making the free choices to which they are guaranteed; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky enacted a state fair housing law in 1968 following the lead of the United States Congress; and

WHEREAS, Kentucky has one of the strongest Fair Housing Laws in the nation; and

WHEREAS, the Department of Housing and Urban Development has designated the month of April, 1986 to be Fair Housing Month in honor and celebration of the 18th anniversary of the enactment of this landmark legislation; and

WHEREAS, the state of Kentucky desires to reaffirm the Commonwealth's commitment to, and enforcement of, the Fair Housing Law;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the General Assembly designates the month of April, to be Fair Housing Month across the Commonwealth in honor and celebration of the anniversary of the enactment of federal and state fair housing laws.

SJR 44, A JOINT RESOLUTION directing the cabinet for human resources, with the cooperation of other state agencies, to complete a needs assessment of child care facilities for use by Kentucky state employees and their children.

WHEREAS, the well-being of Kentucky families and children are the concern to the General Assembly; and

WHEREAS, the estimate is that 35% of Kentucky state employees have a need for child care facilities; and

WHEREAS, the General Assembly desires to assist state employees who have a need for child care facilities; and

WHEREAS, the General Assembly desires to make available to operators of child care facilities the information necessary to serve the needs of state employees and their children;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a needs assessment for child care facilities be made by the cabinet for human resources, with the cooperation of other state agencies, through a survey of all state employees. The survey shall seek, but not be limited to, the following information: (a) the need for child care facilities by site preference; (b) the number and ages of children needing child care services; (c) the present cost to the employee for child care.

Section 2. That the cabinet for human resources determine the feasibility of establishing a training program for child care workers under the provisions of the federal Job Training Partnership Act.

Section 3. That the cabinet for human resources shall furnish private child care facility operators the tabulated results of the needs assessment survey so that they may evaluate the feasibility of establishing child care facilities at sites identified as having a need for such facility.

Section 4. A report containing the results of the needs assessment, the responses of private child care operators and recommendations shall be made to the General Assembly not later than January 7, 1987.

SJR 78, A CONCURRENT RESOLUTION requesting the Governor to establish an Economic Planning Commission.

WHEREAS, the Kentucky General Assembly recognizes that the single most important objective of economic development is the creation of employment opportunities; and

WHEREAS, to meet the ever increasing need for such opportunities in Kentucky, over 225,000 new jobs will need to be created in the Commonwealth by 1995; and

WHEREAS, over one-half of the existing jobs will need to be restructured and upgraded over the next ten years; and

WHEREAS, these jobs will require a sound foundation in the sciences, mathematics, and communication skills, and various kinds of technical education; and

WHEREAS, many communities will require assistance in developing the infrastructure for roads, sewer, and water necessary to attract job opportunities to their communities; and

WHEREAS, to generate the grass roots support necessary to achieve the basic goal of creating jobs, a linkage must be developed among local and state representatives, business and labor interests, educational bodies, and other interest groups; and

WHEREAS, to realize our maximum potential, all such efforts presently underway must be planned and coordinated; and

WHEREAS, the Kentucky General Assembly wants input from the grass roots in the development of a statewide economic policy designed to create the jobs required; and

WHEREAS, the General Assembly recognizes that such effort should be continuing; and

WHEREAS, every community needs to determine what kind of new economic development should be sought, and what type of jobs will be created or upgraded; and

WHEREAS, the present climate for creating jobs in Kentucky is highly positive;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Governor be requested to establish and to appoint the membership of an Economic Development Planning Commission pursuant to this resolution.

Section 2. That the charge of the commission include, but not be limited to the following:

(1) To develop a legislative agenda which will assist in creating the jobs and necessary job skills to meet the ten-year economic development needs of Kentucky;

(2) To prepare in conjunction with such agenda a plan for linking economic development and post-secondary education (vocational-technical, community college programs, and universities);

(3) To involve state agencies, local communities, business leaders, labor leaders, educational bodies, and other interested parties in developing such legislative agenda;

(4) To develop a strategy for securing grass roots input and support for the agenda developed;

(5) To submit a report and a set of recommendations to the 1988 General Assembly, thereby providing a transition and continuity in economic development from one state administration to the next.

Section 3. That the membership of the commission include representatives from:

(1) The Kentucky Senate and House of Representatives;

(2) The Governor's Office;

(3) The Commerce Cabinet;

(4) Local Governmental Officials;

(5) Post-Secondary Education Entities;

(6) The Kentucky Economic Development Council;

(7) Directors of Area Development Districts;

(8) The Kentucky Chamber of Commerce;

(9) Labor Organizations;

(10) The Shakertown Roundtable;

(11) Other interested parties.

Calendar

SB 372 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

SB 361 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Farrow moved that SB 361 be passed.

On the roll call the vote was: Yeas 68, Nays 22. (See March 25, 1986, roll call on SB 361—Appendix A.)

SB 361 was passed and the title agreed to.

Representative Farrow moved that the vote by which SB 361 was passed be reconsidered and said motion be placed on the table. Agreed.

HR 60, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reinhardt moved the adoption of the Committee Amendment No. 1 to HR 60. Rejected.

Representative Burnette moved that HR 60 be adopted.

HR 60 was adopted by voice vote.

Representative Stumbo moved that the vote by which HR 60 was adopted be reconsidered and said motion be placed on the table. Agreed.

HB 558, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative White moved that HB 558 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 25, 1986, roll call on HB 558—Appendix A.)

HB 558 was passed and the title agreed to.

Representative White moved that the vote by which HB 558 was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 1, HB 329, HB 360, HB 390, HB 436, HB 524, HB 548, HB 700, HB 706, and HB 745 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:21 p.m.)

HB 1, HB 329, HB 360, HB 390, HB 436, HB 524, HB 548, HB 700, HB 706, and HB 745 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

SB 325, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that SB 325 be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 25, 1986, roll call on SB 325—Appendix A.)

SB 325 was passed and the title agreed to.

Representative Rapier moved that the vote by which SB 325 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 199 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved that SB 199 be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 25, 1986, roll call on SB 199—Appendix A.)

SB 199 was passed and the title agreed to.

Representative Arnold moved that the vote by which SB 199 was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 84, SB 139, SB 210, SB 236, SB 237, SB 239, SB 266, and SB 301 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:27 p.m.)

Orders of the Day (continued)

HB 887, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of the Floor Amendment No. 1 to HB 887. Agreed.

Representative Yates moved that HB 887, as amended, be passed.

On the roll call the vote was: Yeas 66, Nays 17. (See March 25, 1986, roll call on HB 887—Appendix A.)

HB 887, as amended, was passed and the title agreed to.

Representative Yates moved that the vote by which HB 887, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Cowan moved that the rules be suspended to consider a Resolution. Agreed.

Representative Cowan moved the adoption of the following HR 165:

HR 165, A RESOLUTION honoring Ashar Tullis.

WHEREAS, Ashar Tullis served as Executive Director of the Kentucky Association for Mental Health for 22 years before his retirement on December 31, 1985; and

WHEREAS, during this period he expressed his deep concern for the mentally ill of Kentucky through positive and effective efforts on their behalf; and

WHEREAS, these efforts were directed towards the recognition of the special problems and handicaps of such individuals and a sympathetic understanding of their needs; and

WHEREAS, Mr. Tullis formulated programs to meet these needs and represented the Association in forcefully and articulately presenting them to the Kentucky legislature, achieving a large measure of success in securing approval of much needed legislation for the benefit of the mentally ill; and

WHEREAS, he unstintingly provided guidance, support and administrative assistance to other organizations in the mental health field;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House, on the occasion of Mr. Tullis' retirement, express its deep appreciation to him for his understanding of the mentally ill and their needs and for his great success in improving their lot in the Commonwealth of Kentucky.

Section 2. That a copy of this resolution be sent to Ashar Tullis.

HR 165 was adopted by voice vote.

SB 204 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that SB 204 be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 25, 1986, roll call on SB 204—Appendix A.)

SB 204 was passed and the title agreed to.

Representative Mann moved that the vote by which SB 204 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 256, with Committee Amendments and Floor Amendments, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved the adoption of the Committee Amendment No. 1 to SB 256. Agreed.

Representative Morris moved the adoption of the Floor Amendment No. 1 to SB 256.

Representative Deskins moved that SB 256 be laid on the Clerk's desk. Agreed.

SB 251, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Napier moved the adoption of the Committee Amendment No. 1 to SB 251. Agreed.

Representative Moberly moved that SB 251, as amended, be passed.

On the roll call the vote was: Yeas 97, Nays 0. (See March 25, 1986, roll call on SB 251—Appendix A.)

SB 251, as amended, was passed.

Representative Moberly moved the adoption of the Committee Title Amendment to SB 251. Agreed, and the title was agreed to.

Representative Moberly moved that the vote by which SB 251, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 811 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lefevers moved that HB 811 be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 25, 1986, roll call on HB 811—Appendix A.)

HB 811 was passed and the title agreed to.

Representative Lefevers moved that the vote by which HB 811 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 108 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved that SB 108 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 25, 1986, roll call on SB 108—Appendix A.)

SB 108 was passed and the title agreed to.

Representative R. Jones moved that the vote by which SB 108 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 252 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that SB 252 be passed.

On the roll call the vote was: Yeas 60, Nays 31. (See March 25, 1986, roll call on SB 252—Appendix A.)

SB 252 was passed and the title agreed to.

Representative Little moved that the vote by which SB 252 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 935, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gregory moved the adoption of the Committee Substitute to HB 935. Agreed.

Representative Gregory moved that HB 935, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 87, Nays 4. (See March 25, 1986, roll call on HB 935—Appendix A.)

HB 935, by way of Committee Substitute, was passed and the title agreed to.

Representative Gregory moved that the vote by which HB 935, by way of Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 780 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that HB 780 be passed.

On the roll call the vote was: Yeas 76, Nays 13. (See March 25, 1986, roll call on HB 780—Appendix A.)

HB 780 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 780 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 136 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that HCR 136 be passed.

On the roll call the vote was: Yeas 75, Nays 14. (See March 25, 1986, roll call on HCR 136—Appendix A.)

HCR 136 was passed and the title agreed to.

Representative Priddy moved that the vote by which HCR 136 was passed be reconsidered and said motion be placed on the table. Agreed.

HJR 115 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noe moved that HJR 115 be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 25, 1986, roll call on HJR 115—Appendix A.)

HJR 115 was passed and the title agreed to.

Representative Noe moved that the vote by which HJR 115 was passed be reconsidered and said motion be placed on the table. Agreed.

HJR 126 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved that HJR 126 be passed.

On the roll call the vote was: Yeas 86, Nays 5. (See March 25, 1986, roll call on HJR 126—Appendix A.)

HJR 126 was passed and the title agreed to.

Representative Blevins moved that the vote by which HJR 126 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 198, with Committee Substitute, Committee Amendment, and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Substitute to SB 198. Agreed.

Representative Barrows moved that SB 198, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 90, Nays 5. (See March 25, 1986, roll call on SB 198—Appendix A.)

SB 198, by way of Committee Substitute, was passed.

Representative Barrows moved the adoption of the Committee Title Amendment to SB 198. Agreed, and the title was agreed to.

Representative Barrows moved that the vote by which SB 198, by way of Committee Substitute with Title Amendment, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 201, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved the adoption of the Floor Amendment No. 1 to HB 201. Agreed.

Representative R. Jones moved that HB 201, as amended, be passed.

On the roll call the vote was: Yeas 85, Nays 7. (See March 25, 1986, roll call on HB 201—Appendix A.)

HB 201, as amended, was passed and the title agreed to.

Representative R. Jones moved that the vote by which HB 201, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 871 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative T. Jones moved that HB 871 be passed.

On the roll call the vote was: Yeas 90, Nays 1. (See March 25, 1986, roll call on HB 871—Appendix A.)

HB 871, was passed and the title agreed to.

Representative T. Jones moved that the vote by which HB 871 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 305, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that SB 305 be passed.

On the roll call the vote was: Yeas 93, Nays 2. (See March 25, 1986, roll call on SB 305—Appendix A.)

SB 305 was passed and the title agreed to.

Representative Brinkley moved that the vote by which SB 305 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 343, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Long moved the adoption of the Floor Amendment No. 3 to SB 343. Rejected.

Representative Long moved that SB 343 be laid on the table.

On the roll call the vote was yeas 33—Allen, Barrows, Bendl, Burch, Caldwell, Cline, Crupper, Curd, Dawahare, Farrow, Freibert, Gregory, Guenthner, K. Harper, Heleringer, Holbrook, Holloway, Keith, Long, McElroy, McNutt, Moberly, Overstreet, Rattliff, Reinhardt, B. Richardson, Rose, Scorsone, Smith, Stewart, Stone, Thomas, Todd. Nays 38—Bennett, Blandford, Brinkley, M. Brown, Bruce, L. Clark, Cyrus, Deskins, Donnermeyer, Ellington, Ford, Gedling, Gray, Hancock, Handy, J. Harper, Head, Lile, Little, Lyne, Mack, Maggard, Mann, McBee, Morris, Napier, Pearman, Preston, Priddy, Pritchett, Richards, P. Richardson, Riner, Siler, Strong, Stumbo, Turner, White.

The motion that SB 343 be laid on the table was rejected.

Representative Long moved the adoption of the floor Amendment No. 2 to SB 343.

Representative Gray inquired whether Floor Amendment No. 2 to SB 343 was germane to the bill.

The Chair ruled Floor Amendment No. 2 to SB 343 was not germane.

Representative P. Richardson moved the adoption of the Committee Amendment No. 1 to SB 343. Agreed.

Representative Long moved that SB 343, as amended, be passed.

On the roll call the vote was: Yeas 81, Nays 6. (See March 25, 1986, roll call on SB 343—Appendix A.)

SB 343, as amended, was passed.

Representative Long moved the adoption of the Floor Title Amendment to SB 343. Agreed, and the title was agreed to.

Representative Long moved that the vote by which SB 343, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 696 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Harper moved that HB 696 be passed.

On the roll call the vote was: Yeas 86, Nays 3. (See March 25, 1986, roll call on HB 696—Appendix A.)

HB 696 was passed and the title agreed to.

Representative J. Harper moved that the vote by which HB 696 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 110, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that SB 110 be passed.

On the roll call the vote was: Yeas 90, Nays 2. (See March 25, 1986, roll call on SB 110—Appendix A.)

SB 110 was passed and the title agreed to.

Representative Morris moved that the vote by which SB 110 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 111, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gedling moved the adoption of the Committee Amendment No. 1 to SB 111. Agreed.

Representative Morris moved that SB 111, as amended, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See March 25, 1986, roll call on SB 111—Appendix A.)

SB 111, as amended, was passed and the title agreed to.

Representative Morris moved that the rules be suspended to reconsider the vote on SB 110. Agreed.

SB 110, with Committee Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Morris moved the adoption of the Committee Amendment No. 1 to SB 110. Agreed.

Representative Morris moved that SB 110, as amended, be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 25, 1986, roll call on SB 110—Appendix A.)

SB 110, as amended, was passed and the title agreed to.

Representative Morris moved that the vote by which SB 110, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 710 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved that HB 710 be passed.

On the roll call the vote was: Yeas 95. Nays 0. (See March 25, 1986, roll call on HB 710—Appendix A.)

HB 710 was passed and the title agreed to.

Representative Gray moved that the vote by which HB 710 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 876, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Floor Amendment No. 1 to HB 876. Agreed.

Representative Gray moved that HB 876, as amended, be passed.

On the roll call the vote was: Yeas 75, Nays 13. (See March 25, 1986, roll call on HB 876—Appendix A.)

HB 876, as amended, was passed and the title agreed to.

Representative Gray moved that the vote by which HB 876, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 962 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stewart moved that HB 962 be passed.

On the roll call the vote was: Yeas 91, Nays 2. (See March 25, 1986, roll call on HB 962—Appendix A.)

HB 962 was passed and the title agreed to.

Representative Stewart moved that the vote by which HB 962 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 981 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Ford moved that HB 981 be passed.

On the roll call the vote was: Yeas 66, Nays 15. (See March 25, 1986, roll call on HB 981—Appendix A.)

HB 981 was passed and the title agreed to.

Representative Ford moved that the vote by which HB 981 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 931 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HB 931 be laid on the Clerk's desk. Agreed.

HB 490, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 490 are as follows:

Senate Amendment No. 1 to HB 490, amend printed copy of HB 490:

on page 6, line 22, by inserting after the word "*class*" and before the comma the following: "*and in urban counties*".

Senate Amendment No. 2 to HB 490, amend printed copy of HB 490:

on page 1, line 6, after KRS 318.010(8), by inserting the following:

", however, the cabinet shall regulate the construction, installation or alteration of on-site sewage disposal systems installed on any farmstead located in a county containing a city of the first class"

Representative Gregory moved that the House concur in the Senate Amendment No. 1 to HB 490. Agreed.

Representative Gregory moved that the House concur in the Senate Amendment No. 2 to HB 490. Agreed.

Representative Gregory moved that HB 490, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 74, Nays 12. (See March 25, 1986, roll call on HB 490—Appendix A.)

HB 490, as amended by the Senate, was passed and the title agreed to.

Representative Gregory moved that the vote by which HB 490, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 376, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 376 is as follows:

HB 376, AN ACT relating to the confidentiality of sexually transmitted disease.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Kentucky Sexually Transmitted Disease Control Confidentiality Act of 1986."

SECTION 2. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

(1) "Cabinet" means the cabinet for human resources; and

(2) "Sexually transmitted disease" means syphilis, gonorrhea, chancroid, granuloma inguinale, genital herpes, non-gonococcal urethritis, mucopurulent cervicitis; acquired immune deficiency syndrome (AIDS), chlamydia trachomatis infections and any other sexually transmitted disease designated by the cabinet under the provisions of KRS Chapter 13A.

SECTION 3. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

(1) The general assembly hereby declares that confidentiality is essential for the proper administration and operation of sexually transmitted disease control activities in this state and that the principle of confidentiality must remain inviolate.

(2) All information, records and reports in the possession of local health departments or the cabinet for human resources and which concern persons infected with or suspected of being infected with or tested for or identified in an epidemiologic investigation for sexually transmitted disease are hereby declared to be strictly confidential and only personnel of local health departments and the cabinet for human resources who are assigned to sexually transmitted disease control activities shall have access to such information, records and reports.

(3) Nothing in this section shall be construed as preventing:

(a) The release of medical information to the physician retained by the person infected with or suspected of being infected with a sexually transmitted disease;

(b) The release of medical or epidemiological data or information for statistical purposes in a manner so that no individual person can be identified;

(c) The release of medical information with the written consent of all persons identified in the information to be released;

(d) The release of medical or epidemiological information necessary to enforce the provision of the rules and regulations of the cabinet for human resources, issued pursuant to KRS Chapter 13A, relating to the control and treatment of sexually transmitted disease; and

(e) The release of medical information made to medical personnel in a medical emergency to the extent necessary to protect the health or life of the named party.

SECTION 4. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

Any person who violates any provision of Section 3 of this Act shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100). Each violation shall constitute a separate offense.

Representative Blevins moved that the House concur in the Senate Committee Substitute to HB 376. Agreed.

Representative Blevins moved that HB 376, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: Yeas 69, Nays 9. (See March 25, 1986, roll call on HB 376—Appendix A.)

HB 376, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Blevins moved that the vote by which HB 376, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table.

Representative Stumbo moved that the rules be suspended to allow a meeting of the Committee on Rules. Agreed.

Recess

Representative Stumbo moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

The Speaker appointed Conference Committees on the following Bills:

HB 209: Representatives Moberly, Chairman; T. Jones, Noland.

HJR 78: Representatives Cyrus, Chairman; Bennett, Holloway.

SB 86: Representatives Barrows, Chairman; Hines, Heleringer.

HB 398: Representatives Clarke, Chairman; Rapier, Donnermeyer, Worthington, Turner, as advisory non-voting members the Chairmen of the Budget Subcommittees.

Representative Hancock moved that the vote on SB 343 be reconsidered. Agreed.

Representative Hancock moved that SB 343 be placed in the Orders of the Day for March 26, 1986. Agreed.

Motions, Petitions and Communications

Representative Stumbo moved that the three-day posting requirements on SCR 87, SCR 91, and SCR 97 be waived. Agreed.

Representative Farrow moved that SB 256 be taken from the Clerk's desk and placed in Orders of the Day for March 26, 1986. Agreed.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Title Amendment to Committee Substitute to SB 153, by Representative Hancock:

Amend printed copy of Committee Substitute for SB 153:

on page 1, to delete the title and insert in lieu thereof the following:

AN ACT relating to bonds.

Floor Amendment No. 1 to the Committee Substitute to SB 153, by Representative Hancock:

Amend printed copy of Committee Substitute for SB 153:

on page 4, after line 2, to insert the following:

Section 3. KRS 56.872 is amended to read as follows:

(1) Notwithstanding the provisions of KRS 56.870(1), KRS 56.870 to 56.874 shall not apply to any financing by the turnpike authority of Kentucky until July 1, 1982, and shall not apply to any refinancing transaction by any agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth, if such refinancing transaction results in a net debt service savings to such agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth.

(2) *The secretary of the finance and administration cabinet shall report to the general assembly in the branch budget recommendation, defined in KRS 48.010, on the net debt service savings, any funds released from a debt service reserve fund or any other funds generated as a result of any refinancing or other mechanism approved by any agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth after July 15, 1986. No portion of any net debt service savings realized subsequent to a refinancing or open market bond purchase and available during the biennium in which the savings are realized, any debt service reserve fund released or other funds generated shall be expended for any of the purposes for which such agency, authority, board, corporation, cabinet, commission, or agency or instrumentality of the Commonwealth may be authorized by law to perform. The general assembly shall on a biennial basis appropriate the net debt service savings as described, any debt service reserve fund or other funds generated, reported by the finance and administration cabinet, to a special escrow account for each bond issue within the finance and administration cabinet. The proceeds within this account shall be used to accelerate the payment of outstanding principal and interest, either through open market bond purchases or investments at maximum yield, in addition to the amounts budgeted for such purposes over the biennium, on definitive bonds, temporary bonds or interim financing secured by bond anticipation notes, loan agreements or other means issued by an agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth. The finance and administration cabinet shall report to the general assembly on a biennial basis the amount of total funds utilized in the escrow account to retire the outstanding principal and interest and the amount of principal and interest so retired, or to be retired, for each agency, authority, board, corporation, cabinet, commission or other agency or instrumentality of the Commonwealth. In the event that the funds appropriated to the escrow account cannot be used in the biennium for the purposes prescribed by this subsection, the finance and administration cabinet shall so report and provide the reasons therefor. The funds appropriated shall not lapse at the end of the biennium but be carried forward to the next biennium to be utilized for the purposes prescribed by this subsection.*

(3) In the event the cost of an authorized bond project exceeds its estimated cost, as approved by the general assembly, the financing of such project may be authorized upon approval by the secretary of finance and administration cabinet, so long as such cost does not exceed the estimated cost by more than twenty-five percent (25%). In the case of financing of any bond project approved by the general assembly, the costs of issuance of bonds or notes shall be added to project costs in determining the principal amount of authorized financing of any such project.

on page 4, line 3, after the word "Section" to delete the number "3" and insert in lieu thereof the number "4".

on page 4, line 10, after the word "Section" to delete the number "4" and insert in lieu thereof the number "5".

Floor Amendment No. 1 to SJR 78, by Representative Blevins:

Amend printed copy of SJR 78:

On page 4, after line 1 insert the following:

"Section 4. As part of the economic planning effort, it is requested that Morehead State University, through the Appalachian Development Center and in cooperation with the Cabinet for Natural Resources and Environmental Protection, the Commerce Cabinet, the Energy Cabinet, and the industry itself, develop a comprehensive plan to expand the state's forest products industry. The plan should include, but not be limited to: a strategy to promote the use of wood and wood waste as fuel; an assessment of wood resources; a determination of forest product development; and the feasibility of establishing, with state support, a wood-using complex. Morehead State University should provide quarterly reports to the Subcommittee on Commerce, Energy and Natural Resources of the Interim Joint Committee on Appropriations and Revenue and a final plan to such subcommittee by August 31, 1987. The plan should be implemented over a five (5) year period."

Floor Amendment No. 1 to SB 241, by Representative Holbrook:

Amend printed copy of SB 241:

On page 1, line 7, after the word "*city,*" the first time that it appears on the line, by deleting the remainder of that line; and

On page 1, line 8, by deleting the word "*class,*".

Floor Amendment No. 1 to SB 250, by Representative Hancock:

Amend printed copy of GA Copy of SB 250:

on page 1, after line 7, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO READ AS FOLLOWS:

(1) It shall be illegal for any employer to knowingly employ or refer for employment any individual who has illegally entered the United States.

(2) No employer shall be considered to be in knowing and willful violation of subsection (1) of this section in any case in which a prospective employe presented a social security card, driver's license, birth certificate, vehicle registration, or work visa which demonstrated that such prospective employe is not an illegal alien.

Section 3. KRS 337.993 is amended to read as follows:

(1) Any employer who violates KRS 337.055 shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense and shall make full payment to the employe by reason of said violation. Each failure to pay an employe the wages as required by KRS 337.055 shall constitute a separate offense.

(2) Any employer who violates KRS 337.060 shall be liable to the affected employe for the amount withheld plus interest at the rate of ten percent (10%) per annum.

(3) Any employer who knowingly and willfully violates the provisions of this subsection (1) of section 2 of this Act shall be guilty of a class A misdemeanor. In addition to the penalty set out in this subsection, any employer violating the provisions of subsection (1) of section 2 of this Act shall be forever barred from doing business in the Commonwealth."

and on page 1, line 8, by changing "Section 2." to "Section 4."

Floor Amendment No. 1 to SB 396, by Representative Pearman:

Amend printed copy of GA Copy of SB 396:

On page 1, line 2, after "FOLLOWS:" insert the following:

"*It is the intention of the general assembly to provide the means to enable a person negligently injured by the Commonwealth, any of its cabinets, departments, bureaus or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies to be able to assert their just claims as herein provided. The Commonwealth* *thereby waives the sovereign immunity defense only in the limited situations as herein set forth. It is further the intention of the general assembly to otherwise expressly preserve the sovereign immunity of the Commonwealth, any of its cabinets, departments, bureaus or agencies or any of its officers, agents or employes while acting in the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies in all other situations except where sovereign immunity is specifically and expressly waived as set forth by statute. The board of claims shall have exclusive jurisdiction to hear claims for damages, except as otherwise specifically set forth by statute, against the Commonwealth, its cabinets, departments, bureaus, agencies or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth, its cabinets, departments, bureaus or agencies.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 44 IS CREATED TO READ AS FOLLOWS:

(1) For purposes of this Act, state institutions of higher education under KRS Chapter 164 are agencies of the state.

(2) The board of claims shall have primary and exclusive jurisdiction over all negligence claims for the negligent performance of ministerial acts against the Commonwealth, any of its cabinets, departments, bureaus or agencies, or any officers, agents or employes thereof while acting within the scope of their employment by the Commonwealth, or any of its cabinets, departments, bureaus or agencies.

(3) The board of claims shall have primary and exclusive jurisdiction to make findings of fact, conclusions of law and legal determinations with regard to whether the alleged negligent act was on the part of the Commonwealth, or any of its cabinets, departments, bureaus or agencies, or any officers, agents or employes thereof.

(4) The board of claims shall have primary and exclusive jurisdiction to make findings of fact, conclusions of law and legal determinations with regard to whether the alleged negligent act was on the part of the Commonwealth or any of its cabinets, departments, bureaus or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies.

(5) No action for negligence against the Commonwealth, any of its cabinets, departments, bureaus or agencies, or any officers, agents or employes thereof may be brought initially in any other court or forum in the Commonwealth except the board of claims until the board of claims makes a determination, that has become final, that the board of claims has or does not have primary and exclusive jurisdiction over the claim.

(6) The determination by the board of claims becomes final only after all appellate rights have been finalized or waived.

(7) Any applicable statute of limitations for bringing negligence actions in any court or forum other than the board of claims shall be tolled pending the final determination that the board of claims does not have primary and exclusive jurisdiction of the negligence claim.

(8) No action for negligence may be brought in any court or forum other than the board of claims against the Commonwealth, any of its cabinets, departments, bureaus or agencies or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth, or any of its cabinets, departments, bureaus or agencies.

(9) Negligence as used herein includes negligence, gross negligence, or wanton negligence.

(10) The defense of contributory negligence is not a complete bar to recovery of plaintiff's claim in the board of claims and the doctrine of comparative negligence shall be utilized by the board.

(11) Except as otherwise provided by KRS Chapter 44, nothing contained herein shall be construed to be a waiver of sovereign immunity or any other immunity or privilege maintained by the Commonwealth, its cabinets, departments, bureaus and agencies and its officers, agents and employes.

(12) Except as otherwise specifically set forth by statute and in reference to subsection (10) of this section, no action for damages may be maintained in any court or forum against the Commonwealth, any of its cabinets, departments, bureaus or agencies or any of its officers, agents or employes while acting within their official

capacity and scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus or agencies.

(13) The preservation of sovereign immunity referred to in subsections (10) and (11) of this section includes, but is not limited to, the following:

(a) Discretionary acts or decisions;

(b) Executive decisions;

(c) Ministerial acts;

(d) Actions in the performance of obligations running to the public as a whole;

(e) Governmental performance of a self-imposed protective function to the public or citizens; and

(f) Administrative acts.

(14) The filing of an action in court or any other forum or the purchase of liability insurance or the establishment of a fund for self-insurance by the Commonwealth, its cabinets, departments, bureaus, or agencies or its agents, officers or employes thereof for a government related purpose or duty shall not be construed as a waiver of sovereign immunity or any other immunity or privilege thereby held. Except as specifically set forth by statute, no counterclaim, set off, recoupment, cross-claim or other form of avoidance of the claim for damages may be asserted by any person when suit is brought against said person by the Commonwealth or any of its cabinets, departments, bureaus or agencies thereof.

(15) Neither the Commonwealth nor any of its cabinets, departments, bureaus or agencies or any officers, agents or employes thereof shall be liable under a respondent superior theory or any other similar theory for the acts of independent contractors, contractors or subcontractors thereof or anyone else doing work or providing services for the state on a volunteer basis or pursuant to a contract therewith.

Section 3. KRS 44.070 is amended to read as follows:

(1) A board of claims, composed of the members of the crime victims compensation board as hereinafter provided, is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its *cabinets,* departments, *bureaus* or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its *cabinets,* departments, *bureaus* or agencies; provided, however, regardless of any provision of law to the contrary, the Commonwealth, its *cabinets,* departments, *bureaus* and agencies, and its officers, agents and employes, while acting within the scope of their employment by the Commonwealth or any of its *cabinets,* departments, *bureaus* or agencies, shall not be liable for *collateral or dependent claims which are dependent on loss to another and not the claimant, damages for mental distress or* pain or suffering, and compensation shall not be allowed, awarded, or paid for *said claims for damages* [~~pain or suffering~~]. *Furthermore, any damage claim awarded shall be reduced by the amount of payments received or right to receive payment from workers' compensation insurance, social security programs, unemployment insurance programs, medical, disability or life insurance programs or other federal or state or private program designed to supplement income or pay claimant's expenses or damages incurred.* Except as herein provided the board shall be independent of all agencies, *cabinets* and departments of the Commonwealth except as provided in KRS 44.070 to 44.160.

(2) The board shall be composed of the members of the crime victims compensation board. The members shall not be entitled to additional compensation for their services on the board of claims.

(3) The governor shall designate a member of the board to serve as chairman for a term of four (4) years. Any vacancy in the chairmanship shall be filled by the governor. No member shall, at the same time, serve as chairman of the crime victims compensation board and as chairman of the board of claims.

(4) The employes of the crime victims compensation board, without additional compensation, shall be ex-officio employes of the board of claims.

(5) Regardless of any provision of law to the contrary, the jurisdiction of the board is exclusive, and a single

claim for the recovery of money or a single award of money shall not exceed *one hundred thousand dollars ($100,000)* [~~fifty thousand dollars ($50,000)~~], exclusive of interest and costs. *However, if a single act of negligence results in multiple claims, the total award may not exceed two hundred fifty thousand dollars ($250,000) to be equitably divided among the claimants but in no case may any claimant individually receive more than one hundred thousand dollars ($100,000).*

(6) The governor shall appoint the necessary number of hearing officers each of whom shall be an attorney admitted to practice law in Kentucky and shall have practiced law for at least three (3) years. These officers, upon the direction of the chairman or the board shall conduct hearings, and otherwise supervise the presentation of evidence and perform any other duties assigned to them by the chairman or the board except that such hearing officers shall not render final decisions, orders, or awards. However, such hearing officers may, in receiving evidence on behalf of the board, make such rulings affecting the competency, relevancy, and materiality of the evidence about to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case.

(7) The board may at any time recommend the removal of any hearing officer upon filing with the governor a full written statement of its reasons for such removal.

(8) Upon recommendation to the board by the attorney for the Commonwealth, its cabinet, department, bureau, agency or employe thereof, that a settlement has been reached between the parties to the claim, and upon approval by the board that the settlement is reasonable for all parties concerned, the agreed judgment or dismissal may be entered accordingly, even without a party's admission to liability.

Section 4. KRS 44.090 is amended to read as follows:

The attorneys appointed by the governor to represent the Commonwealth's cabinets, departments, bureaus, agencies or officers, agents or employes thereof may present any opposition the Commonwealth or any of its cabinets, departments, bureaus, agencies, or officers, agents or employes thereof may have to the allowance of any claim filed with the board. If such cabinet attorney is unavailable to represent his respective cabinet, department, bureau, agency or employe thereof, then the attorney general, either by regular or special assignment, shall designate one (1) of his assistants to present any opposition the Commonwealth or any of its *cabinets,* departments, *bureaus* [~~or~~] agencies *or officers, agents or employes thereof* may have to the allowance of any claim filed with the board.

Section 5. KRS 44.100 is amended to read as follows:

The assistant attorneys general *or attorneys, appointed by the governor to represent the Commonwealth's cabinets, departments, agencies or employes, agents or officers thereof,* assigned to defend claims filed with the board shall receive no additional compensation for the performance of their duties before the board; provided, however, members of the board, assistant attorneys general and all employes acting for the board shall be recompensed for all necessary and actual expenses they may incur incident to their duties for or before the board. All awards and cost of operation assessed by the board against the department of highways shall be paid out of state road fund, upon warrants drawn by the secretary of the finance and administration cabinet upon the state treasurer. All awards and cost of operation assessed by the board against other *cabinets* [~~departments~~] or agencies of the state, which are not maintained by appropriations out of the general fund, shall be paid out of the funds created or collected for the maintenance and operation of such *cabinets* [~~department~~] or agencies respectively, upon warrants drawn by the secretary of the finance and administration cabinet upon the state treasurer. All amounts necessary to pay awards and cost of operation assessed by the board against all other *cabinets* [~~departments~~] or agencies of the Commonwealth shall be paid out of the general fund of the Commonwealth, upon warrants drawn by the secretary of the finance and administration cabinet upon the state treasurer. The executive secretary of the board shall maintain accurate records reflecting the costs incident to the operation of the board. At the close of each quarter year period he shall summarize the cost and shall bill each *cabinet* [~~department~~], commission, board or agency which have had cases before the board for a pro rata share of the cost of operation for the appropriate calendar quarter computed in a manner deemed just and equitable by the board. Each *cabinet* [~~department~~], commission, board or agency shall remit quarterly their share of the cost of operation to the board in the manner provided by law. The board of claims shall have the power and authority to determine the right of any *successful* party to an action before it to recover *from* [~~of~~] the opposing party the costs incurred by him or it in such action; and such decision shall not be subject to appeal. *Costs shall not include attorneys' fees.*

Section 6. KRS 44.110 is amended to read as follows:

(1) All claims [~~A claim~~] must be *filed with* [~~presented to~~] the board *of claims* within one (1) year from the time *the claim for relief* [~~it has~~] accrued.

(2) The claim for relief shall be deemed to accrue at the time of the negligent act with regard to property damage.

(3) The claim for relief for personal injury shall be deemed to accrue at the time the personal injury is first discovered by the claimant or in the exercise of reasonable care should have been discovered; however, no action for personal injury shall be commenced beyond two (2) years from the date on which the alleged negligent act or omission actually occurred.

(4) Notwithstanding subsection (3) of this section, the claim for relief for medical malpractice shall be deemed to accrue at the time the personal injury is first discovered by the claimant or in the exercise of reasonable care should have been discovered; however, no action for personal injury as a result of medical malpractice shall be commenced beyond three (3) years from the date on which the alleged negligent act or omission of malpractice actually occurred.

(5) If at the time the alleged negligent act or omission occurred or if at the time the claim for relief accrued or thereafter, the claimant is an infant or of unsound mind or under any other legal disability to file suit, a guardian or next friend or committee or other qualified representative shall bring such action in the board of claims on behalf of such person within the same time limitation set forth herein or the claim is barred, notwithstanding KRS 413.310, 413.170 and 413.280. If there is no guardian or committee or he is unwilling or unable to act or is himself a claimant, the board of claims shall appoint a guardian ad litem to represent the interests of the claimant under legal disability. The board of claims shall allow the guardian ad litem a reasonable fee for his services, to be taxed as costs.

Section 7. KRS 44.160 is amended to read as follows:

(1) Any action prosecuted to award, [~~or~~] judgment *or final decision, including dismissal,* under the provisions of KRS 44.070 to 44.160 shall preclude the right of a claimant to sue the Commonwealth, its *cabinets,* departments, *bureaus* or agencies, or its officers, agents or employes in *the board of claims or* any other forum, *except as provided in subsection (6) of Section 2 of this Act when the board determines that it has no jurisdiction over the claim.*

(2) The final determination of the board shall be given the same res judicata and collateral estoppel effect as any other judicial determination; and, if entered as provided in KRS 44.130, it shall be granted the full faith and credit given to judgments from the Commonwealth's courts in this state and the courts of the United States."; and

on page 1, lines 3-19, delete lines 3-19 in their entirety; and

on pages 2-11, delete the language on pages 2-11 in its entirety.

Floor Amendment No. 1 to the House Committee Substitute to SB 340, by Representative Farrow:

Amend printed copy of House Committee Substitute for SB 340:

On Page 3, between lines 15 and 16:

Insert the following: "*(h) Notices to eligibles required under the provisions of this section shall be sent by certified mail return receipt requested.*"; and,

On Page 4, line 16:

Delete "15" and insert in lieu thereof "16"; and,

On Page 5, line 5:

Delete the word "*may*" and insert in lieu thereof the word "*shall*"; and,

On Page 5, line 9:

Delete the words "*unless the*"; and,

On Page 5, line 10:

Delete line 10 in its entirety; and,

On Page 5, line 11:

Delete the word "*Act*"; and,

On Page 14, line 6:

After the word "*cabinet*", add the following language: "*or, in the case of an employe of an elected official, within the office or department headed by such elected official*"; and,

On Page 14, line 11:

After the word "*cabinet*", add the following language: "*or, in the case of an employe of an elected official, within the office or department headed by such elected official*"; and,

On Page 41, line 17:

Before the word "rules" insert the following: "*administrative regulations*"; and,

On Page 41, line 17:

Place a bracket before and after the word "rules" and strike through the word "rules"; and,

On Page 41, line 18:

Before "KRS", insert the following: "*this Act and KRS Chapter 13A*"; and,

On Page 41, line 18:

Place a bracket before "KRS"; after "18A.200"; and strike through "KRS 18A.005 to 18A.200"; and,

On Page 49, line 2:

Delete the word "*status*" and insert in lieu thereof the word "*tenure*"; and,

On Page 49, line 13:

After the word "*deputy*" and before the period, insert the following language: "*or, in the case of an employe of an elected official, the elected official or his deputy*"; and,

On Page 50, line 2:

After the word "*deputy*" and before the period, insert the following language: "*or, in the case of an employe of an elected official, the elected official or his deputy*"; and,

On Page 50, line 10:

After the word "*deputy*" and before the word "*shall*", insert the following language: "*or, in the case of an employe of an elected official, the elected official or his deputy*"; and,

On Page 50, line 14:

After the word "*deputy*" insert the following language: "*or, in the case of an employe of an elected official, the elected official or his deputy*"; and,

On Page 53, line 23:

Delete the words "*together with his*"; and,

On Page 53, line 24:

Delete the words "*right of appeal*", and insert in lieu thereof: "*and a written notice that he has the right to appeal such removal to the board*"; and,

On Page 57, line 17:

Before the word "*shall*" insert the following: "*or an employe of the board*"; and,

On Page 66, line 7:

Delete the bracket before the word "Such" and remove the strike through of each word on line 7; and,

On Page 66, line 8:

Remove the strike through of the words "been approved by the governor after submission to him by"; and,

On Page 66, line 9:

Remove the strike through of the word "the" and insert "*commissioner*" after the word "the"; and,

On Page 66, line 9:

Place a bracket before the word "board"; and,

On Page 75, line 3:

After the word "service" insert the following: "*who have elected to retain reversion rights under the provision of Section 19 of this Act*"; and,

On Page 78, line 10:

After "13", insert "*A*"; and,

On Page 99, between lines 14 and 15:

Insert the following language:

"Section 29. KRS 18A.130 is amended to read as follows:

(1) A career employe whose employment is terminated on or after January 1, 1980, by layoff, dismissal, other than for cause, and, in the case of an unclassified management employe, resignation other than resignation in lieu of dismissal for cause, shall, upon his written request, be reemployed or placed on reemployment lists in accordance with this section and KRS 18A.135.

(2) If the career employe has previously attained *tenure* [~~status~~] in a position in the classified service, he shall revert to a position in that class in the agency from which he was terminated if a vacancy in that class exists. If no such vacancy exists, he shall be considered for employment in any vacant position for which he is qualified pursuant to the reemployment procedures.

(3) If the career employe has not previously attained *tenure* [~~status~~] in the classified service or if he has attained status but no vacancy exists in a position to which subsection (2) of this section applies, the employe shall be placed on reemployment lists for any positions for which he is qualified."

"Section 30. KRS 18A.165 is amended to read as follows:

(1) All officers and employes of the Commonwealth shall comply with, and aid in all proper ways in carrying

out, the provisions of KRS 18A.005 to 18A.200, [~~and~~] the rules, regulations, and orders of the board *and the administrative regulations of the commissioner thereunder.* All officers and employes shall furnish any records or information pertaining to the administration of KRS 18A.005 to 18A.200 which the commissioner or the board may request. The commissioner or the board may require the attorney general to institute and maintain such legal action as the commissioner or the board may consider necessary or appropriate to secure compliance with KRS 18A.005 to 18A.200 and the rules and orders thereunder.

(2) The secretary of the department of finance may review and approve all proposed position establishments and abolishments. Reclassifications and reallocations may also be reviewed and approved by the secretary of the department of finance on the basis of the availability of funds. The department of finance shall notify the department and the board of any review and approval conducted under the provisions of this section.”; and,

On Page 99, line 15:

Delete “29” and insert in lieu thereof “31”.

Floor Amendment No. 1 to SB 327, by Representative Burch:

Amend printed copy of SB 327:

On page 12, line 7, by inserting after the word “Kentucky” and opening bracket preceding the word “health” and by inserting strike throughs thereafter;

and on line 12, by inserting strike throughs through the words “facilities and health services” and by inserting a closing bracket after the word “services”.

Floor Amendment No. 1 to SB 317, by Representative Long:

Amend printed copy of GA Copy of SB 317:

On page 7, below line 11, to add the following:

“SECTION 3. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Persons who are employed by the United States secret service and the bureau of alcohol, tobacco, and firearms of the department of the treasury of the United States government as law enforcement or investigative officers who have the power of arrest and who are residents of the Commonwealth of Kentucky shall be deemed peace officers and shall have the same powers and duties of any other peace officer in the Commonwealth, except that they shall not be required to serve process unless permitted to do so by the department of the treasury.”

Floor Amendment No. 1 to SB 229, by Representative Barrows:

Amend printed copy of SB 229:

On page 2, after line 18, by adding the following:

“*(4) The adjutant general shall provide an annual report to the legislative research commission and the secretary of the finance and administration cabinet which identifies the receipts and expenditures of the installation management fund accounts. This report shall be transmitted to the legislative research commission and the secretary of the finance and administration cabinet within sixty (60) days after the close of each fiscal year. In addition, the adjutant general shall also provide information to the legislative research commission and the secretary of the finance and administration cabinet during the preparation of the biennial budget relating to the receipts, expenditures and balances of these accounts.*”

Floor Amendment No. 2 to SB 256, by Representative Farrow:

Amend printed copy of SB 256:

On page 1, lines 19, 20 and 21, by deleting after the “*(2)*” all the language on lines 19, 20 and 21; and

On page 2, by deleting all the language on line 1; and

On page 1, line 19, by inserting after "*(2)*" the following:

"*Any beverage company doing business in the Commonwealth of Kentucky shall not introduce to the marketplace any new type plastic bottle, can, jar, or carton until the beverage industry achieves a plan to recycle the plastic bottle, can, jar, or carton which provides the economic retrieval value comparable to the present aluminum can recycling system.*

(3) Any violation of this section shall be subject to the penalties as set forth in KRS Chapter 224."

Floor Amendment No. 2 to SB 47, by Representative Stumbo:

Amend printed copy of GA Copy of SB 47:

On page 1, on the 5th line from the top of the page, by deleting the period (.) and inserting in lieu thereof the following: ";and"; then continue by inserting the following new "whereas" clause:

"Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Prestonsburg, in Floyd County, is such as to justify its being classified as a city of the third class."; and

On page 1, after line 3, by inserting the following new section:

"Section 2. The City of Prestonsburg, in Floyd County, is transferred from the fourth to the third class of cities."

Floor Amendment No. 5 to SB 309, by Representative LeMaster:

Amend printed copy of SB 309:

On page 1, line 9 by deleting "*and*"

On page 1, line 13 by deleting "." after "*KRS 304.13-011*" and inserting in lieu thereof "*; and*"

On page 1, after line 13 and before line 14 by inserting "*(c) Workers compensation.*"

Floor Amendment No. 4 to SB 309, by Representative LeMaster:

Amend printed copy of SB 309:

On page 10, by deleting lines 8 through 16 in their entirety and renumbering the sections accordingly.

Floor Amendment No. 3 to SB 309, by Representative LeMaster:

Amend printed copy of SB 309:

On page 3, line 9 by deleting "*serving terms as established in the plan*"

On page 3, by deleting line 10 in its entirety

On page 3, line 11 by deleting "*shall be*"

On page 3, line 11 by inserting "." after "*commissioner in the same manner*" and inserting in lieu thereof "*governor. The seven (7) members shall consist of representatives of the medical profession, legal profession, local governments, insurance industry, trade association, chamber of commerce, and a citizen at large.*"

On page 3 by deleting lines 12 through 14 in their entirety.

On page 3, line 17 by inserting "." after "*directors*" and deleting "*and*"

On page 3, by deleting lines 18 and 19 in their entirety.

Floor Amendment No. 2 to SB 309, by Representative LeMaster:

Amend printed copy of SB 309:

On page 1 by deleting lines 18 through 21 in their entirety and inserting in lieu thereof "*(1) Within thirty (30) days of the effective date of this Act the commissioner shall hold a hearing regarding availability of all insurance included in Section 1 of this Act. If such a hearing indicates a noncompetitive market exists, a*"

On page 2, by deleting lines 1 through 6 in their entirety

On page 2, line 7 by deleting "*coverages, he may establish the*"

On page 2, line 8 after "*unincorporated association*" and before "." by inserting "*shall be established*"

On page 2, by deleting "*(3)*" and inserting "*(2)*" in lieu thereof

On page 2, line 14 by deleting "*commissioner*" and inserting in lieu thereof "*association*"

On page 3, line 21 by deleting "*commissioner*" and inserting in lieu thereof "*governor*"

On page 3, line 25 by deleting "*commissioner's*" and inserting in lieu thereof "*governor's*"

On page 4, line 15, and on page 5, line 16, and on page 6, lines 3 and 9, and on page 7, line 3 by deleting "*commissioner*" and inserting in lieu thereof "*association*"

On page 7, line 23 by deleting "*commissioner*" and inserting in lieu thereof "*governor*"

On page 9, line 9 by deleting "*commissioner*" and inserting in lieu thereof "*association*"

On page 11, line 9 by deleting "*commissioner*" and inserting in lieu thereof "*association*"

On page 11, line 10 by deleting "*commissioner's*" and inserting in lieu thereof "*governor's*"

On page 11, line 10 by deleting "*commissioner*" and inserting in lieu thereof "*governor*".

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Report of Committees and Posting of Bills and Resolutions. Agreed.

Introduction of Resolutions

HR 175, by Representative J. Harper: A RESOLUTION honoring and commending the Citizens and Victims for Justice Reform, Inc., including Penny Cook, chairperson, Anna Pruitt, associate chairperson and board of directors members Earl Pruitt, Jim Pruitt, Donata Nelson, Emery Nelson, Dr. Gary Sykes, and Jack Heilman.

HR 176, by Representative Meyer: A RESOLUTION commending the Northern Kentucky Steering Committee of the Greater Cincinnati Bicentennial Commission.

HR 177, by Representative Johnson: A RESOLUTION commending the efforts of the Jefferson County Chapter of Citizens for Decency Through Law.

HR 178, by Representative Hancock: A RESOLUTION adjourning the House of Representatives in honor of the Kentucky State Police.

HR 179, by Representatives Blandford and Johnson: A RESOLUTION honoring the award-winning Barbecue and Burgoo Team of Saint Pius the Tenth Church in Owensboro, Kentucky.

HR 180, by Representatives Scorsone and Mack: A RESOLUTION adjourning the House of Representatives in memory and honor of Reverend A. B. Lee.

HR 181, by Representative Gray: A RESOLUTION urging the Kentucky Reinsurance Association to calculate and report its liability.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bill:

Banking and Insurance: SB 339.

Report of Committees

The Committee on Rules reported SB 372, SB 124, SB 141, SB 281, SB 317, SB 354, SB 374, SB 22, SB 48, SB 134, SCR 2, SB 47, SB 162 and SB 310 have been posted for passage in Orders of the Day, March 26, 1986.

The Committee on Rules reported SB 358 has been recommitted to the Committee on Appropriations and Revenue.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Banking and Insurance: SB 353, SB 331, SB 393, SB 339.

State Government: SCR 87, SCR 91, SCR 97.

Report of Committees

The Committee on Judiciary-Civil reported SB 224, with Committee Amendment attached thereto, SB 234, and SB 337 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 224, AN ACT relating to trade practices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 365.015 is amended to read as follows:

(1) The real name of a person shall include his or her surname at birth, or his or her name as changed by a court of competent jurisdiction, or the surname of a married woman; the real name of a domestic general partnership is that name which includes the real name of at least one (1) of the partners; the real name of a domestic limited partnership is that name *given to it in its agreement of limited partnership and stated in its certificate of limited partnership filed pursuant to KRS 362.420(1)(a)* [~~which includes the real name of at least one (1) of the general partners~~]; the real name of a domestic business trust is the name set forth in the declaration of trust; and the real name of a domestic corporation is the name set forth in its articles of incorporation. The real name of a foreign general or limited partnership and of a foreign business trust is the name recognized by the laws of the foreign state under which it is formed as being the real name; and the real name of a foreign corporation is the name set forth in its articles of incorporation or the fictitious name adopted for use in this state under KRS 271A.530.

(2) No person, general or limited partnership, business trust or corporation shall conduct or transact business in this state under an assumed name or any style other than his or its real name, as defined in subsection (1) of this section, unless such person, partnership, business trust or corporation has filed a certificate of assumed name.

The certificate shall state the assumed name under which the business will be conducted or transacted, the real name of person, partnership, business trust or corporation and his or its address, including street and number, if any.

A separate certificate shall be filed for each assumed name.

No certificate to be filed with the secretary of state shall set forth an assumed name which is identical or deceptively similar to any other assumed name or any corporate name or any foreign limited partnership name previously filed with the secretary of state unless the certificate is accompanied by the written consent of the prior holder of the assumed or corporate or partnership name and such word or words are added to the proposed assumed name so as to distinguish it from the previously filed assumed or corporate or partnership name.

The certificate shall be executed and acknowledged for a person, by the person; for a general partnership, by all the partners; for a limited partnership, by a general partner; for a business trust, by the trustees; for a corporation, by its president or vice-president and secretary or assistant secretary.

(3) The certificate of assumed name for a person shall be filed with the county clerk of each county wherein business will be conducted or transacted under an assumed name. The certificate of assumed name for a general or limited partnership, business trust or corporation shall be filed with the secretary of state and with the county clerk of each county wherein business will be conducted or transacted under an assumed name.

(4) Upon discontinuing the use of an assumed name, the certificate shall be withdrawn by filing a certificate in the office wherein the original certificate of assumed name was filed. The certificate of withdrawal shall state the assumed name, the real name and address of the party transacting business and the date upon which the original certificate was filed. The certificate of withdrawal shall be signed and acknowledged as required in subsection (2) of this section.

(5) The county clerk shall receive a fee pursuant to KRS 64.012 for filing each certificate, and the secretary of state shall receive a fee of ten dollars ($10.00) for filing each certificate.

Section 2. KRS 362.420 is amended to read as follows:

(1) Two (2) or more persons desiring to form a limited partnership shall:

(a) Sign and swear to a certificate, which shall state:

1. The name of the partnership, *which name shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this chapter, or the name of a corporation which has in effect a registration of its corporate name as provided in this chapter, or the name of any foreign or domestic limited partnership authorized to do business in Kentucky or any assumed name registered with the secretary of state pursuant to KRS 365.015, except that this provision shall not apply if the applicant files with the secretary of state either of the following:*

a. The written consent of such other corporation or holder of a reserved or registered name, foreign limited partnership, or assumed name holder, to use the same or deceptively similar name and one (1) or more words are added to make such name distinguishable from such other name, or

b. A certified copy of the final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state,

2. The character of the business,

3. The location of the principal place of business,

4. The name and place of residence of each member; general and limited partners being respectively designated,

5. The term for which the partnership is to exist,

6. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

7. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

8. The time, if agreed upon, when the contribution of each limited partner is to be returned,

9. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

10. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

11. The right, if given, of the partners to admit additional limited partners,

12. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

13. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

14. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record *duplicate originals of the certificate first with the secretary of state, and thereafter file for record one (1) duplicate original of* the certificate in the office of the county clerk in the county in which the principal place of business of the partnership is located.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of subsection (1) of this section.

(3) For such filing, the secretary of state shall receive a fee of ten dollars ($10.00) provided that the certificate does not exceed five (5) pages. For each additional page, the secretary of state shall receive a fee of one dollar ($1.00).

Section 3. KRS 362.650 is amended to read as follows:

(1) The writing to amend a certificate shall

(a) Conform to the requirements of paragraph (a) of subsection (1) of KRS 362.420 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in subsections (1) and (2) of this section as a person who must execute the writing refuses to do so, may petition the circuit court of the county in which the principal place of business of the partnership is located to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the *secretary of state and the* county clerk in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed for record in the office of the *secretary of state and of the* county clerk where the certificate is recorded:

(a) A writing in accordance with the provisions of subsection (1) or (2) of this section, or

(b) A certified copy of the order of court in accordance with the provisions of subsection (4) of this section.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by KRS 362.410 to 362.700.

(7) The fee for filing an amendment or cancellation of certificate shall be the same as for an original filing.

The Committee Amendment No. 1 to SB 224 is as follows:

Amend printed copy of GA Copy of SB 224:

On page 8, line 14, after "*filing.*" insert:

"SECTION 4. A NEW SECTION OF KRS CHAPTER 362 IS CREATED TO READ AS FOLLOWS:

The provisions of this Act shall not apply to nor effect the status of a limited partnership properly formed under a particular partnership name prior to the effective date of this Act."

SB 234, AN ACT relating to judicial districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.030 is amended to read as follows:

The state is divided into judicial districts, each to be composed of the following counties:

(1) First judicial district. [~~Ballard, Carlisle,~~] Fulton and Hickman.

(2) Second judicial district. McCracken.

(3) Third judicial district. Christian.

(4) Fourth judicial district. Hopkins.

(5) Fifth judicial district. Crittenden, Union and Webster.

(6) Sixth judicial district. Daviess.

(7) Seventh judicial district. Logan and Todd.

(8) Eighth judicial district. Warren.

(9) Ninth judicial district. Hardin.

(10) Tenth judicial district. Hart and Larue.

(11) Eleventh judicial district. Green, Marion, Taylor and Washington.

(12) Twelfth judicial district. Henry, Oldham and Trimble.

(13) Thirteenth judicial district. Garrard, Jessamine and Lincoln.

(14) Fourteenth judicial district. Bourbon, Scott and Woodford.

(15) Fifteenth judicial district. Carroll, Grant and Owen.

(16) Sixteenth judicial district. Kenton.

(17) Seventeenth judicial district. Campbell.

(18) Eighteenth judicial district. Harrison, Nicholas, Pendleton and Robertson.

(19) Nineteenth judicial district. Bracken, Fleming and Mason.

(20) Twentieth judicial district. Greenup and Lewis.

(21) Twenty-first judicial district. Bath, Menifee, Montgomery and Rowan.

(22) Twenty-second judicial district. Fayette.

(23) Twenty-third judicial district. Estill, Lee and Owsley.

(24) Twenty-fourth judicial district. Lawrence, Johnson and Martin.

(25) Twenty-fifth judicial district. Clark and Madison.

(26) Twenty-sixth judicial district. Harlan.

(27) Twenty-seventh judicial district. Knox and Laurel.

(28) Twenty-eighth judicial district. Pulaski and Rockcastle.

(29) Twenty-ninth judicial district. Adair, Casey, Cumberland and Monroe.

(30) Thirtieth judicial district. Jefferson.

(31) Thirty-first judicial district. Floyd.

(32) Thirty-second judicial district. Boyd.

(33) Thirty-third judicial district. Perry.

(34) Thirty-fourth judicial district. Whitley and McCreary.

(35) Thirty-fifth judicial district. Pike.

(36) Thirty-sixth judicial district. Magoffin and Knott.

(37) Thirty-seventh judicial district. Carter, Elliott and Morgan.

(38) Thirty-eighth judicial district. Butler, Edmonson, Ohio and Hancock.

(39) Thirty-ninth judicial district. Breathitt, Wolfe and Powell.

(40) Fortieth judicial district. Clinton, Russell and Wayne.

(41) Forty-first judicial district. Clay, Jackson and Leslie.

(42) Forty-second judicial district. Calloway and Marshall.

(43) Forty-third judicial district. Barren and Metcalfe.

(44) Forty-fourth judicial district. Bell.

(45) Forty-fifth judicial district. Muhlenberg and McLean.

(46) Forty-sixth judicial district. Breckinridge, Grayson, and Meade.

(47) Forty-seventh judicial district. Letcher.

(48) Forty-eighth judicial district. Franklin.

(49) Forty-ninth judicial district. Allen and Simpson.

(50) Fiftieth judicial district. Boyle and Mercer.

(51) Fifty-first judicial district. Henderson.

(52) Fifty-second judicial district. Graves.

(53) Fifty-third judicial district. Shelby, Anderson and Spencer.

(54) Fifty-fourth judicial district. Boone and Gallatin.

(55) Fifty-fifth judicial district. Bullitt.

(56) Fifty-sixth judicial district. Caldwell, Livingston, Lyon and Trigg.

(57) Fifty-seventh judicial district. Nelson.

(58) Fifty-eighth judicial district. Ballard and Carlisle.

Section 2. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) district judges and shall have two (2) numbered divisions of the district court:

(1) [~~First judicial district.~~

~~(2)~~] Second judicial district.

(2)[~~(3)~~] Third judicial district.

(3)[~~(4)~~] Fourth judicial district.

(4)[~~(5)~~] Eighth judicial district.

(5)[~~(6)~~] Ninth judicial district.

(6)[~~(7)~~] Eleventh judicial district.

(7)[~~(8)~~] Twelfth judicial district.

(8)[~~(9)~~] Thirteenth judicial district.

(9)[~~(10)~~] Fourteenth judicial district.

(10)[~~(11)~~] Fifteenth judicial district.

(11)[~~(12)~~] Eighteenth judicial district.

(12)[~~(13)~~] Twenty-first judicial district.

(13)[~~(14)~~] Twenty-fourth judicial district.

(14)[~~(15)~~] Twenty-seventh judicial district.

(15)[~~(16)~~] Twenty-eighth judicial district.

(16)[~~(17)~~] Twenty-ninth judicial district.

(17)[~~(18)~~] Thirty-second judicial district.

(18)[~~(19)~~] Thirty-fourth judicial district.

(19)[~~(20)~~] Thirty-fifth judicial district.

(20)[~~(21)~~] Thirty-eighth judicial district.

(21)[~~(22)~~] Fortieth judicial district.

(22)[~~(23)~~] Forty-first judicial district.

(23)[~~(24)~~] Forty-sixth judicial district.

(24)[~~(25)~~] Forty-eighth judicial district.

(25)[~~(26)~~] Fiftieth judicial district.

(26)[~~(27)~~] Fifty-first judicial district.

(27)[~~(28)~~] Fifty-third judicial district.

(28)[~~(29)~~] Fifty-fourth judicial district.

(29)[~~(30)~~] Fifty-sixth judicial district.

Section 3. The present district judge residing in the counties which comprise the first judicial district as amended by this Act shall remain the judge in the first judicial district. The present district judge who resides in the counties which comprise the fifty-eighth judicial district shall become the judge of the fifty-eighth judicial district.

SB 337, AN ACT relating to corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 271A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation for profit subject to the provisions of this chapter, except a foreign corporation.

(2) "Foreign corporation" means a corporation for profit organized under the laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this chapter.

(3) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(4) "Shares" means the units into which the proprietary interests in a corporation are divided.

(5) "Subscriber" means one who subscribes to shares in a corporation, whether before or after incorporation.

(6) "Shareholder" means one who is a holder of record of shares in a corporation.

(7) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(8) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(9) "Net assets" means the amount by which the total assets of a corporation exceed the total debts of the corporation.

(10) "Stated capital" means, at any particular time, the sum of (a) the par value of all shares of the corporation having a par value that have been issued, (b) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (c) such amounts not included in clauses (a) and (b) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reduction from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation, for the purpose of computing fees and other charges imposed by this chapter.

(11) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(12) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign. Unrealized appreciation of assets is not included in earned surplus.

(13) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(14) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(15) "Employe" includes officers but not directors. A director may accept duties which make him also an employe.

(16) "Principal office" means the office (in or out of this state) so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

Section 2. KRS 271A.065 is amended to read as follows:

(1) A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

(a) The name of the corporation;

(b) The address of its then registered office;

(c) If the address of its registered office is to be changed, the address to which the registered office is to be changed;

(d) The name of its then registered agent;

(e) If its registered agent is to be changed, the name of its successor registered agent;

(f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical; and

(g) That such change was authorized by resolution duly adopted by its board of directors.

(2) Such statement shall be executed by the corporation by its president, or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this chapter, he shall file such statement in his office, and, upon such filing, the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

(3) Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in *triplicate* [~~duplicate~~], with the secretary of state, who shall forthwith mail a copy thereof to the corporation at its registered office *and a copy to the corporation at its principal office of record.* The appointment of such agent shall terminate upon the expiration of thirty (30) days after receipt of such notice by the secretary of state.

(4) If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is a registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to paragraphs (c) or (g) and must recite that a copy of the statement has been mailed to the corporation.

Section 3. KRS 271A.270 is amended to read as follows:

(1) The articles of incorporation shall set forth:

(a) The name of the corporation;

(b) The period of duration, which may be perpetual;

(c) The purpose or purposes for which the corporation is organized which may be stated to be, or to include, the transaction of any or all lawful business for which corporations may be incorporated under this chapter;

(d) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one (1) class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value;

(e) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class;

(f) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series;

(g) If any preemptive right created by KRS 271A.130 is to be limited, denied or enlarged, the provisions therefor;

(h) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this chapter is required or permitted to be set forth in the by-laws;

(i) The address including street and number, if any, of its initial registered office, and the name of its initial registered agent at such address;

(j) *The address including street and number, if any, of the corporation's principal office;*

(k) The number of directors constituting the initial board of directors and the names and addresses including streets and numbers, if any, of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify; *and*

(l)[~~(k)~~] The name and address including street and number, if any, of each incorporator.

(2) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

Section 4. KRS 271A.465 is amended to read as follows:

(1) Triplicate originals of such articles of dissolution shall be *filed with* [~~delivered to~~] the secretary of state *when the secretary of state*[~~. He shall take no action with regard thereto until he~~] has received from the secretary of revenue a certificate certifying that all tax liability of the corporation to the state has been satisfied in full, and approving the dissolution of the corporation, such approval being conditioned solely upon the status of the tax liability of the corporation. However, if after *ninety (90)* [~~thirty (30)~~] days have elapsed since the statement of intent to dissolve was forwarded to the secretary of revenue as provided in KRS 271A.425, and no notice that taxes are due has been filed with the secretary of state by the secretary of revenue, the *corporation shall file triplicate originals of such articles of dissolution with the* secretary of state [~~shall proceed~~] as if approval had been given, but if it is later determined that the corporation is indebted for taxes to the state or any of its political subdivisions, this provision shall not relieve any such liability. When approval of the secretary of revenue has been given or deemed to have been given as above provided, and when the fees due the secretary of state have been paid, the secretary of state shall, if he finds that the articles of dissolution conform to law:

(a) Indorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one (1) of such triplicate originals in his office; and

(c) Issue a certificate of dissolution to which he shall affix one (1) of the other triplicate originals.

(2) The certificate of dissolution, together with the triplicate originals of the articles of dissolution, shall be returned to the representative of the dissolved corporation. One (1) of such triplicate originals shall then be filed with and recorded by the county clerk in the county in which is situated the registered office of the corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this chapter.

Section 5. KRS 271A.590 is amended to read as follows:

(1) Triplicate originals of such application for withdrawal shall be delivered to the secretary of state. He shall promptly transmit one (1) of the triplicate originals to the secretary of revenue but shall take no other action with regard to the application for withdrawal until he has received from the secretary of revenue a certificate certifying that all tax liability of the corporation to the state has been satisfied in full, and approving the withdrawal of the corporation, such approval being conditioned solely upon the status of the tax liability of the corporation. However, if after *ninety (90)* [~~thirty (30)~~] days have elapsed since the application for withdrawal was forwarded to the secretary of revenue, the secretary of state shall proceed as if approval had been given, but if it is later determined that the corporation is indebted for taxes to the state or any of its political subdivisions, this provision shall not relieve any such liability.

(2) When the approval of the secretary of revenue has been given or more than *ninety (90)* [~~thirty (30)~~] days have elapsed since the application for withdrawal was forwarded to the secretary of revenue, if the secretary of state finds that such application for withdrawal conforms to the provisions of this chapter, he shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on the remaining two (2) triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one (1) of such triplicate originals in his office; and

(c) Issue a certificate of withdrawal to which he shall affix the other triplicate original.

(3) The certificate of withdrawal, together with the triplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in this state shall cease.

Section 6. KRS 271A.615 is amended to read as follows:

(1) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall file, within the time prescribed by this chapter, an annual report setting forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated; and

(b) The address of the registered office of the corporation in this state, and the name of its registered agent in this state at such address, and, in case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(2) Whenever [~~a three-year period has elapsed or shall elapse during which period~~] a domestic or foreign corporation has not filed with the secretary of state either a statement verifying the correctness of the location and post office address of its registered office and the name of its agent for the service of process or the annual report required by this chapter, the secretary of state shall mail to the corporation at its registered office a notice that if the required statements and/or reports are not filed within six (6) months after the mailing of the notice, the certificate of incorporation will be revoked, if a domestic corporation, or withdrawn, if a foreign corporation. If the required statements and/or reports are not received within six (6) months from the date on

which the notice was mailed, the secretary of state shall revoke or withdraw the certificate of incorporation as provided above and mail notice thereof to the corporation at its registered office.

(3) The secretary of state may reinstate the certificate of incorporation of any domestic corporation revoked as provided in subsection *(2)* [~~(3)~~] of this section, provided that such revoked corporation shall have:

(a) Furnished such information to the satisfaction of the secretary of state that the failure of the corporation to file *required statements or* [~~annual~~] reports [~~for three (3) consecutive years~~] was not intentional, and that the corporation is, and has continually been, engaged in the ordinary course of its business;

(b) Paid to the secretary of state a penalty of one hundred dollars ($100);

(c) Filed with the secretary of state a certificate from the secretary of revenue that the corporation has paid or furnished satisfactory security for the payment of all income and license taxes, and the interest and penalties thereon that the corporation owes to the state; and

(d) Filed all reports this chapter would have required between the date of incorporation and the date of reinstatement, which were not previously filed, and paid the fees thereon.

Section 7. KRS 273.161 is amended to read as follows:

As used in KRS 273.161 to 273.390, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a nonprofit corporation subject to the provisions of KRS 273.161 to 273.390, except a foreign corporation.

(2) "Foreign corporation" means a nonprofit corporation organized under laws other than the laws of this state.

(3) "Nonprofit corporation" means a corporation no part of the income or profit of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto, including articles of merger.

(5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which group is designated.

(8) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its affairs.

(9) "Principal office" means the office (in or out of this state) so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

Section 8. KRS 273.247 is amended to read as follows:

(1) The articles of incorporation shall set forth:

(a) The name of the corporation.

(b) The period of duration, which may be perpetual.

(c) The purpose or purposes for which the corporation is organized.

(d) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets or dissolution or final liquidation.

(e) The address, including street and number, if any, of its registered office in this state, and the name *of its initial registered agent at such address* [~~and address, including street and number, if any, of its registered agent, which agent may be an individual or corporation~~].

(f) *The address including street and number, if any, of the corporation's principal office.*

(g) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.

(h)[~~(g)~~] The name and address of each incorporator.

(2) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in KRS 273.161 to 273.390.

(3) Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

Section 9. KRS 273.367 is amended to read as follows:

(1) Every domestic corporation shall, in June of each year, file with the secretary of state a statement verifying the correctness of the location and post-office address of its registered office and the name of its agent designated for the service of process.

(2) Every foreign corporation shall, in June of each year, file a statement of existence with the secretary of state in such form and containing such information as may be prescribed by him. The statement of existence shall also contain a statement verifying the correctness of the location and post-office address of the corporation's office and the name of its agent designated for the service of process.

(3) When any change is made in the location and post-office address of the registered office of a domestic corporation, or of the Kentucky office of a foreign corporation, or in the name or address of the process agent of any corporation, the corporation shall at once file with the secretary of state a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed.

(4) The agent for service of process provided for in this section may be either an individual resident of this state, or a corporation authorized to transact business in this state and authorized by its articles or certificate of incorporation to act as such agent. Service of process upon a corporate agent, as such agent, may be had by delivering a copy of the process to the president, a vice-president, the secretary, or an assistant secretary of such corporate agent.

(5) Whenever [~~a three-year period has elapsed or shall elapse during which period~~] a domestic or foreign corporation has not filed with the secretary of state either a statement verifying the correctness of the location and post-office address of its registered office and the name of its agent for the service of process or the annual report required by this chapter, the secretary of state shall mail to the corporation at its registered office a notice that if the required statements and/or reports are not filed within six (6) months after the mailing of the notice, the certificate of incorporation will be revoked, if a domestic corporation, or withdrawn, if a foreign corporation. If the required statements and/or reports are not received within six (6) months from the date on which the notice was mailed, the secretary of state shall revoke or withdraw the certificate of incorporation as provided above and mail notice thereof to the corporation at its registered office.

(6) The secretary of state may reinstate the certificate of incorporation of any domestic corporation revoked as provided in subsection (5) of this section, provided that such revoked corporation shall have:

(a) Furnished such information to the satisfaction of the secretary of state that the failure of the corporation to file *required statements or* [~~annual~~] reports [~~for three (3) consecutive years~~] was not intentional, and that the corporation is, and has continually been engaged in the ordinary course of its business;

(b) Paid to the secretary of state a penalty of one hundred dollars ($100);

(c) Filed with the secretary of state a certificate from the secretary of revenue that the corporation has paid or furnished satisfactory security for the payment of all income and license taxes, and the interest and penalties thereon, that the corporation owes to this state; and

(d) Filed all reports this chapter would have required between the date of incorporation and the date of reinstatement which were not previously filed, and paid the fees thereon.

(7) When it appears that upon revocation or dissolution assets remain in the corporation, a member or any citizen may make application to the circuit court of the county in which the registered office of the corporation was located for an order making disposition of any remaining property or assets in accordance with the provisions of KRS 273.333(3).

Representative J. Harper moved that the rules be suspended to act upon a Resolution. Agreed.

Representative J. Harper moved the adoption of the following HR 175:

HR 175, A RESOLUTION honoring and commending the Citizens and Victims for Justice Reform, Inc., including Penny Cook, chairperson, Anna Pruitt, associate chairperson and board of directors members Earl Pruitt, Jim Pruitt, Donata Nelson, Emery Nelson, Dr. Gary Sykes, and Jack Heilman.

WHEREAS, a statutory system of criminal justice that ignores the rights of victims of crime is ineffectual towards promoting the reduction of physical and emotional damages caused by particular acts of crime; and

WHEREAS, the Kentucky General Assembly has recently enacted legislation declaring the rights of victims of crime; and

WHEREAS, the Citizens and Victims for Justice Reform, Inc., including Penny Cook, chairperson, Anna Pruitt, associate chairperson and board of directors members Earl Pruitt, Jim Pruitt, Donata Nelson, Emery Nelson, Dr. Gary Sykes, and Jack Heilman, have been most influential and have given good counsel to the Kentucky General Assembly towards the goal of statutorily declaring the rights of victims of crime;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That honor and commendation are extended to the Citizens and Victims for Justice Reform, Inc., including Penny Cook, chairperson, Anna Pruitt, associate chairperson and board of directors members Earl Pruitt, Jim Pruitt, Donata Nelson, Emery Nelson, Dr. Gary Sykes, and Jack Heilman, for their considerable efforts and energy expended to insure that the rights of victims of crime will, under the laws of the Commonwealth of Kentucky, benefit from a crime victims bill of rights.

HR 175 was adopted by voice vote.

Representative J. Harper moved the adoption of the following Legislative Citation No. 63:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the exemplary Journalistic Achievements of Mary Ann Roser Frankfort Correspondent, The Associated Press, as a Senior Member of the Capitol Press Corps of the Commonwealth of Kentucky.

WHEREAS, it is both fitting and proper for the Commonwealth of Kentucky to honor and commend its Distinguished Citizens and Institutions, both secular and sacred, and

WHEREAS, the Recipient of this honor has distinguished herself among her peers and her profession by always endeavoring to keep the people of the Commonwealth of Kentucky informed of the workings of their state government, for it is only with an informed public that democracy can prevail, and

WHEREAS, the Recipient of this honor has, without fear or favor, and in the finest journalist tradition, striven to uphold the Freedoms of the Press without excoriation or self-interest, now, THEREFORE, BE IT HEREIN RESOLVED, that said Recipient has earned the respect and gratitude of the People of the Commonwealth of Kentucky she so ably serves and is accorded this modest tribute in recognition of this self-evident fact. (Sponsored by Representative J. Harper)

Agreed.

Representative Meyer moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Meyer moved the adoption of the following HR 176:

HR 176, A RESOLUTION commending the Northern Kentucky Steering Committee of the Greater Cincinnati Bicentennial Commission.

WHEREAS, the Northern Kentucky Steering Committee of the Greater Cincinnati Bicentennial Commission was created to bring Northern Kentucky fully into the celebration of the Greater Cincinnati area bicentennial in 1988; and

WHEREAS, the numerous members involved with the Northern Kentucky Steering Committee have dedicated their energies to planning and coordinating events and programs, as well as fund raising in anticipation of the 1988 area celebrations; and

WHEREAS, the Northern Kentucky Steering Committee is developing a Historic River Walk along the river front because it symbolizes the best that binds the communities together and it will enhance the area for the citizens and visitors to the many communities in the Northern Kentucky area;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House commends and recognizes the Northern Kentucky Steering Committee of the Greater Cincinnati Bicentennial Commission for its concerted efforts in organizing and coordinating the 1988 area bicentennial celebrations.

Section 2. That the members of this honorable body request the Northern Kentucky Steering Committee to encourage the citizens of the area to actively participate in the festivities and in the commemoration of the region's 200th birthday.

Section 3. That the Clerk of the House is directed to transmit several copies of this resolution to Mr. Roger Auge II, coordinator of the Northern Kentucky Steering Committee, 939 Spring Street, Covington, Kentucky 41011, for distribution to the members of the Northern Kentucky Steering Committee.

HR 176 was adopted by voice vote.

Representative Seum moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Seum moved the adoption of the following HR 174:

HR 174, A RESOLUTION recognizing May 25, 1986, as "Hands Across America Day."

WHEREAS, United Support of Artists for Africa has announced plans for "Hands Across America," a nationwide campaign to focus attention on hunger in America and to raise money for emergency food assistance, existing programs and new programs to help alleviate hunger and homelessness; and

WHEREAS, "Hands Across America" will involve many Kentuckians standing hand in hand with millions of other Americans to demonstrate their concern for less fortunate Americans; and

WHEREAS, hunger and homelessness continue to be serious problems in the United States; and

WHEREAS, the American people are a compassionate people, dedicated to the belief that adequate food and housing should not be denied to any person; and

WHEREAS, Americans are becoming increasingly aware of the necessity of combining public and private sector resources to combat hunger and homelessness; and

WHEREAS, generous Americans have always opened their hearts and hands to people in need;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the members of the House of Representatives hereby recognize May 25, 1986, as "Hands Across America Day" and applaud the efforts of millions of Americans who are contributing their time and resources to help alleviate hunger and homelessness across the country.

Section 2. That the Clerk of the House of Representatives is hereby requested to transmit copies of this resolution to Ken Kragen, U.S.A. For Africa; and Fred Droz, HAA National Director.

HR 174 was adopted by voice vote.

Representative Lefevers moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 182, by Representative Lefevers: A RESOLUTION honoring Robert L. Madon of Pineville.

Representative Lefevers moved the adoption of the following HR 182:

HR 182, A RESOLUTION honoring Robert L. Madon of Pineville.

WHEREAS, The Honorable Robert L. Madon has served the citizens of Pineville as Mayor for eight years; and

WHEREAS, those years of service have benefitted the City of Pineville and the surrounding region through significant economic development activities and promotion of public safety through development of an extensive program to control the flooding problem which has jeopardized lives and property in the City of Pineville and the region; through the construction of a new US 25E through the City of Pineville; through the quadrupling of public housing for the poor and elderly in the City of Pineville; and

WHEREAS, Mayor Madon has ably served all the cities of the Commonwealth as a Director and First Vice-president of the Kentucky Municipal League; and

WHEREAS, his professional endeavors as publisher of the local newspaper have educated the citizenry about news of the city and region; and

WHEREAS, Mayor Madon has recently become seriously ill and deserves the recognition of the Kentucky House of Representatives;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House pays tribute to the distinguished public service of Mayor Robert L. Madon.

Section 2. That when the House adjourns this day, Tuesday, March 26, 1986, it does so in honor of Mayor Robert L. Madon.

Section 3. That a copy of this resolution be sent to Mayor Robert L. Madon.

HR 182 was adopted by voice vote.

Representative Hancock moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Hancock moved the adoption of the following HR 178:

HR 178, A RESOLUTION adjourning the House of Representatives in honor of the Kentucky State Police.

WHEREAS, the officers of the Kentucky State Police heroically proffer their lives on a daily basis for the security and safety of the citizens of the Commonwealth; and

WHEREAS, the distinguished troopers who qualify to join the elite ranks of the Kentucky State Police are revered for the consistent display of professionalism and integrity in the conduct of their duties; and

WHEREAS, the gallant members of the Kentucky State Police are held in the highest regard and esteem by the citizens they unselfishly serve; and

WHEREAS, the members of this honorable body wish to express their profound gratitude and confidence in the Kentucky State Police for the diligence and perseverance unfailingly displayed by the prestigious officers in gray;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House praises and extends its highests commendation to the devoted members of the Kentucky State Police for their exemplary service to the citizens of the Commonwealth.

Section 2. That the House is honored to recognize each member of the Kentucky State Police to be outstanding citizens and good-will ambassadors of the great state of Kentucky.

Section 3. That when the House of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Tuesday, March 25, 1986, it does so in honor and recognition of the Kentucky State Police.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to Morgan Elkins, Commissioner of the Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky 40601.

HR 178 was adopted by voice vote.

Representative Rose moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Rose moved the adoption of the following HR 172:

HR 172, A RESOLUTION adjourning the House of Representatives in memory and honor of Mr. Norman Allen.

With deepest respect we pay homage and tribute to the memory of a great Kentuckian, Norman Allen.

WHEREAS, Norman Allen of Prestonsburg, Kentucky has crossed that final bourne from which no traveller returns; and

WHEREAS, the son of a rural Floyd County teacher, Norman Allen was born in November of 1902 in Hueyville, Kentucky; and

WHEREAS, Norman Allen was an exceptional individual who even though he received relatively little formal education, taught himself and was a widely read man; and

WHEREAS, Norman Allen worked for the "Lexington Herald-Leader" and the "Big Sandy News" during the 1920's; and

WHEREAS due to his diligence and hard work, Norman Allen was able to purchase the "Prestonsburg Post" in 1927, renaming the paper the "Floyd County Times"; and

WHEREAS, Norman Allen has devoted the last fifty-nine years of his life to serving as Editor of the "Floyd County Times" and often had to work the paper by himself; and

WHEREAS, Norman Allen was known throughout Floyd County and Eastern Kentucky for his weekly column This Town/This World which shared his particular "down home wisdom"; and

WHEREAS, a highly respected and principled gentleman, Norman Allen was revered for his tenacity and veracity; and

WHEREAS, Norman Allen will be sorely missed by his colleagues and friends throughout the Eastern Kentucky community;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House does express its deepest sense of bereavement and loss upon the passing of Norman Allen, an outstanding citizen and exemplary representative of the Commonwealth.

Section 2. That the members of this honorable body commend the loved ones of Norman Allen to the solace of the Almighty to help soothe the pain of these dark moments.

Section 3. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Monday, March 24, 1986, it does so in memory and honor of its native son Norman Allen.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to the family of Norman Allen.

HR 172 was adopted by voice vote.

Representative Scorsone moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Scorsone moved the adoption of the following HR 180:

HR 180, A RESOLUTION adjourning the House of Representatives in memory and honor of Reverend A. B. Lee.

With heartfelt sorrow and with deepest respect we pay homage and tribute to the memory of our native son. A. B. Lee:

WHEREAS, after seventy-two years of unselfishly giving of himself to others, the honorable Reverend A. B. Lee succumbed on the evening of Saturday, March 22, 1986, crossing that final bourne from which no traveller returns; and

WHEREAS, a native of Lexington, Kentucky, A. B. Lee was a graduate of Dunbar High School, attended the University of Kentucky and received his Doctor of Divinity Degree in 1956 from Monroe College in Liberia, Africa and another from Simons Bible College in Louisville, Kentucky in 1984; and

WHEREAS, at the tender age of eleven, A. B. Lee accepted his personal savior which would guide his life for the next sixty-one years; and

WHEREAS, A. B. Lee became a minister at the age of sixteen and assumed his first pastorage at the age of seventeen; and

WHEREAS, the most distinguished Reverend A. B. Lee diligently worked as a servant of the Lord as the pastor of the Nazarene Baptist Church of Leesburg, Kentucky, the Houston Baptist Church and Pleasant Hill Baptist Church, both in Clark County, the Antioch Baptist Church, and the Macedonia Baptist Church in Cynthiana, Kentucky; and

WHEREAS, the Reverend A. B. Lee accepted the call to lead the Greater Liberty Baptist Church of Lexington, Kentucky in December of 1945 where he has ably served his flock; and

WHEREAS, under the caring guidance of Reverend A. B. Lee, the Greater Liberty Baptist Church was remodeled, an annex has been added to the building, as well as a Balcony, and Educational Building, a modern kitchen and dining area, new restrooms, new pews, carpeting, loudspeakers, several musical instruments, air conditioning, a new heating system, and most importantly a parsonage for the use of the church; and

WHEREAS, Reverend A. B. Lee served as the Sunday School Lecturer in the Ministers and Deacons Meeting for seven years and also the Bible Lecturer in the Consolidated Association for six years and Treasurer of the Association; and

WHEREAS, highly respected nationally as well as in the local community, the following awards and honors were bestowed upon Reverend A. B. Lee: Kentucky Colonel, Certificate of Commemoration for and in recognition of the Commonwealth of Kentucky, Kentucky Ambassador of Good Will, Certificate and letters of Commemoration from Presidents Jimmy Carter and Ronald Reagan, Distinguished Citizens Award for outstanding contribution to the Lexington community; and

WHEREAS, in 1982 Reverend A. B. Lee received the Philosophical Doctorate Honorarius for Human Relations from Micro City Government in Lexington, which is the highest degree given by the Black community; and

WHEREAS, in 1983 the Bluegrass Chapter of the National Conference of Christians and Jews honored Reverend Lee for outstanding leadership in fostering amity, justice and cooperation among the people of Central Kentucky; and

WHEREAS, Reverend A. B. Lee was the oldest active black minister in Lexington and had served the cloth for fifty-six years;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House does hereby express its profound sense of bereavement and loss upon the death of Reverend A. B. Lee and commends his beloved wife Mary and children James, Albert Lee, Betty, Jane, Gwendolyn, Alberta and Jennifer to the solace of the Almighty to bridge these dark and painful moments.

Section 2. That the members of this honorable body proudly hail their native son, the Reverend A. B. Lee, outstanding citizen and exemplary representative, for the immeasurable contributions this exceptional individual made to the citizens of the Commonwealth.

Section 3. That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky does adjourn this day, Tuesday, March 25, 1986, it does so in memory and honor of a great Kentuckian, A. B. Lee.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to the family of Reverend A. B. Lee and to the Greater Liberty Baptist Church of Lexington, Kentucky.

HR 180 was adopted by voice vote.

Representative Johnson moved that the rules be suspended to act upon two Resolutions. Agreed.

Representative Johnson moved the adoption of the following **HR 177**:

HR 177, A RESOLUTION commending the efforts of the Jefferson County Chapter of Citizens for Decency Through Law.

WHEREAS, the Jefferson County Chapter of Citizens for Decency Through Law perceived a need for and has dedicated its efforts toward educating the public on the issue of pornography; and

WHEREAS, in the two years since its formation this chapter has persisted toward that goal through an organized program of public adult seminars throughout Louisville, Jefferson County and other counties; and

WHEREAS, due to these efforts, the public awareness of the issue of pornography has been raised and considerable headway has been made in promoting higher adult contemporary community standards; and

WHEREAS, as a direct result of public adult seminar programs, the Jefferson County Chapter of Citizens for Decency Through Law was able to marshal public support for passage of the five adult entertainment ordinances approved by the Louisville Board of Aldermen;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives publicly commends the outstanding work currently being done by the Jefferson County Chapter of Citizens for Decency Through Law.

Section 2. That the House of Representatives expresses its deep appreciation to the leaders of this organization for bringing this urgent need to our attention and encourages continuing efforts on behalf of all Kentucky counties.

Section 3. That the clerk of the House of Representatives is directed to send a copy of this resolution to Mrs. Lily Bifone, President, Citizens for Decency Through Law of Jefferson County, 19 Popular Hill Road, Louisville, Kentucky 40207.

HR 177 was adopted by voice vote.

Representative Johnson moved the adoption of the following HR 179:

HR 179, A RESOLUTION honoring the award-winning Barbecue and Burgoo Team of Saint Pius the Tenth Church in Owensboro, Kentucky.

WHEREAS, Owensboro, in Daviess County, is the Barbecue Capitol of the World; and

WHEREAS, the Barbecue and Burgoo Team from Saint Pius the Tenth Church has distinguished itself by award-winning performances in the Owensboro International Barbecue Festival; and

WHEREAS, the Team, each year, does share with the citizens of Jefferson County their award-winning Barbecue and Burgoo to benefit the handicapped and learning-disabled children of the Ursuline-Pitt School; and

WHEREAS, the Team voluntarily participates at great personal expense and physical endeavor; and

WHEREAS, the Team has, in an exemplary manner, given of itself for the benefit of the less advantaged children of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives proudly hails and honors the Barbecue and Burgoo Team of Saint Pius the Tenth Church.

Section 2. That this honorable body commends the unselfish dedication of this group of men who give of themselves to benefit others.

Section 3. That the Clerk of the House is directed to transmit a copy of this resolution to Saint Pius the Tenth Team Captain Tom Fogel and each member of the team.

HR 179 was adopted by voice vote.

The Speaker appointed the following Conference Committee on HB 262: Representatives Clarke, Chairman; Rapier, Donnermeyer, Worthington, Turner.

Representative Stumbo moved that the three-day posting requirement on SB 331 be waived. Agreed.

Representative Stumbo moved that the three-day posting requirement on SB 339 be waived. Agreed.

Representative Stumbo moved that the three-day posting requirements on SB 353 be waived. Agreed.

The following members requested that the rules be suspended to allow recording of votes. Agreed.

Representative P. Clark, change from "yea" to "nay" on **HB 201**; Representative Cowan, "yea" on **HB 710**; Representative J. Harper, change from "yea" to "nay" on **SB 252**; Representative Head, change from "yea" to "nay" on **HB 978**; Representative Lyne, "yea" on **SB 108**; Representative Reinhardt, "yea" on **HCR 136**; Representative Richards, change from "yea" to "nay" on **SB 252**; Representative Stewart, "yea" on **SB 198** and "yea" on **HB 981**; Representative Williams, change from "yea" to "nay" on **SB 252**; Representative Gray, "yea" on **HCR 132, SB 266, SB 350, HB 234, HB 310, HB 374, HB 512, HB 525, HB 546, HB 664, HB 723, HB 799, HB 804, HB 809, HB 881, HB 899, HB 905, HB 918, HB 936, HB 952, HB 979** and "nay" on **HB 832, HB 882, HB 913**.

Announcements

The following meetings were announced:

Committee on State Government: March 26, 1986, 1:00 p.m., Room 109.

Appropriations and Revenue: March 26, 1986, 9:00 a.m.

Committee on Counties and Special Districts: Cancelled March 26, 1986.

Agriculture and Small Business: Cancelled, March 26, 1986.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Wednesday, March 26, 1986.

On the roll call the vote was yeas 81—Allen, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, M. Brown, Bruce, Burch, Caldwell, Clapp, L. Clark, P. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Lear, Lefevers, Lile, Little, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Napier, Nett, Noe, Noland, O'Brien, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, B. Richardson, P. Richardson, Riner, Rose, Siler, Smith, Stewart, Stone, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 0.

The motion to adjourn was adopted.

WEDNESDAY, MARCH 26, 1986

FIFTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Pro Tempore Worthington.

Prayer by Dr. Donald Nunnelly, First Christian Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 25, 1986, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills:

Health and Welfare: SB 62.

State Government: SB 359.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bill has been posted for consideration:

Health and Welfare: SB 62.

Report of Committees

The Committee on Appropriations and Revenue reported SB 290, with Committee Amendment attached thereto, and SB 389, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 290, AN ACT relating to salaries of county attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 15.765 is amended to read as follows:

(1) Each county attorney shall receive, for prosecutorial duties, an annual salary to be paid out of the state treasury *which shall be the total compensation as county attorney which he received during the calendar year 1976, but which in no event be less than twenty thousand dollars ($20,000). Except, however, the annual salary of each county attorney shall be equal to that of each commonwealth's attorney who is not prohibited from the private practice of law as provided in KRS 15.755(5)* [~~which shall be the total compensation as county attorney which he received during the calendar year 1976, but which shall in no event be less than $7,200~~].

(2) Each county attorney shall be paid each month the sum of two hundred fifty dollars ($250), which sum is declared to be the equivalent of the minimum sum that each county attorney will expend each month in the performance of his official duties directed to be performed for the Commonwealth. The aforementioned sum shall be paid out of the state treasury.

(3) In order to equate the compensation of county attorneys with the purchasing power of the dollar, the finance and administration cabinet shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than $12,000 per annum. The finance and administration cabinet shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the finance and administration cabinet, the appropriate

governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the finance and administration cabinet.

(4) The county attorney shall not be prohibited from engaging in the private practice of law.

The Committee Amendment No. 1 to SB 290 is as follows:

Amend printed copy of GA copy of SB 290:

On page 1, line 10, after "*15.755 (5)*" insert "*, effective January 1, 1990*".

SB 389, AN ACT relating to the financial administration of state government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) This section shall be known and may be cited as the "Financial Integrity Act of 1986."

(2) Each agency of state government shall establish and maintain internal accounting and administrative controls which shall provide reasonable assurance that:

(a) Obligations and costs are in compliance with applicable law;

(b) Funds, property and other assets are safeguarded against waste, loss, unauthorized use or misappropriation; and

(c) Revenues and expenditures applicable to agency operations are properly recorded and accounted for to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over the assets.

(3) By December 31, 1986, the auditor of public accounts shall establish guidelines for the evaluation by agencies of their systems of internal accounting and administrative control to determine such systems' compliance with the requirements of subsection (2) of this section. The auditor of public accounts may modify such guidelines as deemed necessary. The auditor shall provide each agency with the guidelines and any modifications thereof.

(4) (a) By December 31, 1987, and by December 31 of each succeeding year, the head of each executive agency shall, on the basis of an evaluation conducted in accordance with guidelines prescribed under subsection (3) of this section, prepare and transmit to the legislative research commission, the secretary of the finance and administration cabinet and the auditor of public accounts a report which states:

1. That the agency's systems of internal accounting and administrative control fully comply with the requirements specified in this section; or

2. That the agency's systems of internal accounting and administrative control do not fully comply with such requirements; and

(b) In the event the agency's systems do not fully comply with such requirements, the report shall include and identify any material weaknesses in the agency's systems of internal accounting and administrative control and the plans and schedule for correcting such weaknesses.

The Committee Title Amendment No. 1 to SB 389 is as follows:

Amend printed copy of SB 389:

By amending the title to read, AN ACT relating to state government.

The Committee on Banking and Insurance reported SB 280 with Committee Amendment attached thereto, SB 331, SB 339 and SB 353 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 280, AN ACT relating to liability insurance rates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF SUBTITLE 13 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding the provisions of this subtitle, professional liability insurance rates shall be filed with and reviewed by the commissioner in the same manner as rate filings in a noncompetitive market under the provisions of this subtitle.

(2) Professional liability insurance rates shall be made in accordance with the provisions in KRS 304.13-031, except that such rates shall be based ninety percent (90%) on past and prospective loss experience within Kentucky and ten percent (10%) on nationwide experience.

The Committee Amendment No. 1 to SB 280 is as follows:

On page 1, after line 12 by adding:

"*(3) If insufficient Kentucky data exists, nationwide data may be used to establish rates.*"

SB 331, AN ACT relating to insurance premium surcharges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 136.392 is amended to read as follows:

(1) Every domestic, foreign or alien insurer, other than life and health insurers, which is either subject to or exempted from Kentucky premium taxes as levied pursuant to the provisions of either KRS 136.340, 136.350, 136.370 or 136.390, shall charge and collect a surcharge of one dollar and fifty cents ($1.50) upon each one hundred dollars ($100) of premium, assessments, or other charges, except for those municipal premium taxes, made by it for insurance coverage provided to its policyholders, on risk located in this state, whether such charges are designated as premiums, assessments or otherwise. The premium surcharge shall be collected by the insurer from its policyholders at the same time and in the same manner that its premium or other charge for the insurance coverage is collected. The premium surcharge shall be disclosed to policyholders pursuant to regulations which shall be promulgated by the commissioner of insurance. However, no insurer or its agent shall be entitled to any portion of any premium surcharge as a fee or commission for its collection. On or before the twentieth (20th) day of each month, each insurer shall report and remit to the revenue cabinet, on such forms as it may require, all premium surcharge monies collected by it during its preceding monthly accounting period less any such monies returned to policyholders as applicable to the unearned portion of the premium on policies terminated by either the insured or the insurer. The funds derived from such premium surcharge, except as provided in subsection (2) of this section, shall be deposited in the state treasury, and shall constitute a fund allocated for the uses and purposes of the professional fire fighters foundation program fund (KRS 95A.220) and the law enforcement foundation program fund (KRS 15.430).

(2) Insurance premium surcharge funds collected from the policyholders of any domestic mutual company, cooperative or assessment fire insurance company shall be deposited in the state treasury, and shall be paid monthly by the state treasurer into the volunteer fire department aid fund as provided in KRS 17.250*; provided however, that insurance premium surcharge funds collected from the policyholders of any mutual company, cooperative or assessment fire insurance company which transfers its corporate domicile to this state from another state after July 15, 1986, shall continue to be paid into the professional fire fighters foundation program fund and the law enforcement foundation program fund as prescribed herein.*

(3) Within five (5) days after the end of each month, all insurance premium surcharge proceeds deposited in the state treasury as set forth in subsection (1) of this section, shall be paid by the state treasurer into the professional fire fighters foundation program fund trust and agency account and the law enforcement foundation program fund trust and agency account. The amount paid into each account shall be proportionate to each fund's respective share of the total deposits, pursuant to KRS 42.190. Monies deposited to the law enforcement foundation program fund trust and agency account shall not be disbursed, expended, encumbered or transferred by any state official for uses and purposes other than those prescribed by KRS 15.410 to 15.500. Money deposited to the professional fire fighters foundation program fund trust and agency account shall not

be disbursed, expended, encumbered or transferred by any state official for uses and purposes other than those prescribed by KRS 95A.200 to 95A.300.

SB 339, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 304.20-070 TO 304.20-150 IS CREATED TO READ AS FOLLOWS:

(1) The purpose of this Act is to regulate declinations, cancellations, and refusals to renew certain policies of property or casualty insurance as defined in KRS 304.5-050 and 304.5-070 which are delivered, issued for delivery, or renewed after the effective date of this Act and to require specific reasons for such action.

(2) This Act does not apply to:

(a) Automobile liability insurance policies protected by KRS 304.20-040; or

(b) Any policy issued through a residual market mechanism.

SECTION 2. A NEW SECTION OF KRS 304.20-070 TO 304.20-150 IS CREATED TO READ AS FOLLOWS:

As used in this Act:

(1) "Renewal" or "to renew" means the issuance and delivery by an insurer at the end of a policy period or term of a policy superseding a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of an existing policy beyond its policy period or term. For the purpose of this Act, any policy period or term of less than six (6) months shall be considered to be a policy period or term of six (6) months and any policy period or term of more than one (1) year or any policy with no fixed expiration date shall be considered a policy period or term of one (1) year;

(2) "Nonpayment of premium" means the failure of the named insured to discharge any obligation in connection with the payment of premiums on property or casualty insurance subject to this Act, whether such payments are directly payable to the insurer or its agent or indirectly payable under a premium finance plan or extension of credit. "Nonpayment of premium" shall include failure to pay dues or fees where payment of such dues or fees is a prerequisite to obtaining or continuing property or casualty insurance coverage;

(3) "Termination" means either a cancellation or nonrenewal of property or casualty insurance coverage in whole or in part. A cancellation occurs during the policy period or term as set forth in subsection (1) of this section. A nonrenewal occurs at the end of the policy year or term as set forth in subsection (1) of this section. For the purpose of this Act, the transfer of a policyholder between companies within the same insurance group shall be considered a termination, but requiring a reasonable deductible, reasonable changes in the amount of insurance, or reasonable reductions in policy limits or coverage shall not be considered a termination if such requirements are directly related to the hazard involved and are made on the renewal date for the policy;

(4) "Declination" means either the refusal of an insurer to issue a property or casualty insurance policy upon receipt of a written non-binding application or written request for coverage from its agent or an applicant, or refusal of an agent to transmit to an insurer a written non-binding application or written request for coverage received from an applicant. For the purposes of this Act, the offering of insurance coverage with a company within an insurance group which is different from the company requested on the non-binding application or written request for coverage for the offering of insurance upon different terms than requested in the non-binding application or written request for coverage shall be considered to be a declination; and

(5) "Agent" includes, but is not limited to, surplus lines brokers.

SECTION 3. A NEW SECTION OF KRS 304.20-070 TO 304.20-150 IS CREATED TO READ AS FOLLOWS:

(1) Declinations. An applicant may request in writing an explanation of a declination. The insurer shall provide a prompt written response to such inquiries.

(2) Cancellations.

(a) A notice of cancellation of insurance subject to this Act by an insurer shall be in writing, shall be delivered to the named insured or mailed to the named insured at the last known address of the named insured, shall state the effective date of the cancellation, and shall be accompanied by a written explanation of the specific reason or reasons for the cancellation; and

(b) The notice of cancellation referred to in paragraph (a) of this subsection shall be mailed or delivered by the insurer to the named insured at least fourteen (14) days prior to the effective date of the cancellation if the cancellation occurs within sixty (60) days of the date of issuance of the policy. Such notice of cancellation shall be mailed or delivered by the insurer to the named insured at least thirty (30) days prior to the effective date of the cancellation if the policy has been in effect more than sixty (60) days.

(3) Nonrenewals.

(a) No insurer shall refuse to renew a property or casualty insurance policy subject to this Act unless at least thirty (30) days before the end of the policy period as described in Section 2(1) of this Act, the insurer shall mail or deliver to the named insured, at the last known address of the named insured, written notice of the insurer's intention not to renew the policy upon expiration of the current policy period. The insured may request in writing an explanation of the insurer's reason for a nonrenewal. Upon receipt of such request, the insurer shall provide a written explanation of the specific reason or reasons for the nonrenewal.

(b) No notice of intention not to renew shall be required where the named insured is given notice of the insurer's willingness to renew the policy by mailing or delivering of a renewal notice, bill, certificate, or policy.

(c) If notice is not provided pursuant to paragraphs (a) and (b) of this subsection, coverage shall be deemed to be renewed for the ensuing policy period upon payment of the appropriate premium under the same terms and conditions, and subject to the provisions of Section 4 of this Act, until the named insured has accepted replacement coverage with another insurer, or until the named insured has agreed to the nonrenewal.

(4) No insurer shall increase the premium for a property or casualty insurance policy subject to this Act more than twenty-five percent (25%) of the premium for the preceding policy term for like coverage and like risks unless at least thirty (30) days before the end of the policy period as described in Section 2(1) of this Act, the insurer shall mail or deliver to the named insured, at the last known address of the named insured, notice of such premium increase or a bill for the renewal premium and the insurer shall mail or deliver to its agent, if any, a duplicate notice of the premium increase. In order to comply with this requirement, the insurer may extend the period of coverage of the current policy at the expiring premium.

SECTION 4. A NEW SECTION OF KRS 304.20-070 TO 304.20-150 IS CREATED TO READ AS FOLLOWS:

After coverage has been in effect more than sixty (60) days or after the effective date of a renewal policy a notice of cancellation shall not be issued unless it is based on at least one (1) of the following reasons:

(1) Nonpayment of premium;

(2) Discovery of fraud or material misrepresentation made by or with the knowledge of the named insured in obtaining the policy, continuing the policy, or in presenting a claim under the policy;

(3) Discovery of willful or reckless acts or omissions on the part of the named insured which increase any hazard insured against;

(4) The occurrence of a change in the risk which substantially increases any hazard insured against after insurance coverage has been issued or renewed;

(5) A violation of any local fire, health, safety, building, or construction regulation or ordinance with respect to any insured property or the occupancy thereof which substantially increases any hazard insured against;

(6) The insurer is unable to reinsure the risk covered by the policy; or

(7) A determination by the commissioner that the continuation of the policy would place the insurer in violation of the Kentucky insurance code or regulations of the commissioner.

SECTION 5. A NEW SECTION OF KRS 304.20-070 TO 304.20-150 IS CREATED TO READ AS FOLLOWS:

The declination or termination of a policy of insurance subject to this Act by an insurer or agent is prohibited if the declination or termination is:

(1) Based solely upon the race, religion, nationality, ethnic group, age, sex, or marital status of the applicant or named insured;

(2) Based solely upon the lawful occupation or profession of the applicant or named insured, except that this provision shall not apply to an insurer which limits its market to one (1) lawful occupation or profession or to several related lawful occupations or professions or to an insurer that does not provide the kind of insurance sought by the applicant;

(3) Based solely upon the age or location of the residence or property of the applicant or named insured unless such decision is for a business purpose which is not a mere pretext for unfair discrimination;

(4) Based solely upon the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured; or

(5) Based solely upon the fact that the applicant or named insured previously obtained insurance through a residual market mechanism.

SECTION 6. A NEW SECTION OF KRS 304.20-070 TO 304.20-150 IS CREATED TO READ AS FOLLOWS:

If the commissioner determines that:

(1) An insurer has violated Section 3, 4, or 5 of this Act, the commissioner may require the insurer to:

(a) Accept the application or written request for insurance coverage at a rate and on the same terms and conditions as are available to other risks similarly situated;

(b) Reinstate insurance coverage to the end of the policy period; or

(c) Continue insurance coverage at a rate and on the same terms and conditions as are available to other risks similarly situated;

(2) Any person has violated any provisions of this Act, the commissioner may:

(a) Issue a cease and desist order to restrain such person from engaging in practices which violate this Act;

(b) Suspend or revoke such person's license or certificate of authority;

(c) Assess a civil penalty against such person pursuant to KRS 304.99-020; or

(d) Take any combination of the actions specified in this section.

SB 353, AN ACT relating to insurance residual market mechanisms.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.13-151 is amended to read as follows:

(1) Notwithstanding KRS 304.13-131, insurers participating in joint underwriting, pools, or residual market mechanisms may, in connection with such activity, cooperate in the making of rates, rating systems, policy forms, underwriting rules, surveys, inspections and investigations, the furnishing of loss and expense statistics and other information, and the undertaking of research. A joint underwriting pool or residual market mechanism shall not be deemed an advisory organization.

(2) A pool shall file with the commissioner a copy of its constitution, bylaws, rules governing its activities,

and articles of incorporation, agreement, or association. It shall also file with the commissioner a list of its members and the name and address of a resident of this state on whom notices or orders of the commissioner may be served.

(3) Any plan or agreement to implement a residual market mechanism shall be submitted to the commissioner for approval. The commissioner shall approve only those agreements that contemplate the use of rates that are adequate but not excessive, that are not unfairly discriminatory, and that are otherwise consistent with KRS 304.13-011 to 304.13-161.

(4) If the commissioner finds after a hearing that an activity of an insurer participating in joint underwriting, a pool, or a residual market mechanism will tend to substantially lessen competition in an insurance market, or is otherwise inconsistent with the provisions of KRS 304.13-011 to 304.13-161, an order may be issued specifying in what respects the activity is anticompetitive or inconsistent with KRS 304.13-011 to 304.13-161 and requiring the discontinuance of the activity.

(5) As a condition of its authority under KRS Chapter 304 to transact casualty insurance (as defined in KRS 304.5-070) in this state, every insurer so authorized shall become and remain a signatory to the "Kentucky automobile insurance plan" as it is presently formulated or as it is hereafter amended with the approval of the commissioner. The "Kentucky automobile insurance plan" shall be deemed to be a mandated "residual market mechanism" as defined in KRS 304.13-011(8).

The Committee on Health and Welfare reported HCR 141 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 141, A CONCURRENT RESOLUTION urging the Congress of the United States to continue funding of the Community Services Block Grant, the Head Start Program, the Weatherization Assistance Program, and the Low-Income Home Energy Assistance Program.

WHEREAS, the Community Action Agencies within the Commonwealth of Kentucky are the front line defense for addressing the emergencies and exigencies of the low-income in Kentucky; and

WHEREAS, these indispensible agencies operate a host of programs and services, namely: child care; weatherization; Head Start; community services; employment and training; and emergency services; all of which are designed to "help people to help themselves"; and

WHEREAS, the Community Services Block Grant funds provide the funding for the Community Action Agencies of the Commonwealth of Kentucky and such funds are to be examined by the Congress this year regarding continued authorization and funding;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That this body urges and implores the Congress of the United States to continue equitable funding for the Community Services Block Grant, the Head Start Program, the Weatherization Assistance Program, and the Low-Income Home Energy Assistance Block Grant.

Section 2. That the Clerk of the House of Representatives is hereby authorized and directed to send a copy of this Resolution to each member of the Kentucky delegation in the Congress of the United States.

Senate Message

Announcing passage of SB 365, SB 385, HB 176 with Senate Amendment, HB 202 with Senate Amendments, HB 614 with Senate Amendment, HB 627 with Senate Amendment, HB 126, HB 214, HB 215, HB 221, HB 294, HB 481, HB 495, HB 502, HB 517, HB 549, HB 572, HB 609, HB 632, HB 738, HB 873, HJR 28, HCR 62, HCR 66, HCR 75, HJR 81, HJR 139.

HB 37 returned with the following message: The Senate has refused to recede from its Committee Substitute to HB 37 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed the following members to serve on the Conference Committee: Senators Yocom, Higdon, Ford.

HB 124 returned with the following message: The Senate has refused to recede from its Amendment to HB 124 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed the following members to serve on the Conference Committee: Senators Prather, May, Stuart.

SB 86 returned with the following message: The Senate has refused to concur in the Amendments to SB 86 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed the following members to serve on the Conference Committee: Senators Trevey, Karem, Ackerson.

The following message received in regard to HB 209: The Senate has appointed the following members to serve on a Conference Committee to HB 209: Senators O'Daniel, Allen, Karem.

HB 262 returned with the following message: The Senate has refused to recede from its Committee Substitute to HB 262 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed the following members to serve on the Conference Committee: Senators Prather, McCuiston, Moloney.

HB 398 returned with the following message: The Senate has refused to recede from its Committee Substitute to HB 398 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed the following members to serve on the Conference Committee: Senators Prather, Moloney, McCuiston.

Calendar

SB 117, SCR 98, SB 148, SB 291, SB 370, SB 379, SB 241, SB 306, SB 377, SB 352, SB 12, SB 37, SB 42, SB 88, SB 119, SB 227, SB 229, SB 267, SB 268, SB 269, SB 270, SB 316, SB 319, SB 340, SB 344, SCR 30, SCR 38, SJR 44, SJR 78, SB 224, SB 234, and SB 337 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Report on Enrolled Bills

The Committee on Enrollment reported SB20, SB 60, SB 154, SB 199, SB 204, SB 220, SB 225, SB 252, SB 288, SB 304, SB 312, and SCR 57 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker Pro Tempore. Ordered delivered to the Senate. (Time—2:10 p.m.)

Report on Enrolled Bills

The Committee on Enrollment reported HB 29, HB 135, HB 298, HB 431, HB 438, HB 347, HB 348, HB 353, HB 376, HB 399, HB 428, HB 444, HB 500, HB 507, HB 521, HB 527, HB 583, HB 569, HB 604, HB 608, HB 611, HB 628, HB 685, HB 687, and HB 772, had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker Pro Tempore. Ordered delivered to the Senate. (Time—2:14 p.m.)

HB 29, HB 135, HB 298, HB 431, HB 438, HB 347, HB 348, HB 353, HB 376, HB 399, HB 428, HB 444, HB 500, HB 507, HB 521, HB 527, HB 583, HB 569, HB 604, HB 608, HB 611, HB 628, HB 685, HB 687, and HB 772 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day

Conference Committee reports were filed by Representative Clarke on HB 262 and HB 398 as follows: The Conference Committee has met as provided in the rules of the House and the Senate and request is made for the appointment of a Free Conference Committee.

SB 360, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Committee Amendment No. 1 to SB 360. Agreed.

Representative Cowan moved that SB 360, as amended, be passed.

Representative Ellington moved the adoption of the Floor Amendment No. 2 to SB 360.

Representative Meyer inquired whether Floor Amendment No. 2 was germane to SB 360.

The Chair ruled Floor Amendment No. 2 was not germane to SB 360

Representatives Riner and Ellington appealed the ruling of the Chair.

Speaker Blandford presiding.

On the roll call the vote was yeas 68—Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Clapp, L. Clark, P. Clark, Clarke, Cline, Crupper, Curd, Cyrus, Deskins, Donnermeyer, Ellington, Farrow, Gray, Gregory, Guenthner, K. Harper, Heleringer, Hines, Holloway, T. Jones, Keith, Lear, LeMaster, Little, Long, Lyne, Mack, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Nett, Noe, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Rose, Scorsone, Siler, Smith, Stone, Strong, Stumbo, Thomas, Turner, White, Worthington. Nays 7—J. Harper, Kerr, O'Brien, Riner, Stewart, Todd, Yates.

The ruling of the Chair that Floor Amendment No. 2 was not germane to SB 360 was upheld.

Speaker Pro Tempore Worthington resumed the Chair.

Representative Cowan moved that SB 260, as amended, be passed.

On the roll call the vote was: Yeas 87, Nays 8. (See March 26, 1986, roll call on SB 360—Appendix A.)

SB 360, as amended, was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 360, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 263 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved that SB 263 be passed.

On the roll call the vote was: Yeas 93, Nays 0. (See March 26, 1986, roll call on SB 263—Appendix A.)

SB 263 was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 263 was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 54 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved the adoption of SJR 54.

On the roll call the vote was: Yeas 94, Nays 0. (See March 26, 1986, roll call on SJR 54—Appendix A.)

SJR 54 was passed and the title agreed to.

Representative Brinkley moved that the vote by which SJR 54 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 82, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that SB 82 be passed.

Representative R. Jones moved the adoption of the Floor Amendment No. 1 to SB 82.

Representative Noe inquired whether Floor Amendment No. 1 was germane to SB 82.

The Chair ruled Floor Amendment No. 1 was germane to SB 82.

Representative Noe inquired whether Floor Amendment No. 1 to SB 82 was in compliance with Rule 50.

The Chair ruled Rule 50 dealt with the bill and not with the amendment and Floor Amendment No. 1 to SB 82 was in order.

Representative R. Jones moved the adoption of the Floor Amendment No. 1 to SB 82. Rejected.

Representative Hines moved the adoption of the Committee Amendment No. 1 to SB 82. Agreed.

Representative Rapier moved that SB 82, as amended, be passed.

On the roll call the vote was: Yeas 97, Nays 2. (See March 26, 1986, roll call on SB 82—Appendix A.)

SB 82, as amended, was passed and the title agreed to.

Representative Rapier moved that the vote by which SB 82, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

HB 323 returned with the following message: The Senate has refused to recede from its Amendment No. 1 to HB 323 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed.

SB 346 returned with the following message: The Senate has refused to concur in House Amendment No. 1 to SB 346 and respectfully returns it with the request that this Honorable Body recede from the Amendment.

Message in regard to HB 262: The Senate has appointed the following members to serve on a Free Conference Committee to HB 262: Senators Moloney, Prather, McCuiston.

Message in regard to HB 398: The Senate has appointed the following members to serve on a Free Conference Committee to HB 398: Senators Moloney, Prather, McCuiston.

Message in regard to HJR 78: The Senate has appointed the following members to serve on a Conference Committee to HJR 78: Senators Powers, O'Daniel, Trevey.

SB 95, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time.

Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to SB 95. Agreed.

Representative Clarke moved the adoption of the Committee Amendment No. 2 to SB 95. Agreed.

Representative Clarke moved the adoption of the Committee Amendment No. 3 to SB 95. Rejected.

Representative Clarke moved that SB 95, as amended, be passed.

On the roll call the vote was: Yeas 94, Nays 4. (See March 26, 1986, roll call on SB 95—Appendix A.)

SB 95, as amended, was passed and the title agreed to.

Representative Clarke moved that the vote by which SB 95, as amended was passed be reconsidered and said motion be placed on the table. Agreed.

Speaker Blandford presiding.

Report on Enrolled Bills

The Committee on Enrollment reported SB 108 and SB 305 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—3:37 p.m.)

Orders of the Day (continued)

SB 196 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that SB 196 be passed.

On the roll call the vote was: Yeas 59, Nays 24. (See March 26, 1986, roll call on SB 196—Appendix A.)

SB 196 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which SB 196 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 70, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that SB 70 be passed.

On the roll call the vote was: Yeas 85, Nays 1. (See March 26, 1986, roll call on SB 70—Appendix A.)

SB 70 was passed and the title agreed to.

Representative Clarke moved that the vote by which SB 70 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 299, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved that SB 299 be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 26, 2986 roll call on SB 299—Appendix A.)

SB 299 was passed and the title agreed to.

Representative Johnson moved that the vote by which SB 299 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 343, as amended by Committee Amendment and Floor Title Amendment, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Blevins moved the adoption of the Floor Amendment No. 3 to SB 343.

On the roll call the vote was yeas 82—Allen, Arnold, Barrows, Bennett, Blevins, Brinkley, Bronger, F. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, Meyer, Moberly, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Rapier, Richards, B. Richardson, P. Richardson, Rose, Scorsone, Seum, Siler, Smith, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 3—Ellington, Reinhardt, Stewart.

Floor Amendment No. 3 to SB 343 was adopted.

Representative Long moved that SB 343, as amended, be passed.

On the roll call the vote was: Yeas 88, Nays 2. (See March 26, 1986, roll call on SB 343—Appendix A.)

SB 343, as amended, was passed and the title agreed to.

Representative Long moved that the vote by which SB 343, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 256, as amended by Committee Amendment No. 1, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Farrow moved the adoption of the Floor Amendment No. 2 to SB 256. Agreed.

Representative Siler moved that SB 256, as amended, be laid on the table.

On the roll call the vote was yeas 48—Allen, Bennett, Blevins, Brinkley, Bronger, Burnette, Caldwell, L. Clark, P. Clark, Cline, Crupper, Curd, Dawahare, Deskins, Donnermeyer, Ford, Gray, Gregory, K. Harper, Holloway, Jensen, Keith, Kerr, Layman, Lear, Lefevers, Little, Long, Mack, Mann, McBee, McNutt, Napier, Noland, O'Brien, Overstreet, Priddy, Rattliff, Reinhardt, Seum, Siler, Smith, Stewart, Thomas, Todd, Turner, White, Williams, Yates. Nays 33—Arnold, Barrows, Bendl, Blandford, M. Brown, Burch, Clarke, Cowan, Cyrus, Ellington, Farrow, Gedling, Guenthner, Hancock, J. Harper, Head, Holbrook, Johnson, LeMaster, Lile, Lyne, McElroy, Moberly, Morris, Nett, Pritchett, Rapier, B. Richardson, Riner, Rose, Scorsone, Stone, Stumbo.

The motion that SB 256, as amended, be laid on the table was adopted.

Representative Siler moved that the vote by which SB 256 was laid on the table be reconsidered and said motion be placed on the table. Agreed.

SB 124 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative LeMaster moved that SB 124 be passed.

On the roll call the vote was: Yeas 91, Nays 0. (See March 26, 1986, roll call on SB 124—Appendix A.)

SB 124 was passed and the title agreed to.

Representative LeMaster moved that the vote by which SB 124 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 141 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SB 141 be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 26, 1986, roll call on SB 141—Appendix A.)

SB 141 was passed and the title agreed to.

Representative Deskins moved that the vote by which SB 141 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 354 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that **SB 354** be passed.

On the roll call the vote was: Yeas 88, Nays 0. (See March 26, 1986, roll call on **SB 354**—Appendix A.)

SB 354 was passed and the title agreed to.

Representative Brinkley moved that the vote by which **SB 354** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 317, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that **SB 317** be passed.

Representative Gray moved that **SB 317** be laid on the Clerk's desk. Agreed.

Representative Clapp moved that the vote by which **SB 317** be laid on the Clerk's desk was passed be reconsidered and said motion be placed on the table. Agreed.

SB 374 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that **SB 374** be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 26, 1986, roll call on SB 374—Appendix A.)

SB 374 was passed and the title agreed to.

Representatives Deskins moved that the vote by which **SB 374** was passed be reconsidered and said motion be placed on the table. Agreed.

SB 22 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Deskins moved that SB 22 be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 26, 1986, roll call on SB 22—Appendix A.)

SB 22 was passed and the title agreed to.

Representative Deskins moved that the vote by which SB 22 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 134 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved that SB 134 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 26, 1986, roll call on SB 134—Appendix A.)

SB 134 was passed and the title agreed to.

Representative Burch moved that the vote by which SB 134 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 47, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blevins moved the adoption of the Floor Amendment No. 1 to SB 47. Agreed.

Representative Stumbo moved the adoption of the Floor Amendment No. 2 to SB 47. Agreed.

Representative K. Harper moved that SB 47, as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 1. (See March 26, 1986, roll call on SB 47—Appendix A.)

SB 47, as amended, was passed and the title agreed to.

Representative K. Harper moved that the vote by which SB 47, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 310, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved that SB 310 be passed.

Representative Cowan moved the adoption of the Floor Amendment No. 2 to SB 310. Agreed.

Representative Barrows moved that SB 310, as amended, be passed.

On the roll call the vote was: Yeas 75, Nays 17. (See March 26, 1986, roll call on SB 310—Appendix A.)

SB 310, as amended, was passed and the title agreed to.

Representative Barrows moved that the vote by which SB 310, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SCR 2 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative K. Harper moved that SCR 2 be passed.

On the roll call the vote was: Yeas 92, Nays 2. (See March 26, 1986, roll call on SCR 2—Appendix A.)

SCR 2 was passed and the title agreed to.

Representative K. Harper moved that the vote by which SCR 2 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 153, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Committee Substitute to SB 153. Agreed.

Representative Morris moved that SB 153, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 26, 1986, roll call on SB 153—Appendix A.)

SB 153, by way of Committee Substitute, was passed.

Representative Morris moved the adoption of the Floor Title Amendment to SB 153. Agreed; and the title was agreed to.

Representative Morris moved that the vote by which SB 153, by way of Committee Substitute with Title Amendment, was passed by reconsidered and said motion be placed on the table. Agreed.

HB 765, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 2 to HB 765 is as follows:

Amend printed copy of HB 765:

On page 1, after line 15, by adding the following new section:

(1) Whenever a city desires to annex unincorporated territory, the legislative body of the city proposing to annex shall enact an ordinance stating the intention of the city to annex. Such ordinance shall accurately define the boundary of the unincorporated territory proposed to be annexed, and declare it desirable to annex the unincorporated territory.

(2) If following the publication of the annexation ordinance pursuant to subsection (1) of this section and within sixty (60) days thereof, or if in any annexation proceeding where the annexing city has not adopted a final annexation ordinance, within sixty (60) days *of the effective date of this Act* [~~following July 15, 1980~~], fifty percent (50%) of the resident voters or owners of real property within the limits of the territory proposed to be annexed petition the mayor in opposition to the proposal, an election shall be held at the next regular election occurring at least sixty (60) days after the petition is presented to the county clerk.

(a) The mayor of the city shall deliver a certified copy of the ordinance to the county clerk of the county in which the territory proposed to be annexed is located, who shall have prepared to be placed before the voters in each precinct embraced in whole or in part within the territory proposed to be annexed the question: "Are you in favor of being annexed to the City of ________?" If only a part of any precinct is embraced within the territory proposed to be annexed only persons who reside within the territory proposed to be annexed shall be permitted to vote. The clerk shall cause the sheriff or sheriffs to deliver to the election officers in each precinct in the appropriate counties copies of the ordinance proposing to annex.

(b) If less than *sixty percent (60%)* [~~seventy-five percent (75%)~~] of the qualified voters in the area to be annexed oppose annexation, the unincorporated territory shall become a part of the city.

(c) If *sixty percent (60%)* [~~seventy-five percent (75%)~~] or more of the qualified voters in the area to be annexed oppose annexation, the ordinance proposing annexation shall become ineffectual for any purpose.

(3) In not less than sixty (60) days after the enactment of the ordinance, if no petition has been received by the mayor as set out herein, or within sixty (60) days of the certification of election results in which less than *sixty percent (60%)* [~~seventy-five percent (75%)~~] of the qualified voters in the area opposed annexation, the legislative body may enact an ordinance annexing to the city the territory described in the ordinance. Upon the enactment of this ordinance, the territory shall become part of the city for all purposes.

Representative J. Harper moved that the House concur in the Senate Amendment No. 2 to HB 765. Rejected.

HB 172, with Senate Committee Substitute and Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 172 is as follows:

HB 172, AN ACT relating to voting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

A county board of elections may request that the Kentucky state police patrol voting precincts in the county during the hours the polls are open on the day of any primary or regular or special election for the purpose of maintaining order and enforcing the election laws of the state.

SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

In case of a medical emergency within seven (7) days or less of an election, a registered voter may apply for a special ballot. Such application shall state that the emergency condition occurred within the seven (7) day period and must be notarized. The application form shall be restricted to the use of the voter or the spouse, *parents or dependent children of the voter. If the voter has no spouse, parents or dependent children, the application form shall be restricted to the use of the voter or the brother, sister, niece or nephew of the voter. Upon receipt of the application and verification, the county clerk shall issue a special ballot.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

Special ballots cast, as provided by Section 2 of this Act and by KRS 117.075 and 117.085 shall all be tabulated in the same manner, as shall be provided by this chapter.

Section 4. KRS 117.075 is amended to read as follows:

[~~(1)~~] Any qualified voter who has not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, infirmity or illness, is not able to appear at the polls on election day may vote in the following manner. At least seven (7) days prior to the date of the election, he shall present to the clerk by mail or in person his verified statement that his inability to appear is due to age, infirmity, or illness, and indicating whether or not the condition is temporary, applying to the instant election only, or is expected to be a continuing one. Upon receipt of the verified statement, the clerk shall immediately mail to the voter a special ballot[~~,~~] and envelopes, and the voter shall cast his vote in *accordance with* [~~the same manner as provided for the absent voter in~~] KRS 117.087. *Such ballot shall be returned by the voter to the county clerk by mail.*

[~~(2) Special ballots cast by disabled persons shall be tabulated in the same manner as are special ballots cast by absent voters.~~

~~(3) In case of a medical emergency within seven (7) days or less of an election, a registered voter may apply for an absentee ballot. Such application shall state that the emergency condition occurred within the seven (7) day period and must be notarized. The application form shall be restricted to the use of the voter, the voter's spouse, the voter's parents, or the voter's dependent children. If the voter has no spouse, parents or dependent children, the application form shall be restricted to the use of the voter or the voter's brother, sister, niece or nephew. Upon receipt of the application and verification the county clerk shall issue an absentee ballot.~~]

Section 5. KRS 117.085 is amended to read as follows:

(1) *All requests for an application for a special ballot and all applications for a special ballot shall be transmitted only by mail or in person as specifically provided by this section. The county clerk shall provide, but only by the method provided by this section, a special ballot, two (2) official envelopes for returning the ballot, and instructions for voting to a voter who presents a completed application for a special ballot as provided in this section and who is properly registered as stated in his application. Application for a special ballot shall be made as follows:*

(a) Any qualified voter in any county who *shall* [~~will~~] be absent from the county on any election day or any person incarcerated in jail *who* [~~that~~] has been charged for a crime but has yet to be convicted of the said crime may, at any time not less than seven (7) days before the election, make application in person or by mail to the county clerk for a special ballot. *All requests for an application for a special ballot and all applications for a special ballot shall be made in person or by mail, at the option of the voter, except that the county clerk shall hand an application for a special ballot to the voter who appears in person to request such application, or shall mail such application to a voter who requests such application by mail. Such application shall be restricted to use of the voter or the spouse, parents or dependent children of the voter.*

(b) [~~, except that such application shall be restricted to the use of the voter, the voter's spouse, the voter's parents, or the voter's dependent children. The clerk shall type the name of the absent voter on the application form for that person's use and no other. The application form shall be in the form prescribed by the state board of elections, shall bear the seal of the county clerk and shall contain the following information: name, residential address, precinct, party affiliation, statement of absence on election day, statement of compliance with residency requirements for voting in said precinct, and the voter's mailing address for a special ballot. The form shall be verified and signed by the voter. A notice of the penalty provided in KRS 117.995(4) shall be printed on the application.~~

~~(2)~~] Residents of Kentucky, who are members of the armed forces, or dependents of members of the armed forces, may apply for an absentee ballot by means of the federal post card application. Such applications may be used to register, re-register and to apply for an absentee ballot. If the federal post card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his seal to such application form upon receipt.

(2) The clerk shall type the name of the voter on the application form for that person's use and no other. The application form shall be in the form prescribed by the state board of elections, shall bear the seal of the county clerk and shall contain the following information: name, residential address, precinct, party affiliation, statement of absence on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in said precinct and the voter's mailing address for a special ballot. The form shall be verified and signed by the voter. A notice of the actual penalty provisions in KRS 117.995(2) and (4) shall be printed on the application.

(3) If the county clerk finds that the voter is properly registered as stated in his application, he shall mail to the voter a special ballot, two (2) official envelopes for returning the ballot, and instructions for voting. Special ballots which are requested prior to the printing of such ballots shall be mailed by the county clerk to the voter within three (3) days of the receipt of such ballots. special ballots which are requested subsequent to the receipt of such ballots by the county clerk shall be mailed to the voter within three (3) days of the receipt of such request. The clerk shall cause the special ballot to be printed thirty (30) days prior to each primary or general election. The outer envelope shall bear the words ''*Special* [~~''Absent Voter's~~] Ballot'' and the address and official title of the county clerk and shall provide space for the voter's signature, voting address and precinct number. A detachable flap on the inner envelope shall provide space for the voter's signature, voting address, precinct number and notice of penalty provided in KRS 117.995(4). The clerk shall type the voter's address and precinct number in the upper left hand corner of the [~~absent voter's~~] outer envelope and of the detachable flap on the inner envelope immediately below the blank space for the voter's signature. The inner envelope shall be blank. The clerk shall retain the application until thirty (30) days after the election.

(4) A list of persons to whom *special* [~~absentee~~] ballots are mailed shall be posted in the clerk's office, for public inspection, and a list shall be included in the supplies sent to each precinct on election day and shall be posted at the polling place throughout the voting hours on election day.

(5) Any person who has been mailed *a special* [~~an absent voter's~~] ballot but who shall be in his voting precinct on election day may cancel his *special* [~~absent~~] ballot and vote in person if he appears at the county clerk's office at least seven (7) days prior to election day and returns his *special* [~~absent~~] ballot. Upon such personal appearance of the voter, the clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words ''Cancelled because voter appeared to vote in person.'' Sealed envelopes so marked shall not be opened. The clerk shall remove the voter's name from the list of persons who were sent *special* [~~absentee~~] ballots, and the voter may vote in the precinct in which he is properly registered.

Section 6. KRS 117.086 is amended to read as follows:

(1) The [~~absent~~] voter *utilizing a special ballot* shall mark his ballot, seal it in the inner envelope and then in the outer envelope and mail it to the county clerk *as shall be provided by this chapter*. The [~~absent~~] voter shall sign the detachable flap and the outer envelope in order to validate the [~~absent~~] ballot. It shall be received by the clerk before 3:00 p.m. standard time on election day in order to be counted.

(2) The clerk shall deposit all of the returned ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central *special* [~~absentee~~] ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted.

(3) The clerk shall keep a list of all persons who return their voted [~~absentee~~] ballots, and send a copy of that list to the state board after election day. The county clerk and the secretary of state shall keep a record of the number of *special* [~~absentee~~] ballots cast in any election as a part of the official returns of the election.

Section 7. KRS 117.087 is amended to read as follows:

(1) The challenge of *a special* [~~an absent voter's~~] ballot must be in writing and in the hands of the county clerk before 3:00 p.m. on election day.

(2) The county board of elections shall count the *special* [~~absentee~~] ballots. The board may appoint a central *special* [~~absentee~~] ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of which shall be members of the same political party, to count the ballots at the direction of the county board of elections.

(3) Beginning at 3:00 p.m. on election day the board may meet at the clerk's office to count the *special* [~~absentee~~] ballots. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of *special* [~~absent voters'~~] ballots. The board shall open the boxes containing *special* [~~absent voters'~~] ballots and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the [~~absent~~] voter. All unsigned *special* [~~absentee~~] ballots shall be rejected automatically. The clerk shall compare the signatures on the outer envelope and the detachable flap with the signature of the voter that appears on the registration card. If the outer envelope and the detachable flap are found to be in order the clerk shall read aloud the name of the [~~absent~~] voter. If the vote of such voter is not rejected on a challenge then made as provided in subsection (4), the clerk shall then remove the detachable flap and place the inner envelope unopened in a ballot box which has been provided for the purpose.

(4) When the name of *a* [~~an absent~~] voter is read aloud by the clerk, the vote of such voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge thereto may be determined and the [~~absentee~~] vote accepted or rejected by the board as if the voter was present and voting in person, but if the outer envelope and the detachable flap are regular, and substantially comply with the provisions of this chapter, they shall be considered as showing that the [~~absent~~] voter is prima facie entitled to vote. If the vote of *a* [~~an absent~~] voter is rejected pursuant to the challenge, the outer envelope shall not be opened, and the clerk shall write on the envelope the word "rejected."

(5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board shall then open the ballot box, remove the *special* [~~absentee~~] ballots from the inner envelopes, count and record the *special* [~~absentee~~] ballot votes on a form provided by the state board.

(6) The county clerk shall retain the ballots, detachable flaps and the outer envelopes for thirty (30) days, at which time they shall be burned by the county board of elections. If a contest or recount proceeding is instituted during said thirty-day period, the ballots shall not be burned but shall be disposed of as directed by the court in which such proceeding was instituted.

(7) The county board of elections shall make public the *special* [~~absentee~~] ballot results after 6:00 p.m.

Section 8. KRS 117.235 is amended to read as follows:

(1) No person, other than the election officers and challengers, shall be permitted within the voting room while the vote is being polled, except for the purpose of voting or except by authority of the election officers to keep order and enforce the law.

(2) No officer of election shall do any electioneering on election day.

(3) No person shall do any electioneering *within three hundred (300) feet of the entrance to a building which houses a voting machine on the day of any primary or regular or special election, except that* [~~at the polling place on election day unless~~] the fiscal court or legislative body of an urban-county government *may increase such distance to a maximum of one thousand (1,000) feet of the entrance to a building which houses a voting machine* [~~specifically authorizes by ordinance on a county wide basis electioneering and establishes the distance from the polling place where such electioneering may be permitted, but in no case shall electioneering be allowed within a fifty (50) foot perimeter of the voting machine~~]. Electioneering shall include the displaying of signs, the distribution of campaign literature, cards or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any candidate or question on the ballot in any manner.

(4) No voter shall be permitted to converse with others while in the voting room concerning their support or nonsupport of any candidate, party or issue to be voted on, except as provided in KRS 117.255.

(5) The election sheriff, under the supervision of the precinct election judges, shall maintain law and order within *the distance established by subsection (3) of this section within which electioneering is prohibited* [~~a fifty (50) foot perimeter of the voting machine~~]. Assistance may be requested of any law enforcement officer.

Section 9. KRS 117.255 is amended to read as follows:

(1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the machine, if the voter so requests.

(2) No voter shall be permitted to receive any assistance in voting at the polls unless he makes and signs an oath that, by reason of inability to read English, or by reason of blindness or other physical disability he is unable to vote without assistance. Upon making and filing with the judges such oath, the voter shall retire to the voting machine, with the judges, and one (1) of the judges shall then, in the presence of the other and the voter, operate the machine as the voter directs. The disabled person applying to vote may, if he prefers, be assisted by a person of his own choice who is not an election officer, *except that the voter's employer or agent of that employer or officer or agent of that voter's union shall not assist the voter, nor shall a person assist more than two (2) voters on the date of any primary or regular or special election.* The clerk shall swear the person accompanying the disabled or blind voter to operate the voting machine in accordance with the directions of the disabled or blind voter, and the disabled or blind voter and the person sworn shall then enter the voting booth and the one so sworn shall operate the machine for the disabled or blind voter as he directs. Voting booth shall mean an area in which a voter casts his vote which is designed in such a manner that the secrecy of the vote is insured. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his oath the specific physical disability that requires him to receive assistance, and the judges of election shall enter in writing, on a record of assisted voters, the voter's name and the specific physical disability which required him to receive assistance.

(3) No voter shall be permitted to occupy the voting machine more than two (2) minutes if other voters are waiting to use it.

(4) In primary elections, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.

(5) If the machine is so constructed as to require adjustment after one (1) person has voted before another person may vote, the judges of election shall so adjust it after each person has voted.

(6) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.

(7) In elections for president and vice president, if a voter is eligible to vote only for the office of president and vice president a judge of the election shall adjust the machine so that the voter will only be able to vote for president and vice president.

(8) If supplemental paper ballots have been approved, as provided in KRS 118.215, the voter shall vote his ballot in privacy in a booth provided for that purpose by the county clerk. If the voter spoils his ballot, he shall return the spoiled paper ballot to an election official who shall stamp the ballot "Spoiled," initial and place the spoiled ballot in an envelope provided for that purpose. The voter shall then be issued a second supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the ballot, hand the stub to an election official and deposit the voted ballot in the locked ballot box in the presence of precinct election officials.

Section 10. KRS 117.265 is amended to read as follows:

(1) A voter may, at any general or special election, cast a write-in vote for any person whose name does not appear upon the ballot label as a candidate, by writing the name of his choice upon the appropriate device for the office being voted on provided on the voting machine as required by KRS 117.125. *Any* [~~An absentee~~] voter *utilizing a special ballot* may write in a vote for any person whose name does not appear upon the [~~special~~] ballot, by writing the name of his choice under the office.

(2) Two (2) election officers of opposing parties shall upon the request of any voter instruct such voter on how to cast a write-in vote.

(3) This provision does not apply to elections for president and vice-president of the United States where the vote is cast for presidential electors rather than the candidate, nor does it apply to elections for municipal offices conducted pursuant to KRS 83A.170.

Section 11. KRS 117.995 is amended to read as follows:

(1) Any person who violates any provision of this chapter, or who willfully does any act that will accomplish a result intended to be prevented, or that will prevent from being accomplished a result intended to be permitted, shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned in the county jail for not more than one (1) year, or both.

(2) Any county clerk, member of the county board of elections or any election officer who willfully violates any of the provisions of this chapter, *including furnishing applications for special ballots to persons other than those specified by the provisions of this chapter and failure to type the name of the voter on the application form as required by the provisions of this chapter, and including failure to enforce the prohibition against electioneering established by KRS 117.235,* shall be confined in the penitentiary for not less than one (1) nor more than three (3) years.

(3) Any officer who willfully or neglectfully fails to prepare or furnish ballot labels or special ballots or fails to allow a qualified voter to cast his vote on the machine as required of him by this chapter shall be fined not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000) for each offense, and in addition thereto may be confined in the county jail for not less than sixty (60) days nor more than six (6) months.

(4) Any person who signs a name other than his own on an application for *a special* [~~an absentee~~] ballot or on the verification form for *such* [~~an absentee~~] ballot, or any person who votes *a special* [~~an absentee~~] ballot other than the one issued in his name, or any person who applies for *such* [~~an absentee~~] ballot for the use of anyone other than himself or *such person as shall be designated by the provisions of this chapter* [~~his spouse~~], or any person who makes a false statement on an application for *a special* [~~an absentee~~] ballot shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned in the county jail for not more than one (1) year, or both.

(5) Any person who violates any provision of KRS 117.235 related to prohibited activities on election day after he has been duly notified of such provisions by the sheriff of the election precinct shall, *for each offense,* be fined not *less than one hundred dollars ($100) nor* more than *one thousand* [~~fifty~~] dollars *($1,000) or imprisoned in the county jail for not more than one (1) year, or both* [~~($50) for each offense~~].

Section 12. KRS 118.035 is amended to read as follows:

(1) The polls shall be opened at 6:00 a.m., prevailing time, and remain open continuously until 6:00 p.m., prevailing time. Any voter who is waiting in line at the polls to cast his vote at closing time, and who has been unable to cast his vote before closing time because of the large numbers of voters casting their votes, shall be allowed to cast his vote as soon after closing time as practicable; provided however, that no vote shall be cast after 7:00 p.m. No voter who arrives at the polls after 6:00 p.m., prevailing time, shall be allowed to cast his vote.

(2) Any person entitled to a vote at any election in this state shall, if he has made application for leave prior to the day *he appears before the county clerk to request an application for a special ballot or prior to the day* of election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of four (4) hours on the day *he appears before the clerk during normal business hours of the office of the clerk or on the day* of the election[~~,~~] between the time of opening and closing the polls. Such person shall not, because of so absenting himself, be liable to any penalty. The employer may specify the hours during which the employe may absent himself. No person shall refuse an employe the privilege hereby conferred, or discharge or threaten to discharge an employe or subject an employe to a penalty, because of the exercise of the privilege.

The Senate Committee Amendment No. 1 to Senate Committee Substitute HB 172 is as follows:

Amend printed copy of HB 172:

On page 19, after line 5, by inserting:

Section 13. KRS 118.305 is amended to read as follows:

(1) Except as provided in KRS 118.345, and subject to the provisions of subsections (2) and (3) of this section, the county clerk of each county shall cause to be printed for the voting machines and on the special ballots for the regular election the names of the following persons:

(a) Candidates of a political party, as defined in KRS 118.015, who have received certificates of nomination at the preceding primary election, or certificates of nomination under KRS 118.185, and whose certificates of nomination have been filed with the secretary of state or the appropriate county clerk.

(b) Candidates of a political party, as defined in KRS 118.015, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in KRS 118.115, and whose evidences of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(c) Candidates of a political party, as defined in KRS 118.015, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary election, as provided in KRS 118.105, and whose certificates of nomination have been filed with the secretary of state or the appropriate county clerk, by at least the date provided by the election law generally for such filing.

(d) Candidates who have been nominated by a political organization as provided in KRS 118.325 and whose certificates or petitions of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(e) Independent candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(f) Where a vacancy in a candidacy occasioned by the death, removal or resignation of a candidate before the election and after the ballot labels have been prepared is filled by the chairman of the state, district or county political organization as provided by law, the chairman shall furnish to the county clerk a sufficient number of printed ballot labels bearing the name of the new candidate to replace those bearing the name of the candidate with respect to which the vacancy has occurred. If such ballot labels are furnished to the clerk before the machines are delivered to the election precincts, the clerk shall cause them to be inserted in the proper ballot frames. If they are furnished after the machines have been delivered to the election precincts, the county clerk shall cause the ballot labels to be delivered to the clerk of each precinct, with directions as to insertion in the proper ballot frames.

(g) Candidates for president and vice-president of the United States, of those political parties and organizations who have nominated presidential electors as provided in KRS 118.325, where the certificate of nomination of such electors has been filed with the secretary of state within the time prescribed in this chapter.

(h) Candidates for soil and water district supervisors who have been nominated by petition as provided in KRS 262.210.

(2) Candidates for members of boards of education shall have their names printed on ballot labels and special ballots for the regular election only after filing as provided in KRS 160.220.

(3) Except as provided in KRS 118.105 and 118.115, the name of no candidate shall be printed upon the ballot labels and special ballots for any regular election as the nominee of any political party, as defined in KRS 118.015, or under the emblem of any political party, as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary election held as provided in this chapter.

(4) No county clerk shall knowingly cause to be printed, upon the ballot labels or special ballot for any regular election, the name of any candidate of a political party, as defined in KRS 118.015, who has not been nominated in the manner provided in the primary election laws *or the name of any candidate who is not in compliance with the restrictions concerning party registration and candidancy provided in subsection (1) of KRS 118.315.*

(5) The names of candidates for president and vice-president shall be certified in lieu of certifying the names of the candidates for presidential electors.

(6) Whenever a vacancy occurs in an elective office which is required by law to be filled temporarily by appointment, the officer or body designated by law to make the appointment, or in the case of an office to be filled by appointment from a list of nominations, the officer or body designated by law to make the nominations, shall immediately notify in writing both the county clerk and secretary of state of the vacancy.

Section 14. KRS 118.315 is amended to read as follows:

(1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him, complying with the provision of subsection (2) of this section. *No person who is a registered member of a political party shall be eligible to election as an independent candidate. This restriction shall not apply to candidates to those offices specified in KRS 118.105(4), for supervisor of soil and water conservation district, or to candidates participating in nonpartisan elections.*

(2) A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain five thousand (5,000) petitioners; for a representative in congress from any congressional district, or for any officer from any other district except as herein provided, four hundred (400) petitioners; for a county officer or member of the general assembly, one hundred (100) petitioners; for a soil and water conservation district supervisor, twenty-five (25) petitioners; for an officer of a precinct or ward, or other division less than a county except as herein provided, twenty (20) petitioners. The signatures of the petition need not be appended to one (1) paper. No petitioner shall be counted unless his residence, social security number and post-office address are designated. If any person joins in nominating, by petition, more than one (1) nominee for any office to be filled, he shall be counted as a petitioner for the candidate whose petition is filed first, except a petitioner for the nomination of candidates for soil and water conservation district supervisors may be counted for every petition to which his signature is affixed. The petition shall state the name and residence of each of the candidates, the name of the office for which he is running, the district, if applicable, from which he is running, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate. The petition shall designate a brief name or title of the party or principle that the candidate represents, together with any simple figure or device by which it is desired that he be designated on the voting machines. This does not apply to municipal and school board races.

(3) Titles, ranks or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials and contractions of given names may be accepted as the candidate's name.

(4) The secretary of state and county clerks shall examine the petitions of all candidates who file with them to determine whether each petition is regular on its face. If there is an error, the secretary of state or the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.

(5) The state board of elections shall prescribe the forms for the petition.

Section 15. KRS 118.375 is amended to read as follows:

Where a vacancy occurs in any elective office less than one hundred five (105) days before the primary or at any time after the primary, but not less than three (3) months before the general election, independent candidates may file their petitions at the time and place provided for in KRS 118.365*; subject, however, to the restrictions concerning party registration and candidacy provided in KRS 118.315(1).*

Representative Rose moved that the House concur in the Senate Committee Substitute to HB 172. Agreed.

Representative Rose moved that the House concur in the Senate Committee Amendment No. 1 to the Senate Committee Substitute to HB 172. Agreed.

Representative Rose moved that HB 172, by way of Senate Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 79, Nays 3. (See March 26, 1986, roll call on HB 172—Appendix A.)

HB 172, by way of Senate Committee Substitute as amended, was passed and the title agreed to.

Representative Rose moved that the vote by which HB 172, by way of Senate Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 214, HB 215, HB 221, HB 294, HB 481, HB 495, HB 502, HB 517, HB 549, HB 572, HB 609, HB 632, HB 738, HB 873, HJR 28, HCR 62, HCR 66, HCR 75, HJR 81, and

HJR 139 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time 4:18 p.m.)

HB 214, HB 215, HB 221, HB 294, HB 481, HB 495, HB 502, HB 517, HB 549, HB 572, HB 609, HB 632, HB 738, HB 873, HJR 28, HCR 62, HCR 66, HCR 75, HJR 81, and HJR 139 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of HB 148 with Senate Committee Substitute, HB 692, HB 955, and HB 975

Orders of the Day (continued)

HB 224, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No 1 to HB 224 is as follows:

Amend printed copy of HB 224:

Beginning on page 4, line 8 by deleting Sections 5, 6, 7, 8 and 9 in their entirety.

Representative Bendl moved that the House concur in the Senate Amendment No. 1 to HB 224. Agreed.

Representative Bendl moved that HB 224, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 78, Nays 2. (See March 26, 1986, roll call on HB 224—Appendix A.)

HB 224, as amended by the Senate, was passed and the title agreed to.

Representative Bendl moved that the vote by which HB 224, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 238, with Senate Committee Substitute and Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 238 is as follows:

HB 238, AN ACT relating to child abuse.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 199.335 is amended to read as follows:

(1) The purpose of this section, KRS 530.060, 530.070, subsections (4) and (5) of KRS 208.020 and subsections (4) and (5) of KRS 208.990 is to provide for the identifying of any abused or neglected child; to require reports of any suspected abused or neglected child; to assure that the protective services of the state will be made available to an abused or neglected child in order to protect such a child and his siblings; to further prevent abuse or neglect; to preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care; and to provide for immediate and prompt investigation of such reports.

(2) Any physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child caring personnel, resident, intern, chiropractor, dentist, optometrist, health professional, peace officer, mental health professional or other person who knows or has reasonable cause to believe that a child is an abused or neglected child, shall report or cause a report to be made in accordance with the provisions of this section. When any of the above specified persons is attending a child as part of his professional duties, he shall report or cause a report to be made in accordance with the provisions of this section. Nothing in this section is intended to relieve individuals, agencies or organizations of their obligation to report.

(3) A report shall be made immediately by telephone or otherwise to the department or its delegated

representative. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency. If the report is made to any agency other than the department, such agency shall promptly refer the report to the department. The report shall be followed by a written report within forty-eight (48) hours if so requested by the department. The department or its delegated representative shall upon the receipt of the initial report immediately send a report of suspected physical or sexual abuse to the appropriate law enforcement agency for any appropriate action. Such report shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's abuse or neglect (including any evidence of previous abuse or neglect) to this child or his siblings; the name and address of the person responsible for the abuse or neglect; and any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section. The department may request and shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the department to fulfill its responsibilities under this section.

(4) A search warrant shall be issued upon a showing of probable cause that a child is being abused or neglected. If, pursuant to a search under a warrant a child is discovered and appears to be in imminent danger, the child may be removed by the local law enforcement officer. In the event a child who is in a hospital or under the immediate care of a physician appears to be in such certain danger of injury or death if he is returned to the persons having custody of him, the physician or hospital administrator may hold a child in the physician's office or the hospital without court order provided that an attempt is made to obtain such court order at the earliest practicable time not to exceed seventy-two (72) hours. Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person responsible for such child, if the officer has reasonable cause to believe that there exists an imminent danger to the child's life or health.

(5) In a proceeding before the juvenile session of district court to have a child removed from his home and placed in the custody of the department or the court, substantial evidence that the child is an abused or neglected child shall make a prima facie case for removal of the child even though it is not proved conclusively who has perpetrated the abuse or who has caused the neglect.

(6) Anyone acting upon reasonable cause in the making of a report pursuant to this section, KRS 530.060, 530.070, subsections (4) and (5) of KRS 208.020 and subsections (4) and (5) of KRS 208.990 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report.

(7) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding an abused or neglected child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section.

(8) Upon receipt of a report of an abused or neglected child pursuant to this section, the department as the designated agency or its delegated representative shall initiate a prompt investigation, take necessary action and shall offer protective services toward safeguarding the welfare of the child, preventing further abuse or neglect of the child or any other child under the same care, preserve and strengthen family life, where possible, by enhancing parental capacity for adequate child care.

(9) All information obtained by the departmental staff or its delegated representative, as a result of investigation made pursuant to this section shall not be divulged to any one except:

(a) Persons suspected of neglect or abuse, provided that in such cases names of informants may be withheld, unless ordered by the court;

(b) *Both custodial and non-custodial parents or legal guardians of the suspected abused or neglected child, provided that in such cases names of informants may be withheld unless ordered by the court;*

(c) Persons within the department with a legitimate interest or responsibility related to the case;

(d)[~~(c)~~] Other medical, psychological, or social service agencies, or law enforcement agencies that have a legitimate interest in the case; and

(e)[~~(d)~~] Cases where a court orders release of such information.

(10) As a result of any report of suspected child abuse or neglect as defined in KRS 199.011(6) photographs and x-rays or other appropriate medical diagnostic procedures may be taken or caused to be taken, without the consent of the parent or other person responsible for the child, as a part of the medical evaluation or investigation of such reports. Such photographs and x-rays or results of other medical diagnostic procedures may be introduced into evidence in any subsequent judicial proceedings. The person taking such photographs or x-rays shall be immune from criminal or civil liability.

Section 2. KRS 199.011 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary for human resources.

(2) "Cabinet" means the cabinet for human resources.

(3) "Department" means the department for social services.

(4) "Child" means any person who has not reached his eighteenth birthday.

(5) "Dependent child" means any child who is under improper care, control, or guardianship that is not due to the negligence of the parent or guardian, provided that the child is not an abused or neglected child.

(6) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or other person who has the permanent or temporary care, custody or responsibility for the supervision of the child: inflicts or allows to be inflicted upon the child, physical or mental injury to the child by other than accidental means; creates or allows to be created a risk of physical or mental injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse upon the child, *including sexual exploitation*; willfully abandons or exploits such child; does not provide the child with adequate care and supervision; food, clothing and shelter; education; or medical care necessary for the child's well-being; provided, however, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This exception, however, shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.

(7) "Child-caring facility" means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four hour basis to children, not related by blood, adoption or marriage to the person maintaining the facility.

(8) "Child-placing agency" means any agency other than a state agency which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption.

(9) "Child welfare worker" means an employe of the cabinet designated as such by the secretary for human resources or social worker employed by a county or city who has been approved by the cabinet to handle, under its supervision, services to children.

(10) "Boarding home or foster parent" as used in subsection (5) of KRS 199.603 means persons who board children held in custody by the cabinet.

(11) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or of a licensed child-placing agency.

(12) "Group home" means a homelike facility for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

(13) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children.

(14) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons.

(15) "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law.

Section 3. KRS 529.030 is amended to read as follows:

(1) A person is guilty of promoting prostitution in the first degree when he knowingly:

(a) Advances prostitution by compelling a person by force or intimidation to engage in prostitution or profits from such coercive conduct by another; or

(b) Advances or profits from prostitution of a person less than *eighteen (18)* [~~sixteen (16)~~] years old.

(2) Promoting prostitution in the first degree is a Class C felony*:*

(a) If it involves a violation of subsection (1)(a) or if the minor so used is less than eighteen (18) years old at the time the minor engages in the prohibited activity;

(b) Class B felony if the minor so used is less than sixteen (16) years old at the time the minor engages in the prohibited activity;

(c) Class A felony if the minor so used incurs physical injury thereby.

Section 4. KRS 529.040 is amended to read as follows:

(1) A person is guilty of promoting prostitution in the second degree when he knowingly[~~:~~

~~(a)~~] Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes[~~; or~~

~~(b) Advances or profits from prostitution of a person less than eighteen years old~~].

(2) Promoting prostitution in the second degree is a Class D felony.

SECTION 5. A NEW SECTION OF KRS CHAPTER 530 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of unlawful transaction with a minor in the first degree when he knowingly induces, assists, or causes a minor to engage in illegal sexual activity except those offenses involving minors in KRS Chapter 531 and KRS 529.030.

(2) Unlawful transaction with a minor is a:

(a) Class C felony if the minor so used is less than eighteen (18) years old at the time the minor engages in the prohibited activity;

(b) Class B felony if the minor so used is less than sixteen (16) years old at the time the minor engages in the prohibited activity;

(c) Class A felony if the minor so used incurs physical injury thereby.

Section 6. KRS 530.065 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the *second* [~~first~~] degree when he knowingly induces, assists, or causes a minor to engage in [~~illegal sexual activity except those offenses involving minors in KRS Chapter 531 and KRS 529.040(1)(b),~~] illegal controlled substances activity, illegal gambling activity, or any other criminal activity constituting a felony.

(2) Unlawful transaction with a minor in the *second* [~~first~~] degree is a Class D felony.

Section 7. KRS 530.070 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the *third* [~~second~~] degree when:

(a) Acting other than as a retail licensee, he knowingly sells, gives, purchases or procures any alcoholic or malt beverage in any form to or for a minor. The defendant may prove in exculpation that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. This subsection does not apply to a parent or guardian of the minor; or

(b) He knowingly induces, assists, or causes a minor to engage in any other criminal activity; or

(c) He knowingly induces, assists or causes a minor to become a habitual truant; or

(d) He persistently and knowingly induces, assists or causes a minor to disobey his parent or guardian.

(2) Unlawful transaction with a minor in the *third* [~~second~~] degree is a Class A misdemeanor.

Section 8. KRS 531.310 is amended to read as follows:

(1) A person is guilty of the use of a minor in a sexual performance if he employs, consents to, authorizes or induces a minor to engage in a sexual performance.

(2) Use of a minor in a sexual performance is:

(a) A Class *C* [~~D~~] felony if the minor so used is less than eighteen (18) years old at the time [~~of~~] the *minor engages in the prohibited activity* [~~offense~~];

(b) A Class *B* [~~C~~] felony if the minor so used is less than sixteen (16) years old at the time [~~of~~] the *minor engages in the prohibited activity* [~~offense~~];

(c) A Class *A* [~~B~~] felony if the minor so used incurs physical injury thereby.

Section 9. KRS 531.320 is amended to read as follows:

(1) A person is guilty of promoting a sexual performance by a minor when, knowing the character and content thereof, he produces, directs or promotes any performance which includes sexual conduct by a minor.

(2) Promoting a sexual performance by a minor is:

(a) A Class *C* [~~D~~] felony if the minor involved in the sexual performance is less than eighteen (18) years old at the time [~~of~~] the *minor engages in the prohibited activity* [~~offense~~];

(b) A Class *B* [~~C~~] felony if the minor involved in the sexual performance is less than sixteen (16) years old at the time [~~of~~] the *minor engages in the prohibited activity* [~~offense~~];

(c) A Class *A* [~~B~~] felony if the minor involved in the sexual performance incurs physical injury thereby.

The Senate Amendment No. 1 to the Senate Committee Substitute to HB 238 is as follows:

Amend printed copy of HB 238 to the Senate Committee Substitute on page 5, lines 16 through 19, by deleting paragraph (b) in its entirety and inserting in lieu thereof the following:

(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected or abused;

And on page 5, line 20,

By placing brackets around and striking through the word "department" and inserting in lieu thereof the word "*cabinet*"

And on page 5, line 22,

By inserting after the word "psychological," the word "*educational,*"

And on page 5, line 25,

By placing brackets around and striking through the words "Cases where a court orders release of such information." and inserting in lieu thereof the following:

A non-custodial parent when the dependency, neglect or abuse is substantiated; or

(f) Those persons so authorized by court order.

Representative Kerr moved that the House concur in the Senate Committee Substitute to HB 238. Agreed.

Representative Kerr moved that the House concur in the Senate Amendment No. 1 to the Senate Committee Substitute to HB 238. Agreed.

Representative Kerr moved that HB 238, by way of Senate Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 26, 1986, roll call on HB 238—Appendix A.)

HB 238, by way of Senate Committee Substitute as amended, was passed and the title agreed to.

Representative Kerr moved that the vote by which HB 238, by way of Senate Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 526, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 2 to HB 526 is as follows:

Amend printed copy of HB 526 as follows:

On page 11, after line 15 by adding:

SECTION 17. A NEW SECTION OF SUBTITLE 1 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

In the absence of fraud or bad faith, no person shall be subject to civil liability for defamation or any other relevant tort, and no civil cause of action of any nature shall arise against such person, for information given to law enforcement authorities concerning:

(1) False statements as a part of the application for the issuance of a commercial insurance policy;

(2) False statements in support of the rating of a commercial insurance policy; and

(3) False claims submitted to insurers, nonprofit hospital, medical-surgical, dental and health service corporations, health maintenance organizations, or prepaid dental plan organizations.

Section 18. KRS 304.35-060 is amended to read as follows:

[~~(1) There shall be no liability on the part of, and no cause of action of any nature shall arise against member insurers, any inspection bureau, placement facility, or reinsurance association, or the governing committee, agents or employes, or the Commissioner of Insurance or his authorized representatives, for any inspections undertaken or statements made by any of them concerning the property to be insured, or any person having a legal interest therein, and any reports and communications in connection therewith shall not be considered public documents.~~

~~(2)~~] All rights and obligations accruing under Chapter 65 of the 1972 Acts are hereby preserved. The plan and association created pursuant to KRS 304.35-010 to 304.35-050 shall become the successors to the plan and association created pursuant to Chapter 65 of the 1972 Acts, and shall assume all assets and liabilities thereof existing on July 15, 1980, and shall hold all such surplus assets, after the payment of all such liabilities, as a security fund for the payment of loss to insured property or expense of operating said plan and association until either said security fund is exhausted or the plan and association of any lawful successor thereto is dissolved.

Representative Holbrook moved that the House concur in the Senate Amendment No. 2 to HB 526. Agreed.

Representative Holbrook moved that HB 526, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 26, 1986, roll call on HB 526—Appendix A.)

HB 526, as amended by the Senate, was passed and the title agreed to.

Representative Holbrook moved that the vote by which HB 526, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 677, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1, 2, and 3 to HB 677 are as follows:

Amend printed copy of HB 677:

On page 30, line 15, delete "*section*" and insert "*subsection*" in lieu thereof.

On page 30, line 3, by deleting "*two hundred dollars ($200)*" and inserting "*one hundred eighty dollars ($180)*" in lieu thereof.

On page 2, line 23, by adding "*Kentucky academic association,*" after "education association,"

Representative Barrows moved that the House concur in the Senate Amendment No. 1 to HB 677. Agreed.

Representative Barrows moved that the House refuse to concur in the Senate Amendment No. 1 to HB 677. Agreed.

Representative Barrows moved that the House refuse to concur in the Senate Amendment No. 3 to HB 677. Agreed.

Representative Stumbo moved that the rules be suspended to allow a meeting of the Committee on Rules. Agreed.

Recess

Representative Stumbo moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Stumbo moved the adoption of the following HR 166:

HR 166, A RESOLUTION creating a commission to study matters relating to revenue, revenue distribution, and other matters relating to economic development and public services in Kentucky's mineral producing regions.

WHEREAS, Kentucky's mineral producing regions are traditionally rich in natural resource wealth but poor in the public services they provide to their residents; and

WHEREAS, mineral production generally serves to benefit those directly engaged in its development but often does little for others in the region or for the community at large; and

WHEREAS, Kentucky's mineral producing regions need a diversified economy and an improved, efficient public sector to fairly provide for the future of their citizens; and

WHEREAS, the current revenue and public service distribution system does not appear to provide the quality results that we are obligated to provide for our present and future generations;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a commission to study legislative measures that might be taken to stimulate the development and diversification of the Commonwealth's mineral producing regions and to enhance the ability of the public sector to provide the services necessary for growth and development in those regions. The task force shall study the economic and fiscal impacts of alternative revenue options that might be used in connection with Kentucky's minerals and mineral production including, but not limited to, a tax on all unmined minerals, a tax on mineral royalties, changes in the structure and distribution of coal and mineral severance taxes. The commission shall include in its mission the consideration of ways to direct and restrict the use of public revenues from minerals and mineral production to ensure that they are used in the most efficient ways to ensure the future growth and development of the region.

Section 2. The commission shall be composed of three (3) members of the house of representatives, chosen by the speaker of the house; two (2) members of the senate, chosen by the president pro tem of the senate; five (5) representatives of the coal industry and five (5) individuals chosen as representatives of efforts to increase mineral taxation in Kentucky, with the non-legislative members chosen jointly by the speaker and the president pro tem.

Section 3. Staff services shall be provided by the legislative research commission from the regular budget and are estimated to cost $10,000.

HR 166 was adopted by voice vote.

The Speaker appointed the following Conference Committees:

HB 124—Representatives Brinkley, Chairman; Hancock, Reinhardt.

HB 37—Representatives Mann, Chairman; Bronger, Holbrook.

The Speaker appointed the following Free Conference Committees:

HB 398—Same members as appointed to Conference Committee.

HB 262—Same members as appointed to Conference Committee.

Motions, Petitions and Communications

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 3 to SB 241, by Representative Lear:

Amend printed copy of GA Copy of SB 241:

On page 1, line 12, by deleting the word "*means*" and inserting in lieu thereof the words "*shall include, but not be limited to, the following*".

Floor Amendment No. 2 to SB 241, by Representative Lear:

Amend printed copy of GA Copy of SB 241:

Beginning on page 1, line 3, by deleting the words "*the city's*"; and on page 1, line 5, by deleting the word "*its*"; and

on page 1, line 8, by inserting after the word "*class,*" the words "*or urban county government*"; and

on page 1, line 9, by deleting the word "*city*" and insert in lieu thereof the word "*jurisdiction*"; and

on page 1, line 12, by deleting the word "*means*" and inserting in lieu thereof the words "*shall include, but not be limited to, the following*".

Floor Amendment No. 1 to SJR 44, by Representative Burch:

Amend printed copy of GA Copy of SJR 44:

On pages 1 and 2,

By changing the word "child" to "day" throughout the WHEREAS clauses and in the body of the resolution.

Floor Amendment No. 2 to SB 317, by Representative Farrow:

Amend printed copy of SB 317:

On page 1, by inserting the following before line 1:

SECTION 1. A NEW SECTION OF KRS 15.410 TO 15.510 IS CREATED TO READ AS FOLLOWS:

(1) Beginning in calendar year 1988, the department of state police shall receive out of the law enforcement foundation program fund a supplement of two thousand five hundred dollars ($2,500) for each state police officer in its employ pursuant to KRS 16.050 who is qualified in accordance with subsection (2) of this section.

(2) In order to be qualified to share in the distribution of funds from the law enforcement foundation program:

(a) A Kentucky state police officer employed on or after the effective date of this Act shall successfully complete a basic training course of at least four hundred (400) hours duration within one (1) year of his date of employment; and

(b) A Kentucky state police officer shall successfully complete each calendar year, beginning with calendar year 1988, an in-service training course of at least forty (40) hours duration, appropriate to the officer's rank and responsibilities.

(3) The commissioner of state police shall determine the training courses to be offered under subsection (2) of this section.

(4) Law enforcement foundation program funds made available to the department of state police shall be expended in accordance with the following restrictions:

(a) Funds provided shall be used only as a cash salary supplement to qualified state police officers;

(b) Funds provided shall be used only to compensate state police officers who have complied with subsection (2) of this section;

(c) Each qualified state police officer shall be entitled to receive the supplement which his qualifications bring to the department of state police; and

(d) The supplement paid each state police officer shall be in addition to his regular salary and shall not be used to supplant existing salaries nor as a substitute for normal salary increases periodically due to state police officers.

(5) The finance and administration cabinet, on the certification of the justice cabinet, shall transfer to the department of state police the funds to which it is entitled under this section.

Section 2. KRS 15.330 is amended to read as follows:

(1) The council is vested with the following functions and powers:

(a) To prescribe standards for the approval and continuation of approval of schools at which law enforcement training courses required under KRS 15.310 to 15.510 and KRS 15.990 to 15.992 shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance related thereto;

(b) To prescribe minimum qualifications for instructors at such schools, except that institutions of higher education shall be exempt from council requirements;

(c) To prescribe qualifications for attendance and conditions for expulsion from such schools;

(d) To approve, to issue and to revoke for cause certificates to schools and instructors as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(e) To approve law enforcement officers and other persons as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(f) To inspect and evaluate schools at any time and to require of schools, instructors and persons approved or to be approved under the provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992, any information or documents;

(g) To recommend reasonable rules and regulations to the secretary to accomplish the purposes of KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(h) To monitor the law enforcement foundation program as prescribed in KRS 15.410 to 15.510; and

(i) To adopt bylaws for the conduct of its business not otherwise provided for.

(2) The provisions of *this section,* KRS 15.310 to *15.370* [~~15.510~~] and KRS 15.990 to 15.992 do not apply to the department of state police.

Section 3. KRS 15.410 is amended to read as follows:

It is the intention of the general assembly to assure that the criminal laws of the Commonwealth are enforced fairly, uniformly and effectively throughout the state by strengthening and upgrading *state and* local law enforcement; to attract competent, highly qualified young people to the field of law enforcement and to retain qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, and the visitors to, this Commonwealth; and to offer a state monetary supplement for *state and* local law enforcement officers while upgrading the educational and training standards of such officers.

Section 4. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

(1) "Local unit of government" means any city or county, or any combination of cities and counties, of the Commonwealth.

(2) "Police officer" means a full-time member *of the Kentucky state police appointed pursuant to KRS 16.050 or* of a lawfully organized police department of county or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but does not include [~~Kentucky state police~~], any elected officer, sheriff, deputy sheriff, constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer or any other peace officer not specifically authorized in KRS 15.410 to 15.510.

(3) "Council" means the Kentucky law enforcement council.

Section 5. KRS 15.430 is amended to read as follows:

(1) There is hereby established the law enforcement foundation program fund consisting of appropriations from the general fund of the Commonwealth of Kentucky, and insurance premium surcharge proceeds which accrue to this fund pursuant to KRS 42.190 and 136.392. Any other funds, gifts, or grants made available to the state for distribution to *state police officers or to* local units of government in accordance with the provisions of KRS 15.410 to 15.510 also shall be made a part of this fund.

(2) All monies remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account, and shall not lapse, and shall be continuously appropriated for the purposes specified in KRS 15.410 to 15.500, and shall not be disbursed, expended, encumbered or transferred for any use or purpose other than as prescribed by KRS 15.410 to 15.500.

Section 6. KRS 15.450 is amended to read as follows:

(1) The secretary or his designated representative shall administer the law enforcement foundation program fund pursuant to the provisions of KRS 15.410 to 15.510 and may issue such reasonable rules and regulations as, in his judgment, are necessary to carry out his responsibilities under KRS 15.410 to 15.510.

(2) The secretary or his designated representative shall determine which local units of government are eligible to share in the law enforcement foundation program fund and may withhold or terminate payments to any local unit that does not comply with the requirements of KRS 15.410 to 15.510 or the rules and regulations issued by the justice cabinet under KRS 15.410 to 15.510.

(3) *The secretary or his designated representative shall determine the amount of law enforcement foundation program funds to which the department of state police is entitled under Section 2 of this Act.*

(4) The justice cabinet shall, from monies appropriated and accruing to the fund as provided under KRS 15.430, receive reimbursement for the salaries and other costs of administering the fund, including, but not limited to, council operations and expenses. The amount to be reimbursed for any given year shall be determined by the council and shall not exceed five percent (5%) of the total amount of funds for that year.

(5)[~~(4)~~] The justice cabinet shall furnish periodically to the council such reports as may be deemed reasonably necessary.

Section 7. KRS 15.500 is amended to read as follows:

(1) If funds appropriated by the general assembly and otherwise made available to the law enforcement foundation program fund are insufficient to provide the amount of money required by KRS 15.460 *and Section 2 of this Act*, the justice cabinet shall establish the rate of assistance to be paid to eligible local units of governments *and the department of state police.*

(2) Funds unexpended by the justice cabinet at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund pursuant to KRS 15.430, 42.190 and 136.392, shall not lapse as provided by KRS 45.229, but shall be carried forward into the following fiscal year, and shall be used solely for the purposes specified in KRS 15.410 to 15.500.

And on page 1, line 1, by changing "Section 1" to "Section 8"; and

On page 3, line 17, by changing "Section 2" to "Section 9".

Floor Title Amendment No. 3 to SB 67, by Representative Siler:

Amend printed copy of GA Copy of SB 67:

On page 1, by amending the title to read:

"AN ACT relating to state government."

Floor Amendment No. 3 to SB 67, by Representative Siler:

Amend printed copy of GA Copy of SB 67:

On page 1, after line 18, by inserting the following:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

There is hereby created the Kentucky occupational information coordinating committee.

(1) The committee shall coordinate the development, analysis, dissemination and application of occupational and career information for the purposes of planning occupational, career and employment training and for its use in making decisions by the unemployed, the underemployed, trainees and youth. The committee shall facilitate the integration of occupational and career information into program planning.

(2) The committee shall do all things necessary to comply with public law No. 98-524, the Carl D. Perkins vocational education act, public law No. 97-300, the job training partnership act and other related public laws which mandate the establishment of state occupational information systems and state occupational information coordinating committees.

(3) The Kentucky occupational information coordinating committee shall be composed of the chancellor of the community college system, the commissioner of the department of economic development, the commissioner of the department for employment services, the director of the state job training coordinating council, the associate superintendent for vocational education and the associate superintendent for vocational rehabilitation. The chairman shall be elected annually at the January meeting. Committee members shall not receive any compensation but shall be reimbursed for their expenses in attending meetings and other authorized activities as provided by regulation.

(4) The committee shall meet as often as necessary, but at least quarterly, to effectuate its purposes. Meetings shall be called by the chairman and notice of such meetings shall be either in writing or by telephone. For the purposes of conducting business, four (4) members shall constitute a quorum.

(5) The committee shall be attached to the department for employment services for administrative purposes, shall be considered a budget unit for the purposes of KRS 48.050 and may hire whatever staff it deems necessary. Such staff shall be considered classified and shall be governed by the provisions of KRS Chapter 18A and other applicable state laws.

SECTION 3. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

There is hereby established a special projects committee.

(1) The committee shall advise and supply technical and operational assistance to the Kentucky occupational information coordinating committee.

(2) The committee shall be composed of:

(a) One (1) representative each from the following:

1. The governor's council on vocational education;

2. The council of independent Kentucky colleges and universities;

3. The Kentucky association of service delivery area administrators;

4. The board for proprietary education;

5. The Kentucky chamber of commerce;

6. The Kentucky council of area development districts;

7. The private industry councils;

8. The vocational education regional directors;

9. The Kentucky association of career colleges and schools;

10. The Kentucky economic information system of the university of Kentucky; and

11. The Kentucky state data center of the university of Louisville.

(b) One (1) representative each from the information resources staff of the following:

1. The council on higher education;

2. The state apprenticeship and training council;

3. The division of student services of the department of education;

4. The department of economic development;

5. The community college system;

6. The state job training coordinating council;

7. The office of vocational education;

8. The office of vocational rehabilitation;

9. The department of military affairs;

10. The program development branch of the corrections cabinet; and

11. The department for employment services;

(c) The executive director of the bluegrass state skills corporation.

(3) The members of the committee shall annually elect a chairman and a vice-chairman at the January meeting.

(4) The committee shall meet as often as necessary but at least once in every two (2) months, to effectuate its purposes. Meetings shall be called by the chairman and notice of such meetings shall be either in writing or by telephone.

SECTION 4. A NEW SECTION OF KRS CHAPTER 195 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky occupational information coordinating committee shall facilitate the development, implementation and application of:

(a) The Kentucky occupational information system. The system shall use data collected by various programs and apply standardized estimating procedures to develop current and projected labor market supply and demand data. The system shall be designed to meet the job planning requirements of students, planners, program administrators, trainees, the unemployed and the underemployed; and

(b) The Kentucky career information delivery system, which shall be a part of the Kentucky occupational information system. The system shall provide career planning information to the educational, job training and employment facilities throughout the Commonwealth.

(2) The Kentucky occupational information coordinating committee shall insure that data and information from both systems are made available and exchanged with cooperating states and federal agencies."

And on page 1, line 19, by changing "Section 2." to "Section 5."

And on page 2, line 1, by inserting before the word "this" the phrase "section 1 of"

Floor Amendment No. 2 to House Committee Substitute to SB 153, by Representative Deskins:

Amend printed copy of House Committee Substitute for SB 153:

on page 4, line 2, by adding the following after the word "*law*" and before the period ".": "*and shall consider and maximize the use of Kentucky energy resources and agricultural products whenever possible*"

Floor Amendment No. 1 to SB 371, by Representative Smith:

Amend printed copy of GA copy of SB 371:

On page 4, after line 15, by adding the following:

Section 2. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Secretary" means the secretary of revenue;

(2) "Cabinet" means the revenue cabinet;

(3) For tax years beginning on or after January 1, 1982, except as otherwise provided in this section, "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 1981, including the provisions of the Economic Recovery Tax Act of 1981 effective on the dates specified in that law exclusive of any amendments made subsequent to that date and as modified by KRS 141.0101, *except that the provisions of KRS 141.0101 shall not apply to individuals;*

(4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) For taxable years beginning on or after January 1, 1974, "federal income tax" means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, *except that the provisions of KRS 141.0101 shall not apply to individuals:*

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude employe pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employe;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once, *and except that the provisions of KRS 141.0101 shall not apply to individuals:*

(a) Include all overpayments of federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct federal income tax;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code as modified by KRS 141.0101 and by Section 214 of the Internal Revenue Code as it existed on December 31, 1975 except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;

(b) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(h);

(c) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101 except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(d) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(e) Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);

(14) (a) "Taxable net income," in the case of corporations having property or payroll only in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations having property or payroll both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120; and

(c) "Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction;

(15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the secretary, "taxable year" means the period for which such return is made;

(17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employe" means "employe" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), and (q) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(24) "Corporations" means "corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;

(25) "Electing small business corporations" means "electing small business corporations" as defined in Section 1371(b) of the Internal Revenue Code. Stockholders of a corporation qualifying after December 31, 1979 as "electing small business corporations" under Chapter 141 may elect to treat such qualification as an initial qualification under Internal Revenue Code Sections 1371-1378.

Floor Amendment No. 2 to SB 281, by Representative B. Jones:

Amend printed copy of GA copy of SB 281:

On page 4, line 8 after "*manager*" by adding "*, marketing or maintenance personnel*"; and

On page 4, line 9 by deleting "*manager*" and inserting "*person*".

Floor Amendment No. 1 to SB 244, by Representative Arnold:

Amend printed copy of GA copy of SB 244:

On page 4, line 13, beginning with, "Section 2." and continuing through to line 18 ending with the period (.) after "governor" by deleting all of this language and punctuation in its entirety.

Floor Title Amendment to SB 244, by Representative Arnold:

Amend printed copy of GA copy of SB 244:

By amending TITLE to read as follows: "AN ACT relating to jails."

Floor Amendment No. 6 to SB 309, by Representative LeMaster:

Amend printed copy of SB 309:

On page 3, line 9 by deleting "*seven (7)*" and inserting in lieu thereof "*nine (9)*"

On page 3, line 9 by deleting "*serving terms as established in the plan*"

On page 3, by deleting line 10 in its entirety

On page 3, line 11 by deleting "*shall be*"

On page 3, line 11 by inserting "*.*" after "*commissioner*"

On page 3, line 11 by deleting "*in the same manner*"

On page 3 by deleting lines 12 through 14 in their entirety.

Floor Amendment No. 1 to SB 162, by Representative B. Richardson:

Amend printed copy of SB 162:

on page 3, after line 25, add the following language:

Section 3. KRS 186.060 is amended to read as follows:

(1) Applications for registration of motor vehicles owned exclusively by a county, city, urban county, or board of education *or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government* in the state or by the state or federal government shall be accompanied by a statement from the head of the department of the governmental unit that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the cabinet, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and the official number plate described in KRS 186.240(3), and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty (50) cents in each instance, to be paid by the department upon whose authorization such license was issued.

(2) After such registration of any vehicle owned exclusively by a county, city, urban county, or board of education *or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government* in the state or by the state or federal government and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusively by such governmental unit except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

(3) When a motor vehicle owned exclusively by a county, city, urban county, or board of education *or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government* in the state or by the state or federal government is transferred or sold to another governmental unit a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.

(4) No person shall use on a motor vehicle, not exclusively owned by a county, city, urban county, board of education *or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government* in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle owned by such a governmental unit.

Floor Amendment No. 1 to SB 337, by Representative Johnson:

Amend printed copy of SB 337:

On page 19, after line 9, insert:

"Section 10. KRS 271A.397 is amended to read as follows:

(1) In addition to any vote otherwise required by law or the articles of incorporation of the corporation, a business combination shall be recommended by the board of directors and approved by the affirmative vote of at least:

(a) Eighty percent (80%) of the votes entitled to be cast by outstanding shares of voting stock of the corporation, voting together as a single voting group; and

(b) Two-thirds of the votes entitled to be cast by holders of voting stock other than voting stock beneficially owned by the interested shareholder who is, or whose affiliate is, a party to the business combination or by an affiliate or associate of such interested shareholder, voting together as a single voting group.

(2) Unless a business combination is exempted from the operation of KRS 271A.396 to 271A.399 in accordance with the terms hereof, the failure to comply with the voting requirements of subsection (1) of this section shall render such business combination void.

(3) Notwithstanding anything to the contrary contained in this chapter (except the provisions of KRS 271A.398(5)(a)), no corporation shall engage in any business combination with any interested shareholder of such corporation (regardless of whether such person became an interested shareholder before the effective date of this Act) for a period of five (5) years following the date on which such interested shareholder became an interested shareholder unless such business combination is approved by the board of directors of such corporation prior to such date on which the interested shareholder became an interested shareholder. If a good faith proposal is made in writing to the board of directors of such corporation regarding a business combination, the board of directors shall respond, in writing, within thirty (30) days or such shorter period, if any, as may be required by the Securities Exchange Act of 1934, setting forth its reasons for its decision regarding such proposal. For purposes of this subsection (3) only, the term business combination shall additionally include any receipt by such interested shareholder or any affiliate or associate of such interested shareholder of the benefit, directly or indirectly (except proportionately as a shareholder of such corporation) of any loans, advance, guarantees, pledges or other financial assistance or any tax credits or other tax advantages provided by or through such corporation.

Section 11. Whereas the General Assembly finds that the Commonwealth will benefit by the implementation of the provisions of this Act as soon as may be possible, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

Floor Amendment No. 1 to SB 48, by Representative Maggard:

Amend printed copy of SB 48:

on page 4, line 19, after "enlargement." by adding the following:

"Section 2. KRS 353.590 is amended to read as follows:

(1) Any person, seeking a permit required by KRS 353.570, shall submit to the department a written application in such form as may be prescribed by the department.

(2) Each application shall be accompanied by a specified fee as follows:

(a) The fee shall be one hundred dollars ($100) for each well to be drilled, deepened or reopened for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole.

(b) If the department receives delegation of authority for administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended), the department may, by regulation, establish a fee or schedule of fees in an amount not to exceed fifty dollars ($50.00) per well, in addition to the fees imposed by paragraph (a) of this subsection, upon each application to drill, deepen or reopen a well for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole. The fees or schedule of fees to be established by regulation shall not exceed an amount sufficient to recover the costs incurred by the department in administering the underground injection control program less any other state or federal funds which are made available for such purpose.

(c) All money paid to the state treasurer for fees required by paragraph (b) of this subsection shall be for the sole use of the department in the administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended).

(3) All money paid to the state treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the general assembly for the use of the department.

(4) Each application shall be accompanied by a plat, which shows the location and elevation of each well, prepared according to the rules and regulations promulgated under KRS 353.500 to 353.720. The plat shall be certified as accurate and correct by the applicant, a qualified employe of the applicant, a person approved by the department, or an engineer registered in Kentucky, provided that when the location of the well is known to be underlaid by coal-bearing stratum, such plat shall be certified accurate and correct only by an engineer registered in Kentucky. If any plat submitted by an applicant is determined by the department to be materially inaccurate or incomplete, the department may require that a new plat be prepared and submitted either by a person approved by the director or an engineer registered in Kentucky. The department may further require that all future plats submitted by such an applicant be prepared either by a person approved by the director or an engineer registered in Kentucky.

(5) No later than the filing of the application with the department for a permit to drill and prior to any site preparation, the applicant shall give notice by certified mail of intent to drill to the property owner or owners of the surface of the land to be drilled or to be affected by surface disturbances as a result of the drilling operation. Such notice shall contain a correct copy of the plat required to be submitted with the application.

(*6*) When any person submits to the department of mines and minerals an application for a permit to drill a well, or to reopen, deepen or temporarily abandon any well which is not covered by surety bond, the department shall except as provided in this section, require from the well operator a bond in the sum of $1,000 in favor of the department of mines and minerals, conditioned that the well upon abandonment shall be plugged in accordance with the rules and regulations of the department and that all records required by the department be filed as specified. The bond shall remain in effect until the plugging of the well is approved by the department, or the bond is released by the department. Any well operator in lieu of such bond may file with the department a blanket bond in a sum of $5,000, covering all wells drilled or to be drilled in the Commonwealth by the principal in the bond, and the acceptance and approval by the department of such blanket bond shall be in full compliance with the above provision requiring an individual well bond. The bond or bonds referred to in this section shall be executed by the well operator as principal and by a corporate surety authorized to do business in the Commonwealth. A deposit in cash shall serve in lieu of either of the above bonds.

(*7*) [~~6~~]Notification in writing to the department by a successor to the well operator with bond as provided in subsection *(6)* [~~(5)~~] that said successor is assuming the obligations of this chapter as to a particular well or wells, will relieve the original permittee of responsibility under this chapter with respect to such well or wells.

(*8*) [~~7~~]If the requirements of subsection *(6)* [~~(5)~~] with respect to proper plugging upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five (45) days after mailing of the notice, the bond shall then be forfeited to the department.

(*9*) [~~8~~]When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the attorney general, who shall collect the forfeiture.

(*10*) [9]All sums received through the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account to be designated as the oil and gas well plugging fund. This fund shall be available to the department and may be expended for the plugging of any abandoned wells coming within the authority of the department pursuant to this chapter. The plugging of any well pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for such plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

(*11*) [~~10~~]Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of said hole confidential until such information is allowed to be released by the person obtaining such permit.

(*12*) [~~11~~]For the purpose of this chapter, ''water supply well'' shall not include:

(a) Any well for a potable water supply for domestic use or for livestock.

(b) Any water well used primarily for cooling purposes in an industrial process.''

Floor Amendment No. 2 to SB 273, by Representative Rapier:

Amend printed copy GA Copy of SB 273:

On page 4,

By deleting lines 6 and 7 in their entirety and inserting in lieu thereof the following new sections:

''SECTION 5. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of this chapter to the contrary, a licensed acute care hospital may, upon meeting appropriate standards as determined by the cabinet, whether or not a capital expenditure is required for the implementation and without certificate of need approval, obtain a dual license for twenty-five (25) licensed acute care beds or ten percent (10%) of the hospital's total licensed acute care bed capacity, whichever is greater, to provide skilled nursing or intermediate care in such beds. No person shall be admitted to an acute care bed for the purpose of receiving intermediate care or skilled nursing care unless there is not a certified bed available in any intermediate care facility or skilled nursing facility within the county of residence of the patient or of the hospital or the patient has been refused admission to such intermediate care facility or skilled nursing facility. Dual licensure of acute care beds does not constitute either a substantial change in bed capacity or a substantial change in a health service.

SECTION 6. Sections 1 through 4 of this Act shall become effective on July 1, 1987.''

Floor Title Amendment to SB 273, by Representative Rapier:

Amend printed copy of GA copy of SB 273:

TITLE

By amending the title to read as follows:

''AN ACT relating to long-term health care.''

Floor Amendment No. 1 to SB 88, by Representative Hancock:

Amend printed copy of GA copy of SB 88:

On page 1, line 1:

Before the word ''Section'' insert the following:

SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) The commissioner may refuse to examine an applicant; or, after examination, may disqualify an applicant, remove his name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed if:

(a) It is found that he does not meet any one (1) of the preliminary requirements established for the examination for the class of position;

(b) He is unable to perform the duties of the class;

(c) He has made a false statement of material fact in his application;

(d) He has used or attempted to use political pressure or bribery to secure an advantage in the examination;

(e) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled;

(f) He has failed to submit his application correctly or within the prescribed time limits;

(g) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant;

(h) He has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause of which he had knowledge were pending;

(i) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(j) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification; or

(k) He has otherwise wilfully violated the provisions of this Act.

(2) An eligible may be removed from a register:

(a) If the eligible cannot be located by postal authorities at the last address provided by the eligible;

(b) If the eligible responds in writing that he no longer desires consideration for position in that class;

(c) If the eligible declines an offer of probationary appointment to the class for which the register was established;

(d) If it is shown that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;

(e) If the eligible fails to reply within a period of ten (10) calendar days of the receipt of the written request of the appointing authority for an interview, or fails to appear for an interview which he has scheduled with the appointing authority without good cause;

(f) If the eligible accepts an appointment and fails to present himself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority;

(g) If the eligible states in writing that he is not available for appointment or does not wish to be considered for appointment; or

(h) Notices to eligibles required under the provisions of this section shall be sent by certified mail return receipt requested.

(3) When an eligible notifies the department in writing that he is unavailable for employment or employment consideration, the department may remove the name of that eligible from the appropriate register without further notification to the person.

(4) When the department is notified in writing by an appointing authority that an eligible has accepted a bona fide offer of probationary appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he has been appointed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Except when appointed to a job classification with an initial probationary period in excess of six (6) months, an employe shall serve a six (6) months probationary period when he is initially appointed to the classified service. An employe may be separated from his position, reduced in class or rank, or replaced on the eligible list during this initial probationary period and shall not have the right to appeal except as provided by Section 15 of this Act. If an employe is separated from his position, he shall be notified in writing at least ten (10) working days prior to separation. A copy of the notification shall be forwarded to the commissioner. The employe shall be placed on an eligible list but shall not be certified to the agency from which he was separated unless that agency so requests. Unless the appointing authority notifies an employe prior to the end of the initial probationary period that he is separated, the employe shall acquire status in the classified service.

(2) An employe who satisfactorily completes the initial probationary period for the position to which he was initially appointed to the classified service shall be granted status and shall not be demoted, disciplined, dismissed, or otherwise penalized except as provided by the provisions of this Act.

(3) An employe ordered reinstated by the board shall not be required to serve a probationary period unless the board rules otherwise.

(4) An employe with status who has been promoted shall serve a probationary period of six (6) months. During this period, he shall retain the rights and privileges granted by the provisions of this Act to employes with status. An employe with status shall be evaluated after serving his promotional probation as provided by Section 3 of this Act.

(5) An employe with status may request that he be reverted to a position in his former class at any time during the promotional probationary period.

(6) A laid-off employe who accepts a bona fide written offer of appointment to a position shall not be required to serve an initial probationary period. Such an employe shall serve a promotional probationary period. He shall be an employe with status and shall have all rights and privileges granted employes with status under the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Evaluations of employes shall comply with the provisions of this section.

(2) Salary advancements, promotions and demotions shall be determined by an employe's performance evaluation.

(3) Evaluations shall be in writing. An evaluator shall present and explain all documentation affecting an employe's evaluation and shall discuss every aspect of his performance with the employe at each evaluation. The evaluator shall elicit the employe's opinions and suggestions, and shall advise the employe of the measures needed to improve his performance.

(4) Each full-time employe who has completed his initial probationary period; each part-time employe who works over one hundred (100) hours each month and who has completed his initial probationary period; and each federally funded time limited employe who has completed six (6) months service shall be evaluated.

(5) (a) The first line supervisor of an employe shall be his evaluator, providing he has supervised the employe for a period of at least ninety (90) calendar days.

(b) If the evaluator has supervised an employe for at least ninety (90) calendar days, and if he ceases to be the employe's first line supervisor after such period of time, he shall evaluate the employe at least five (5) working days prior to the day he ceases to be the employe's supervisor.

(c) If the first line supervisor ceases to be the supervisor of an employe due to the suspension, demotion or dismissal of the first line supervisor, paragraph (b) of this subsection shall not apply.

(d) If the first line supervisor ceases to be an employe's supervisor because the employe transfers, the first line supervisor shall evaluate the employe prior to his transfer, provided he has supervised the employe no less than ninety (90) calendar days prior to notification of his transfer.

(6) An employe's performance shall be evaluated in each of the following categories:

(a) Job knowledge and skills;

(b) Quality of work;

(c) Productivity;

(d) Employe conduct, provided that the requirements of subsection (2)(c) of Section 8 of this Act have been met; and

(e) Improvement in performance provided that the requirements of subsection (2)(c) of Section 8 of this Act have been met.

(7) For each category, one of the following ratings shall be given:

(a) Exceeds performance requirements;

(b) Meets performance requirements; or

(c) Fails to meet performance requirements.

(8) The ratings provided for in subsection (7) of this section shall be determined as follows:

(a) Exceeds performance requirements means that, in each category, an employe's performance exceeds the performance requirements established for the employe's job;

(b) Meets performance requirements means that, in each category, an employe's performance meets the performance requirements established for the employe's job; and

(c) Fails to meet performance requirements means that an employe has failed to meet the performance requirements established for the employe's job in at least one (1) category.

(9) An employe who exceeds performance requirements shall be awarded a lump sum payment. Such lump sum payment shall not increase the base salary or wages of the employe.

(10) Upon appointment to a position for which an evaluation is required by this section, and prior to the evaluation period of an evaluator shall:

(a) Identify the specific performance requirements established for an employe's job;

(b) Meet with the employe to inform him of such requirements and to discuss them with the employe; and

(c) Provide the employe with a written job description in sufficient detail to convey to the employe the specific performance requirements of his job including but not limited to specific duties, time limits, reporting requirements, and required procedures.

(11) (a) At intervals of six (6) months and twelve (12) months after the procedure provided for in subsection (10) of this section, the evaluator shall:

1. Evaluate the employe's performance in writing;

2. Assign a rating to each category and an overall rating to the employe's performance; and

3. Discuss such evaluation with the employe.

(b) The final rating of the employe's performance shall be made after the two (2) evaluations provided for in paragraph (a) of this subsection.

(12) (a) Within five (5) working days of an evaluation, an employe may request reconsideration of such evaluation by the evaluator.

(b) Within five (5) working days of such reconsideration, an employe may:

1. Submit a written response to any evaluation. Such response shall be attached to the evaluation; and

2. Submit a written request for reconsideration of any evaluation to his second line supervisor.

(c) No later than fifteen (15) working days after receipt of such request, the second line supervisor shall inform the employe and the evaluator in writing of his decision after he has:

1. Obtained written statements from both the employe and the evaluator; or

2. Met with the employe and the evaluator.

(13) Within thirty (30) days after the employe has received the written decision of his second line supervisor, he may appeal an evaluation to the board.

(14) If an employe receives a "fails to meet performance requirements" rating on two (2) successive evaluations, he shall be:

1. Demoted to a position commensurate with his abilities; or

2. Terminated.

SECTION 4. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) It shall be unlawful to coerce employes who may be or are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with statutes relating thereto, and layoffs shall not be utilized as a method of dismissing employes. In this section and in Sections 5 and 6, "cabinet" shall include an office or department headed by an elected official, and "cabinet secretary" and "cabinet head" shall include an elected official.

(2) In the same cabinet, county, and job classification, provisional, temporary, emergency, federally funded time-limited, and probationary employes shall be laid off before permanent full-time or permanent part-time employes with status. For purposes of layoff, "probationary employe" does not include an employe with status serving a promotional probation. A cabinet shall not transfer positions, including vacant positions, in order to circumvent the provisions of this section.

(3) If two (2) or more employes subject to layoff have the same qualifications, the employe with the lesser seniority shall be laid off first.

(4) An employe who is laid off shall be placed on a reemployment register for the class of position from which he was laid off and for any class for which he is qualified. He shall have the right to test for any class of position for which he is qualified to take an examination. If he passes the examination, he shall be placed on the register for the class.

(5) For a period of five (5) years laid-off employes shall be hired before any applicant or eligible except another laid-off employe with greater seniority who is already on such register.

(6) For a period of five (5) years, a laid-off employe shall not be removed from any register unless:

(a) He notifies the department in writing that he no longer desires consideration for a position on such register;

(b) He declines two (2) written offers of appointment;

(c) Without good cause, he fails to report for an interview after he has been notified in writing at least fifteen (15) calendar days prior to the date of the interview;

(d) He is unqualified for appointment;

(e) He is unable to perform the duties of the class;

(f) He has made a false statement of a material fact in his application;

(g) He has used or attempted to use political influence or bribery to secure an advantage in connection with his placement on the register;

(h) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(i) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification;

(j) He cannot be located by postal authorities at the last address provided by the employe; or

(k) He has otherwise wilfully violated the provisions of this Act.

(7) When the department is notified by an appointing authority that a laid-off employe has accepted a bona fide offer of appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same as or less than that of the class to which he has been appointed.

(8) When a laid-off employe is removed from a register he shall be notified in writing and shall be notified of his right to appeal to the board under the provisions of KRS 18A.095.

SECTION 5. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) A layoff of a state employe with status in the executive branch due to the abolition of a position, lack of work or a material change in duties or organization shall comply with the provisions of this section.

(2) Prior to the notification of an employe that he is subject to layoff and prior to the layoff of an employe, the appointing authority shall submit a layoff plan to the commissioner and the secretary of the finance and administration cabinet for their approval. Such plan shall contain the name of the employe and the reasons, in detail, for such layoff. Upon approval of the plan by the commissioner and the secretary, the employe shall be notified that he is subject to layoff, and of:

(a) The reason for the layoff;

(b) The procedures established by the provisions of this Act for the layoff of employes; and

(c) The rights granted employes subject to layoff and to laid off employes.

(3) (a) An employe subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties and responsibilities within the cabinet. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(b) If such a position is not available, the employe shall be transferred to a vacant position within the cabinet for which he is qualified. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(c) If such a position is not available, the employe shall be notified of all vacant positions for which he is qualified to take an examination. The employe shall have the right to take an examination for any vacant position within the cabinet for which he is qualified. If he passes the examination he shall be appointed to that position before any applicant or eligible on a register except another laid off employe with greater seniority already on such register.

(4) (a) If no position is available to an employe subject to layoff under the procedure established by subsections (2) and (3) of this section, the appointing authority shall notify the employe and the department.

(b) The department shall coordinate efforts to transfer an employe subject to layoff to another agency.

(5) If no position is available, the employe shall have the right to take an examination for any position for which he is qualified. If he passes the examination he shall be hired before any applicant or eligible on a register, except a laid-off employe with greater seniority already on such register.

(6) If no position is available to an employe subject to layoff under the procedure established by this section, the employe shall be notified in writing that he is to be laid-off thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

SECTION 6. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Prior to a layoff of state employes in the executive branch, required by a projected or actual reduction in tax receipts contemplated under the provisions of subsections (1) and (5) of Section 16 of this Act, each cabinet shall prepare a layoff plan that complies with the provisions of this Act.

(2) Each layoff plan shall provide that a layoff of state employes shall occur only after all other cost saving measures are taken and have failed to alleviate the projected or actual deficit. These measures shall be specified in the plan, in detail, and shall include but not be limited to:

(a) A suspension of appointments, unless the secretary of the cabinet certifies in writing that appointments are required in order to provide services mandated by law and that such appointments cannot be made by transfers of employes within the cabinet;

(b) A reduction or delay of expenditures that would not prevent the provision of services required by law;

(c) Consolidation of offices and job duties that would not prevent the provision of services required by law;

(d) Transfer of funds as provided by the budget reduction plan enacted pursuant to KRS Chapter 48;

(e) Transfer of funds appropriated for or allotted to vacant positions as provided by the budget reduction plan provided for by KRS 48.130, unless it is certified that the positions are essential and cannot be filled in the period during which layoffs are to occur by transfer of employes of the appointing authority;

(f) The filling of vacancies and promotions from within the cabinet; and

(g) Transfers of employes within the cabinet as provided by Section 5 of this Act.

(3) Each cabinet shall submit:

(a) Its layoff plan; and

(b) A list of employes who would remain subject to layoff after the implementation of cost saving measures, to the secretary of the finance and administration cabinet and to the commissioner for review. Upon approval by the secretary, the layoff plans shall be submitted to the governor for approval.

(4) Upon approval of the plans by the governor, the commissioner shall attempt to transfer employes as provided by Section 5 of this Act. Employes who cannot be so transferred may be laid-off.

(5) If no position is available to an employe subject to layoff under the procedures established by this section, the employe shall be notified in writing that he is to be laid-off effective thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

(6) When the commissioner and the secretary of finance and administration determine that appointments may be made, and the hiring freeze is ended, laid-off employes shall be hired before any applicant or eligible except laid-off employes already on such registers.

Section 7. KRS 18A.005 is amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Appointing *authority* [~~officer~~]" means the officer or employe or group of officers or employes authorized by law to make appointments;

(2) *"Base salary or wages," means the compensation to which an employe is entitled under the salary schedules adopted pursuant to the provisions of this Act. Base salary or wages shall be adjusted as provided under the provisions of Sections 15 and 16 of this Act;*

(3) "Board" means the personnel board created by KRS 18A.045;

(4)[~~(3)~~] "Career employe" shall mean a state employe with twenty (20) or more years of permanent full-time state service, or the part-time employment equivalent of at least twenty (20) years of full-time state service. The service may have been in the classified service, the unclassified service, or a combination thereof.

(5)[~~(4)~~] "Certification" means the referral of the name of one (1) or more qualified prospective employes by the commissioner on request of an appointing officer for consideration in filling a position in the classified service;

(6)[~~(5)~~] "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;

(7)[~~(6)~~] "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service;

(8)[~~(7)~~] "Commissioner" means the commissioner of the department of personnel as provided for in KRS 18A.015;

(9)[~~(8)~~] "Demotion" means a change in the rank of an employe from a position in one (1) class to a position in another class having a lower minimum salary range *or* [~~and~~] less discretion or responsibility;

(10)[~~(9)~~] "Department" means the department of personnel provided for in KRS 18A.015 unless the context indicates otherwise;

(11)[~~(10)~~] "Eligible" refers to a person who has made a passing score on any examination required under KRS 18A.005 to 18A.200 and who has qualified to be placed on a register;

(12)[~~(11)~~] "Emergency employe" means an employe appointed without regard to the examination requirements of KRS 18A.005 to 18A.200 to any position by reason of a governmental emergency. *An emergency* [~~, whose~~] appointment *shall* [~~is~~] not [~~to~~] exceed thirty (30) working days in duration and is nonrenewable;

(13)[~~(12)~~] "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis;

(14) "Federally funded time-limited employe" means an employe appointed to a federally funded time-limited position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS Chapter 18A;

(15) "Federally funded time-limited position" means a position created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

[~~(13) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;~~]

(16)[~~(14)~~] "*Initial* probation" means the *six (6) month* period of service following *initial* appointment to any position under KRS 18A.005 to 18A.200 which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in KRS 18A.110 *and by the provisions of this Act* [~~. An employe serving the probationary period is known as a "probationary employe"~~];

(17) "Penalization" shall include, but not be limited to, demotion, dismissal, suspension, fines and other

disciplinary actions, involuntary transfers; any action that diminishes the level, rank, discretion or responsibility of an employe without proper cause, including a reclassification or reallocation; and the abridgement or denial of other rights granted to state employes.

(18) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;

(19)[~~(15)~~] "Promotion" means a change of rank of an employe from a position in one (1) class to a position in another class having a higher minimum salary and carrying a greater scope of discretion or responsibility;

(20) "Promotional probation" means the six (6) month period of service following the promotion of an employe with status which must be successfully completed in order for the employe to retain the position to which he has been promoted;

(21)[~~(16)~~] "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under KRS 18A.005 to 18A.200 without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in KRS 18A.110;

(22) "Reallocation" means the correction of the classification of an existing position by placement of the position into the classification that is appropriate for the duties the employe has been and shall continue to perform;

(23) "Reclassification" means the change in the classification of a current employe when a material and permanent change in the duties or responsibilities of that employe occurs.

(24) "Reemployment" shall mean the rehiring of an employe with status who has been laid off.

(25)[~~(17)~~] "Reemployment *register* [~~list~~]" means the separate list of names of persons reduced in force by reason of *lay off* [~~lack of appropriations, curtailment of program or abolishment of position or of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment~~]. Reemployment *registers shall be* [~~lists are~~] used as provided *by the provisions of this Act* [~~in KRS 18A.110 and subject to KRS 18A.130 and 18A.135~~];

(26)[~~(18)~~] "Register" means any official list of eligibles for a particular class, *and, except as provided in this Act,* placed in rank order according to the examination records, maintained for use in making original appointments or promotions to positions in the classified service;

(27) "Reinstatement" shall mean the restoration of an employe who has resigned in good standing or who has been ordered reinstated by the board or a court to a position in his former class or to a position of like status and pay;

(28) "Seasonal employe" means an employe appointed to a seasonal position either from an existing eligible list or without reference to an eligible list;

(29) "Seasonal position" means a position that is temporary, coincides with a particular season or seasons of the year, and does not exceed eleven (11) months duration;

(30) "Seniority" means the total number of months of state service;

(31) "Temporary employe" means an employe appointed to a temporary position;

(32) "Temporary position" means a position that is created for a definite period of time not to exceed six (6) months and not renewable;

(33)[~~(19)~~] "Status" means the acquisition of tenure with all rights and privileges *granted by the provisions of this Act* [~~appertaining thereunto~~] after satisfactory completion of the *initial* probationary period by an employe in the classified service;

[~~(20) A "temporary position" is one created for a defined period of time not to exceed six (6) months and not~~

~~renewable; a "temporary employe" is one (1) appointed to such a temporary position. A "seasonal position," although temporary in duration in the foregoing sense, coincides in duration with a particular season or seasons of the year, but may not exceed eleven (11) months duration, and may recur regularly from year to year; a "seasonal employe" is one appointed to such a seasonal position from an existing eligible list or without reference to an eligible list;~~

~~(21) A "federally funded time-limited position" is one created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided. A "federally funded time-limited" employe is one appointed to such position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS 18A.005 to 18A.200;~~]

(34)[~~(22)~~] "Transfer" means a movement of any employe from one (1) position to another of the same grade having the same salary ranges, [~~and~~] the same level of responsibility within the classified service *and the same salary received immediately prior to transfer*;

(35)[~~(23)~~] A "war veteran" is a person who served on active duty in the United States armed forces during any war, or in a campaign or expedition for which a campaign badge or service medal has been authorized, or between *December 7, 1941* [~~April 28, 1952~~], and July 1, 1955 or between August 6, 1964 and May 7, 1975.

Section 8. KRS 18A.020 is amended to read as follows:

(1) The records of the department shall be public records and shall be open to public inspection, as provided in KRS 61.870 to 61.884.

(2) (a) A personnel file shall be maintained by the department and the appointing authority for each employe. The file maintained by the department shall be the official personnel file for the employe. Upon transfer, the personnel file maintained by the appointing authority from which the employe transfers shall be forwarded to the new appointing authority.

(b) Each file shall include, but not be limited to, for each employe, his name, address, title of positions held, classification, rates of compensation, all changes in status including evaluations, promotions, demotions, layoffs, transfers, disciplinary actions, commendations, awards, and preliminary and other supporting documentation for each action. Each file shall contain the complete record and supporting documentation for each personnel action.

(c) Whenever an employe is reprimanded for misconduct, other infraction, or failure to perform his duties in a proper or adequate manner, the supervising employe taking such action shall document such action in detail, and shall provide the employe with a copy of such documentation. The supervising employe shall inform the employe that he has the right to prepare a written response to the action taken after he has reviewed the written documentation prepared by the supervising employe. Such response shall be attached to the documentation prepared by the supervising employe. The supervising employe shall place a copy of the documentation and response provided for herein in the employe's personnel file and shall transmit a copy to the department to be placed in the official personnel file of the employe. The supervising employe shall notify the employe that copies of the documentation and the response provided for herein have been placed in his personnel files.

(3) Upon written request, an employe shall have the right to examine his personnel file. An employe may comment in writing on any item in his file. Such comments shall be made a part of his file and shall be attached to the specific record or document to which they pertain.

(4) Upon written request a state employe, an applicant for employment, and an eligible on a register shall have the right to inspect and to copy any record and preliminary documentation and other supporting documentation that relates to him except that an applicant, an eligible or a state employe shall not have the right to inspect or to copy any examination materials.

(5) No public agency, as defined by KRS 61.870, and no officer or employe shall deny, abridge or impede the exercise of the rights granted in any manner by this section and Section 17 of this Act.

Section 9. KRS 18A.050 is amended to read as follows:

(1) Any person serving on the board on July 15, 1982 shall serve until the expiration of his current term of office. Subsequent appointments shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was appointed as provided in subsections (2) and (3) of this section, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed in the same manner as provided in KRS 18A.045 and for the remainder of such term.

(2) Upon the expiration of the terms of office of the two (2) board members whose terms expire January 1, 1984, the governor shall appoint two (2) members from a list of four (4) names submitted by the legislative research commission. Thereafter, upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(3) Upon the expiration of the terms of office, of the members whose terms expire December 31, 1982, January 1, 1985, and January 1, 1986, the Governor shall appoint citizens at large who are not associated with state government in any manner. Thereafter upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(4) These five (5) appointments to the board shall be subject to confirmation by the senate. If the senate is not in session, these five (5) appointments shall be subject to review by the interim joint committee on state government which shall hold a public hearing and shall transmit its recommendations to the senate.

(5) The initial election of classified employes to the board shall be held as provided *by Section 10 of this Act* [~~in KRS 18A.055~~]. The two (2) classified employes initially elected to the board shall serve until July 1, 1986. Subsequent elections shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was elected. If a vacancy occurs prior to the expiration of such term, the board shall fill the vacancy as provided in KRS 18A.060.

(6) If an elected board member accepts an unclassified position with state government, his membership on the board shall be terminated immediately and the vacancy shall be filled as provided in KRS 18A.060.

(7) If an elected board member accepts a classified position in a cabinet employing another board member or if, through no fault of his own, he is placed in that cabinet, his membership on the board shall not be terminated for the remainder of his term.

SECTION 10. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) (a) Elections to the board shall be scheduled every four (4) years on or before July 1. The department shall provide written notification of the date of the election to all classified employes on or before May 1.

(b) Upon receipt of the notification provided for by subsection (1)(a) of this section, an employe wishing to serve on the board shall notify the department, in writing, no later than June 1. This notification shall be notarized and shall include the candidate's name, address, social security number, job classification, and length of state employment. It shall also include the name and address of his current employer.

(2) On the last working day of May, the department shall certify a payroll that is current on such day and that contains the name, social security number and home address of every classified employe.

(3) At least fifteen (15) working days prior to the election provided for in subsection (1) of this section, the department shall mail to each classified employe whose name appeared on the payroll certified by the department at his home address:

(a) A list of candidates for election to the board, in alphabetical order, with a brief biography following the name of each candidate;

(b) Instructions for voting, including the instruction that the employe shall write his name, address and social security number in the upper left corner of the reply envelope;

(c) A ballot listing the names of all candidates for election to the board in alphabetical order and providing a blank space next to each name; and

(d) An envelope for returning the ballot. Prior to mailing the envelope to a state employe, it shall be addressed by the department to the impartial third party selected by the department to receive, validate and

tabulate the ballots at a post office box rented by the department for the election. The upper left corner of the envelope shall contain a sufficient number of blank lines and spaces to permit an employe to write his name, address and social security number in such corner.

(4) Upon receipt of his ballot a classified employe wishing to participate in the election provided for in subsection (1) of this section shall:

(a) Vote for no more than two (2) candidates;

(b) Mark his ballot by placing a mark in the blank space next to the name of the candidate for whom he is casting his vote; and

(c) Print his name, address and social security number in the upper left corner of the reply envelope provided by the department.

(5) The department shall:

(a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by subsections (5) and (6) of this section;

(b) Acquire a post office box to which all ballots shall be mailed; and

(c) Provide the impartial third party with a computer generated list of the names and social security numbers of eligible voters, with the names of the eligible voters in numerical sequence as determined by their social security numbers. The names and social security numbers listed on such list shall correspond to those appearing on the payroll certified by the department under subsection (2) of this section.

(6) The impartial third party selected by the department shall collect all ballots, unopened, from the post office box. It shall:

(a) 1. Verify the name and social security number on each envelope by comparing them to the computer generated list of names and social security numbers of eligible voters provided by the department; and

2. Set aside, unopened, any envelope containing a name or a social security number on the envelope that does not match a name or a social security number appearing next to the name on the computer generated list;

(b) Examine the postmark on each envelope;

(c) Set aside, unopened, any envelope postmarked with a date subsequent to the deadline provided for by this section;

(d) Remove the ballot from each envelope;

(e) Tabulate the ballots by electronic data entry in duplicate, provided that ballots in envelopes specified in paragraphs (a)2. and (c) of this subsection shall not be counted;

(f) Compare the total tabulated vote with the total number of eligible employes appearing on the computer generated list provided by the department;

(g) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the department; and

(h) Certify to the department:

1. That the tabulation does not include two (2) or more ballots with the same social security number;

2. The total number of ballots received;

3. The total number of ballots set aside and not included in the tabulation;

4. The total number of ballots included in the tabulation; and

5. The total vote for each candidate.

(7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes and other election materials provided for by this section shall be public record and open to inspection.

(8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.

(9) Successful candidates shall be notified by the department no later than five (5) working days after the election. Successful candidates shall take office immediately upon notification.

(10) State employes shall not use state materials or equipment for any purpose related to the election of classified employes to the board, nor shall any activity related to the election of a classified employe to the board be conducted during working hours.

Section 11. KRS 18A.075 is amended to read as follows:

It shall be the duty of the board to:

(1) Adopt comprehensive *administrative regulations* [~~rules~~] consistent with the provisions of KRS *Chapter 18A* [~~18A.005 to 18A.200~~], and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants;

(2) Present to the governor, through the secretary of the department of finance, for his adoption such classification and compensation plans for the state service, provision for vacation, sick and special leave and hours of work, together with rules for their administration, as recommended by the commissioner and the board after a thorough survey of the personnel and departmental organizations included in such plan or plans;

(3) Make investigations, either on petition of a citizen, taxpayer, interested party, or on its own motion, concerning the enforcement and effect of KRS 18A.005 to 18A.200, and to require observance of its provisions and the rules and regulations made pursuant thereto; and to make such investigation as may be requested by the general assembly or the governor and to report thereon;

(4) Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, from unclassified employes who have been dismissed, demoted, suspended, or otherwise penalized for cause, and from officers or employes serving under the personnel system created by KRS *Chapter 18A* [~~18A.005 to 18A.200~~], as [~~hereinafter~~] provided *by* [~~, subject to the procedural rules which the board may adopt pursuant to~~] the provisions of this *Act* [~~section~~];

(5) Promote public understanding of merit principles in government service;

(6) Make annual reports to the governor and the legislative research commission and biennial reports to the general assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy;

(7) Advise the governor and the commissioner with respect to the administration of the personnel system created by KRS 18A.005 to 18A.200;

(8) Consider and act on such matters as may be referred to the board by the commissioner; and

(9) Represent the public interest in the improvement of personnel administration in the state service, and advise and assist the commissioner in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

Section 12. KRS 18A.090 is amended to read as follows:

(1) As provided by the budget enacted by the general assembly and other laws applicable to state personnel, the board shall appoint an executive director who shall be the chief administrative officer of the board and serve as secretary to the board. He shall have proven administrative and managerial experience and familiarity

with equal employment opportunity laws and regulations. The board shall appoint other employes it deems necessary in accordance with the provisions of this chapter. The salaries of the executive director and other employes of the board shall be determined by order of the board. The executive director of the board shall prepare the budget request for approval by the board in the form and manner required by applicable law. For the purposes of KRS *Chapter 48* [~~45.070~~] the board shall be considered a budget unit.

(2) *The board shall appoint a general counsel pursuant to KRS 12.210 to provide legal services for the board. Upon request of the board, the attorney general may designate the general counsel as an assistant attorney general. The general counsel provided for by this subsection shall not be employed by personal service contract and shall be a full-time employe of the board. He shall serve as a hearing officer for the board* [~~The attorney general shall be an advisory member of the board~~].

Section 13. KRS 18A.095 is amended to read as follows:

(1) *A classified employe with status shall not be dismissed, demoted, suspended or otherwise penalized except for cause.*

(2) Prior to dismissal, a classified employe with status shall be notified in writing of the intent to dismiss him. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the intent to dismiss is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(b) That the employe has the right to appear personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(3) The department shall prescribe and distribute a form to each appointing authority to be completed and forwarded by an employe who wishes to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy. Such form shall be attached to every notice of intent to dismiss, and shall contain written instructions explaining:

(a) The right granted an employe under the provisions of this Act relating to pretermination hearings; and

(b) The time limits and procedures to be followed by all parties in pretermination hearings.

(4) No later than five (5) working days after receipt of the notice of intent to dismiss, excluding the day he receives such notice, the employe may request to appear, personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(5) Such appearance shall be scheduled six (6) working days after receipt of an employe's request to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day his request is received.

(6) No later than five (5) working days after the employe appears before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day of the appearance, the elected official or his deputy or the cabinet head or his deputy shall:

(a) Determine whether to dismiss the employe or to alter, modify or rescind the intent to dismiss; and

(b) Notify the employe in writing of such determination.

(7) If the cabinet head or his deputy, or in the case of employes of elected officials, the elected official or his

deputy, determines that the employe shall be dismissed or otherwise penalized, the employe shall be notified in writing of:

(a) The effective date of his dismissal or other penalization;

(b) The specific reason for such action, including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the dismissal or other penalization is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(c) That he may appeal such dismissal or other penalization to the board within thirty (30) days after receipt of this notification, excluding the day he receives such notification.

(8) A classified employe with status who is demoted, suspended or otherwise penalized shall be notified in writing of such action, the specific reason for such action, and that he has the right to appeal to the board within thirty (30) days excluding the day that he received notification.

(9) Any [~~classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service or any~~] unclassified employe who is dismissed, demoted, suspended, or otherwise penalized for cause may, within thirty (30) days after such dismissal, demotion, suspension, or other form of penalization, appeal to the board for review thereof.

(10) (a) An employe whose position is reallocated shall be notified in writing by the appointing authority of:

1. The reallocation; and

2. His right to request reconsideration by the commissioner within ten (10) working days of receipt of the notice, excluding the day he receives notification.

(b) He shall be provided with a form prescribed by the commissioner on which to request reconsideration; and

(c) The employe shall file a written request for reconsideration of the reallocation of his position with the commissioner and shall be given a reasonable opportunity to be heard thereon by the commissioner. The commissioner shall make a determination within sixty (60) days after the request has been filed by an employe. After reconsideration of the request by the commissioner, the employe may appeal to the board.

(11) An evaluation may be appealed to the board if an employe has complied with the review procedure established under Section 3 of this Act.

(12) Any state employe, applicant for employment, or eligible on a register may appeal to the personnel board on the grounds that his right to inspect or copy records, including preliminary and other supporting documentation, relating to him has been denied, abridged or impeded by a public agency. The board shall conduct a hearing to determine whether the records related to the employe, applicant or eligible, and whether his right to inspect or copy such was denied, abridged or impeded. If the board determines that the records related to the employe and that the right to inspect or copy such records has been denied, abridged or impeded, the board shall order the public agency to make them available for inspection and copying and shall charge the cost of the hearing to the public agency. A state employe, applicant or eligible shall not have the right to inspect or to copy examination materials.

(13) Any classified state employe may appeal to the board an action alleged to be based on discrimination due to race, color, religion, national origin, sex, handicap, or age. Nothing herein shall be construed to preclude any classified or unclassified state employe from filing with the Kentucky Commission on Human Rights a complaint alleging discrimination on the basis of race, color, religion, national origin, sex, handicap or age in accordance with KRS Chapter 344.

(14) When an eligible's name is removed from a register, the commissioner shall notify the eligible of his action and the reasons therefor, and that he may appeal such removal to the board. An eligible's name shall be restored to the register upon presentation of reasons satisfactory to the commissioner or in accordance with the decision of the board.

(15) (a) Any employe, applicant for employment, or eligible on a register, who believes that he has been discriminated against, may appeal to the board;

(b) Any applicant whose application for admission to an open-competitive examination has been rejected shall be notified of such rejection and the reasons therefor and may appeal to the board for reconsideration of his qualifications and for admission to the examination. Applicants may be conditionally admitted to an examination by the commissioner pending reconsideration by the board;

(c) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly;

(d) An appeal to the board by applicants or eligibles under subsections (12), (14) and (15) of this section shall be filed in writing with the executive director not later than fifteen (15) calendar days after the notification of the action in question was mailed.

(16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the board. Appeal forms shall be available at the employe's place of work. The department shall be responsible for the distribution of such forms.

(b) The appeal form shall be attached to any notice or copy of such notice of dismissal, demotion, suspension, fine, involuntary transfer or other penalization, reallocation, or notice of any other action an employe may appeal under the provisions of this Act. The appeal form shall instruct the employe to state whether he is a classified or unclassified employe, his full name, his appointing authority, work station address and telephone number, and, if he has retained counsel at the time he files an appeal, the name, address and telephone number of his attorney.

(c) The form shall also instruct a classified employe to state the action he is appealing in a short, plain, concise statement of the facts. The form shall instruct an unclassified employe to make a short, plain, concise statement of the reason or cause given for his dismissal.

(d) Upon receipt of the appeal by the board, the appointing authority and the department of personnel shall be notified and the board shall schedule a hearing within the time limits prescribed by this Act.

(17) All notices from the board shall be in writing. Notices shall be written so as to be understood by non-attorneys.

(18) (a) [~~Upon such review, both~~] The appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts.

(b) Except as provided herein, an appeal shall be decided by the board only after a hearing. The board shall not deny, reject or sustain an appeal, or make any other determination relating to an appeal, except after a hearing is conducted pursuant to the provisions of this Act.

(c) The board may deny a hearing to an employe who has failed to file an appeal within the time prescribed by this Act; and, to an unclassified employe who has failed to state the cause for which he has been dismissed. The board shall notify the employe of its denial in writing and shall inform the employe of his right to appeal such denial under the provisions of KRS 18A.100.

(d) Any investigation by the board of any matter related to an appeal filed by an employe shall be conducted only upon notice to the employe, the employe's counsel, and the appointing authority. All parties to the appeal shall have access to information produced by such investigations and such information shall be presented at the hearing. Any party to the hearing shall be permitted an adequate opportunity to rebut or comment upon such information.

(e) Each appeal shall be decided on its merits.

(19) At the hearing of such appeals, technical rules of evidence shall not apply. *Upon its own motion or upon request by a party, the board may require the production by a party, a state employe or a state agency of documents, records and other material relevant to the appeal.*

(20) Each appeal shall be decided individually unless otherwise agreed by the parties and the board. The board shall not:

(a) Employ class action procedures; or

(b) Conduct test representative cases.

(21) Except as authorized by law, board members and employes of the board shall neither initiate, participate in, nor consider ex parte or other communications concerning a pending or impending proceeding before the board. Board members shall abstain from public comment about a pending or impending proceeding before the board, and shall require similar abstention on the part of board personnel subject to the board's direction and control. This shall not prohibit board members from making public statements in the course of their official duties or from explaining for public information the procedures of the board.

(22) (a) An appeal to the board may be heard by*:*

1. The full board;

2. Two (2) board members;

3. A member of the board and a hearing officer; or

4. The general counsel of the board and either a member of the board and either a member of the board or a hearing officer [~~individual members of the board, by its executive director or by a hearing officer of the board~~].

(b) Any appeal heard by less than the full board shall be *reviewed by the full board before a final order of the board is issued.*

1. Prior to a final order of the board, the board shall provide a copy of the findings of fact and recommendations to the parties to the appeal and shall provide them with an opportunity to submit written exceptions and responses to such findings of fact and recommendations. At the request of a party or on its own motion, the board shall permit oral argument before the full board. Such request shall be filed with the board within fifteen (15) days of the recommended order issued by a member, the executive director, or a hearing officer.

2. The board shall review the record of the evidence presented, the findings of fact and recommendations of the hearing officer, and the written exceptions and responses filed by parties to the appeal [~~subject to review by the full board upon petition for such review by either party to the appeal. Petition for review by the full board shall be filed with the board within thirty (30) days of the recommended order issued by a member, the executive director, or a hearing officer~~].

(c) If the board finds that the action complained of was taken by the appointing authority in violation of laws prohibiting favor for, or discrimination against, or bias with respect to his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex or age or handicap, the appointing authority shall, not later than thirty (30) days after receipt of such findings and recommendations, reinstate the employe to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(d) If the board finds that the action complained of was taken without just cause, the board shall order the employe reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(e) [~~In all other cases,~~] If the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action.

(f) In all other cases, the board shall rescind the action taken or otherwise grant such other relief to which the employe is entitled.

(g) The appointing authority shall, not later than thirty (30) days after receipt of the final order of the board, comply with such final order. When any employe is dismissed and not ordered reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he had been removed.

(23) After a final decision has been rendered by the board or court, an employe who prevails in his appeal shall be credited with the amount of leave time used for time spent at his hearing before the board or court. Employes who had an insufficient amount of leave time shall be credited with leave time equal to the amount of time spent at their hearings before the board or court.

[~~(2) Any unclassified employe who is dismissed without cause shall not have the right of appeal as provided in this section.~~]

(24)[~~(3)~~] The board shall, within sixty (60) days after an appeal is filed, hear the appeal, and shall, within ninety (90) days after an appeal is filed, issue a final determination for the disposition thereof; and,

On page 1, line 1:

Delete the number "1" and insert in lieu thereof, the number "14"; and

On page 1, line 3:

Before the word "rules" insert the words "*administrative regulations*"; and

On page 1, line 3:

Place a bracket before and after the word "rules" and strike through the word "rules"; and

On page 1, line 4:

Before the word "rules" insert the words "*administrative regulations*"; and,

On page 1, line 4:

Place a bracket before and after the word "rules" and strike through the word "rules"; and.

On page 1, line 4:

Place a bracket before and strike through the word "when"; and

On page 1, line 5:

Strike through the words "approved by the board,", and place a bracket after the comma following the word "board"; and

On page 1, line 12:

Before the word "rules" insert the words "*administrative regulations*"; and,

On page 1, line 12:

Place a bracket before and after the word "rules" and strike through the word "rules"; and,

On page 3, line 6:

Before the word "and", insert the words "*Except as provided by this Act, he*"; and,

On page 3, line 6:

Place a bracket before and after and strike through the word "and"; and,

On page 3, line 16:

Before the word "Vacancies", insert "*Except as provided by this Act,*" and,.

On page 3, line 19:

Before the word "For", insert the words "*As provided by this Act,*"; and,

On page 3, line 22:

Before the word "Eligibility", insert the words "*Except as provided by this Act,*"; and,

On page 4, line 4:

Place a bracket before the comma following the word "experience"; strike through the words", or who have been guilty of infamous or disgraceful conduct"; and, place a bracket after the word "conduct"; and,

On page 4, line 9:

Before the word "For", insert the following: "*Except as provided by this Act,*"; and,

On page 4, line 12:

After the word "For", insert the following: "*probationary periods as provided by this Act*"; and,

On page 4, line 12:

Place a bracket before the word "a" and strike through the words "a period of probation not to exceed one (1)"; and,

On page 4:

Strike through each word on lines 13 through 20, and place a bracket after the word "rules"; and,

On page 5, line 6:

Place a bracket before and after the word "ranges" and strike through the word "ranges"; and

On page 5, line 11:

After the word "part" add the words "*as provided by this Act*"; and,

On page 5, line 12:

Before the word "cooperation", insert the words "*accordance with the provisions of this Act*"; and,

On page 5, line 12:

Place a bracket before the word "cooperation" and strike through the words "cooperation with the"; and,

On page 5, line 13:

Strike through the words "appointing authorities"; and,

On page 5, line 16:

After the word "lay-offs", insert the words "*in accordance with the provisions of this Act*"; and,

On page 5, line 19:

After the word "off", insert the words "*as provided by this Act*"; and,

On page 5, line 19:

Place a bracket before the comma following the word "off" and strike through ", giving consideration in both lay-offs and"; and,

On page 5:

Strike through each word on lines 20 through 21, and place a bracket after the word "service"; and,

On page 6, line 1:

After the word "appeal" insert the words "*as provided in this Act*"; and,

On page 6, line 3:

Before the word "only", insert the words "*as provided by this Act*"; and

On page 6, line 3:

Place a bracket before the word "only", and strike through the words "only for cause, after the person to be discharged or"; and

On page 6:

Strike through each word on lines 4 through 10, and place a bracket after the word "commissioner" on line 10; and,

On page 6, line 12:

After the word "complaints" add the words "*that does not restrict rights granted under this Act*"; and,

On page 6, line 24:

Place a bracket before and strike through the word "rules", strike through the word "and"; and place a bracket after the word "and"; and,

On page 6, line 25:

Before "KRS" insert "*this Act and KRS Chapter 13A*"; and,

On page 6, line 25:

Place a bracket before "KRS"; strike through "KRS 18A.005 to 18A.200", and place a bracket after "18A.200"; and,

On page 9, after line 24:

Insert the following language:

Section 15. KRS 18A.355 is amended to read as follows:

(1) *(a)* An annual increment of not less than five percent (5%) of the *base* [~~gross annual~~] salary or wages of each state employe shall be granted to each employe *on his anniversary date.*

(b) An employe's base salary or wages shall be increased by:

1. The amount of the annual increment;

2. A promotional or performance increment granted an employe; and

3. A salary adjustment due to a reclassification or reallocation.

(2) The *branch* [~~biennial~~] budget *recommendation* [~~report~~] submitted to the general assembly under KRS *Chapter 48* [~~48.110, 48.180 and 48.185~~] shall include a request for the amount of the annual increment expressed as a percentage of each employe's gross salary or wages and a request for the total appropriation needed to fund the annual increment. The annual increment shall be uniform for all employes. The financial plan enacted under the provisions of KRS 48.300 [~~and 48.500~~] shall contain the annual increment expressed as a percentage of each employe's gross salary or wages, and the total appropriation needed to fund the annual increment.

(3) The budget reduction plan submitted and enacted under the provisions of KRS Chapter 48 shall provide that a reduction of the annual increment granted under this section shall be made only after other cost savings measures, as provided by subsection (2) of Section 6 of this Act, are taken. Any such reduction shall be uniform for all state employes and shall comply with the provisions of this Act and KRS Chapter 48.

Section 16. KRS 48.130 is amended to read as follows:

(1) The branch budget recommendation submitted by each branch of government shall include a plan for the reduction of the respective budget recommendations, by budget unit, when projected or actual tax receipts accruing to the general fund or road fund are at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates for these funds as determined under subsection (3) of KRS 48.120.

(2) *(a)* In recommending budget reductions, the governor, the chief justice, and the legislative research commission shall not recommend universal percentage reductions but shall weigh the needs of all budget units and shall strive to protect the highest possible level of service in their respective branches. Services which are not essential to constitutional functions shall be subject to reduction. Transfer of funds may be authorized by the budget reduction plan.

(b) In recommending budget reductions for the executive branch, the budget reduction plan provided for by subsection (1) of this section shall comply with subsections (1) through (3) of Section 6 of this Act.

(c) A layoff of state employes in the executive branch under the budget reduction plan enacted by the general assembly shall comply with the provisions of Sections 4 and 6 of this Act.

(d) A layoff of state employes in the executive branch required by an actual or projected deficit in tax receipts contemplated by subsection (5) of this section shall comply with the provisions of Sections 4 and 6 of this Act.

(3) The plan shall be enacted as modified by the general assembly, in each joint budget resolution.

(4) In the event of an actual or projected deficit in tax receipts provided for by this section, the department of revenue shall notify all branches of government:

(a) If funds that have accrued to the surplus accounts of the general or road funds are not sufficient to meet these deficits, the allotments to the respective branches shall be reduced according to the reduction provisions embodied in the joint budget resolution, and the governor, the chief justice, and the legislative research commission shall automatically implement budget reductions for their respective branches according to the reduction provisions embodied in the joint budget resolution*; and* [~~.~~]

(b) In the event funds that have accrued to the surplus accounts of the general or road funds are sufficient to meet these deficits, transfers from these surplus accounts shall be made, as appropriate, and the budget reduction provisions embodied in the joint budget resolution shall not be implemented.

(5) In the event of an actual or projected deficit in tax receipts provided for by this section of less than two and one-half percent (2 1/2%), the governor, the chief justice, and the legislative research commission shall implement budget reductions for their respective branches on their own initiative.

(6) The budget reduction plan shall provide that the annual increment granted state employes under Section 15 of this Act shall be reduced as provided by this Act. Any such reduction of the annual increment shall be uniform for all employes.

(7) If general fund or road fund tax receipts increase over the estimated deficits, then services shall be restored in the reverse order of the reduced services.

(8)[~~(7)~~] This section shall not preclude the general assembly, in regular or special session, from amending a joint budget resolution requiring budget reductions nor shall it preclude the governor from calling a special session of the general assembly at any time the budget reduction plan is in effect.

Section 17. KRS 61.878 is amended to read as follows:

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(i) All public records or information the disclosure of which is prohibited by federal law or regulation.

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) *No exemption in this section shall be construed to deny, abridge or impede the right of a state employe, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. Such records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, transfers,*

layoffs, disciplinary actions, examination scores and preliminary and other supporting documentation. A state employe, applicant or eligible shall not have the right to inspect or to copy any examination.

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

(5)[~~(4)~~] The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

SECTION 18. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

No provision in this chapter shall be construed to preclude any classified or unclassified state employe from appealing to the personnel board any action alleged to be in violation of laws prohibiting discrimination based on sex, age, religion, handicap, race or national origin, in accordance with KRS Chapter 18A.

Section 19. KRS 18A.045 is amended to read as follows:

(1) There is hereby created a personnel board in which shall be vested the constitutional powers and responsibilities of officers of the Commonwealth. The board shall consist of seven (7) members, five (5) of whom shall be appointed by the governor as provided in KRS 18A.050. Two (2) members of the board shall be elected by classified employes as provided in *Section 10 of this Act* [~~KRS 18A.055~~].

(2) Any person retaliating in any manner and any person ordering retaliation against a classified employe or a member of his family because he has participated in an election to the board, either by being a candidate or voting for a candidate, shall be subject to the provisions of KRS 18A.990.

Section 20. KRS 18A.350 is amended to read as follows:

As used in [~~this~~] KRS 18A.355 [~~and 18A.360~~], "employe" means any officer or employe of the executive branch of government. The provisions of KRS 18A.355 and 18A.360 do not apply to employes of the general assembly, the legislative research commission, or the court of justice, or to any constitutional officer.

Section 21. 18A.055, Board elections to be held by department—Campaign restrictions, and KRS 18A.360, Increase or reduction of annual increment, are repealed.

Floor Amendment No. 6 to HB 503, by Representative Holbrook:

Amend printed copy of HB 503:

On page 28, after line 21, by adding the following:

Section 11. KRS 143A.010 is amended to read as follows:

(1) "Cabinet" means the revenue cabinet.

(2) "Natural resource" means all forms of minerals *and non-ornamental forest products* including but not limited to rock, stone, limestone, shale, gravel, sand, clay, *timber harvested for commercial purposes,* natural gas, and natural gas liquids which are contained in or on the soils or waters of this state. For purposes of this chapter, "natural resource" does not include coal and oil which are taxed under KRS 143.020 and 137.120.

(3) "Severing" or "severed" means the physical removal of the natural resource from the earth or waters of this state by any means; however, "severing" or "severed" shall not include the removal of natural gas from underground storage facilities into which the natural gas has been mechanically injected following its initial removal from the earth.

(4) "Taxpayer" means and includes any individual, partnership, joint venture, association, corporation, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind engaged in the business of severing and/or processing natural resources in this state for sale or use. In instances where contracts, either oral or written, are entered into whereby persons, organizations or businesses are engaged in the business of severing and/or processing a natural resource but do not obtain title to or do not have an economic interest therein, the party who owns the natural resource or has an economic interest is the taxpayer.

(5) "Gross value" is synonymous with gross income from property as defined in section 613(c) of the Internal Revenue Code and regulations 1.613-3 and 1.613-4 in effect on December 31, 1977, with the exception that in all instances transportation expense (whether or not by common carrier) incurred in transporting a natural resource shall not be considered as gross income from the property. Gross value is to be reported as follows:

(a) For natural resources severed and/or processed and sold during a reporting period, gross value is the amount received or receivable by the taxpayer.

(b) For natural resources severed and/or processed, but not sold during a reporting period, gross value shall be determined as follows:

1. If the natural resource is to be sold under the terms of an existing contract, the contract price shall be used in computing gross value.

2. If there is no existing contract, the fair market value for that grade and quality of the natural resource shall be used in computing gross value.

(c) In a transaction involving related parties, gross value shall not be less than the fair market value for natural resources of similar grade and quality.

(d) In the absence of a sale, gross value shall be the fair market value for natural resources of similar grade and quality.

(e) If severed natural resources are purchased for the purpose of processing and resale, the gross value is the amount received or receivable during the reporting period reduced by the amount paid or payable to the taxpayer actually severing the natural resource.

(f) If severed natural resources are purchased for the purpose of processing and consumption, the gross value is the fair market value of processed natural resources of similar grade and quality reduced by the amount paid or payable to the taxpayer actually severing the natural resource.

(g) In all instances, the gross value shall not be reduced by any taxes including the tax levied in KRS 143A.020, royalties, sales commissions, or any other expense.

(6) "Processing" shall include but not be limited to breaking, crushing, cleaning, drying, sizing, or loading for shipment. "Processing" shall not include the act of unloading or loading for shipment natural resources that have not been severed, cleaned, broken, crushed, dried, sized or otherwise treated in Kentucky.

(7) "Related parties" means two (2) or more persons, organizations or businesses owned or controlled directly or indirectly by the same interests.

(8) "Economic interest" for the purpose of this chapter is synonymous with the economic interest ownership required by Internal Revenue Code, section 611 in effect on December 31, 1977, entitling the taxpayer to a depletion deduction for income tax purposes with the exception that a party who only receives an arm's length royalty shall not be considered as having an economic interest.

(9) "Charges for transporting" or "transportation expense" shall mean:

(a) The amount paid by a taxpayer to a third party for transporting to a customer natural resources taxed in KRS 143A.020;

(b) The cost incurred by a taxpayer using his own facilities in transporting to a customer natural resources taxed under KRS 143A.020;

(c) In no case shall transportation expenses include the cost of acquisition, improvements, or maintenance of real property or the cost of loading or unloading facilities.

Floor Amendment No. 7 to SB 309, by Representative LeMaster:

Amend printed copy of SB 309:

On page 3, line 9 by deleting "*seven (7)*" and inserting in lieu thereof "*nine (9)*"

On page 3, line 9 by deleting "*serving terms as established in the plan*"

On page 3, by deleting line 10 in its entirety

On page 3, line 11 by deleting "*shall be*"

On page 3, line 11 by inserting "*.*" after "*commissioner*"

On page 3, line 11 by deleting "*in the same manner*"

On page 3 by deleting lines 12 through 14 in their entirety.

Floor Amendment No. 1 to SB 95, by Representative Donnermeyer:

Amend printed copy of GA copy of SB 95:

Page 2, line 5,

by deleting the amount "$10,294,600" and inserting in lieu thereof the amount "$10,390,600";

by deleting the amount "$10,153,000" and inserting in lieu thereof the amount "$10,251,000";

Page 2, line 15,

by deleting the amount "$15,630,800" and inserting in lieu thereof the amount "$15,726,800";

by deleting the amount "$19,164,650" and inserting in lieu thereof the amount "$19,262,650".

Floor Amendment No. 2 to SB 88, by Representative Morris:

Amend printed copy of SB 88:

On page 9, after line 24, add the following:

"SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) To improve the work effectiveness of employes in the state service, the governmental services center authority at Kentucky state university shall establish the procedure for and administer an educational assistance program for all cabinets, departments, and administrative bodies of the executive branch of state government.

(2) The educational assistance program, policies, and procedures shall be uniformly administered for all state agencies without regard to race, sex, religion, national origin, color, age, forty (40) to seventy (70), handicaps, or any other non-merit factor.

(3) All cabinets, departments, and administrative bodies of the executive branch of state government shall allow three percent (3%) of their employes to participate in the educational assistance program. Agencies may allow more than three percent (3%) of their employes to participate depending upon the availability of funds.

(4) The funds for the educational assistance program shall come from an agency's budget. However, to ensure that proper payment is made to the state university for the services they provide, tuition payment shall be made directly to the educational institution by the authority. No employe of the state approved by the authority to participate in the educational assistance program shall be required to reimburse his agency prior to the issuance of a grade for the class work. If an employe receives less than a satisfactory grade for the class work, the employe shall reimburse his agency within fifteen (15) calendar days of notification of the less than satisfactory grade. A grade of "I" or incomplete, or a grade of "F" or "D", or their equivalent, shall not be a satisfactory grade.

(5) Employes approved for educational leave programs, at the agency's discretion, may be transferred for the duration of their leave to the authority for administrative purposes.

(6) An employe participating in the educational assistance program shall, at the agency's discretion, be allowed to attend up to three (3) hours of classes per week during his regular duty hours without penalty.

(7) Any employe who completes two hundred and forty (240) classroom hours (equals fifteen (15) college credit hours) approved by the authority at a Kentucky university, or three hundred (300) training hours approved by the authority shall receive a lump sum payment of five percent (5%) of his annual salary."

Floor Amendment No. 3 to SB 88, by Representative Farrow:

Amend printed copy of SB 88:

On page 1, before line 1, by inserting the following:

SECTION 1. A NEW SECTION OF KRS 15.410 TO 15.510 IS CREATED TO READ AS FOLLOWS:

(1) Beginning in calendar year 1986, the department of state police shall receive out of the law enforcement foundation program fund a supplement of two thousand five hundred dollars ($2,500) for each state police officer in its employ pursuant to KRS 16.050 who is qualified in accordance with subsection (2) of this section.

(2) In order to be qualified to share in the distribution of funds from the law enforcement foundation program:

(a) A Kentucky state police officer employed on or after the effective date of this Act shall successfully complete a basic training course of at least four hundred (400) hours duration within one (1) year of his date of employment; and

(b) A Kentucky state police officer shall successfully complete each calendar year, beginning with calendar year 1986, an in-service training course of at least forty (40) hours duration, appropriate to the officer's rank and responsibilities.

(3) The commissioner of state police shall determine the training courses to be offered under subsection (2) of this section.

(4) Law enforcement foundation program funds made available to the department of state police shall be expended in accordance with the following restrictions:

(a) Funds provided shall be used only as a cash salary supplement to qualified state police officers;

(b) Funds provided shall be used only to compensate state police officers who have complied with subsection (2) of this section;

(c) Each qualified state police officer shall be entitled to receive the supplement which his qualifications bring to the department of state police; and

(d) The supplement paid each state police officer shall be in addition to his regular salary and shall not be used to supplant existing salaries nor as a substitute for normal salary increases periodically due to state police officers.

(5) The finance and administration cabinet, on the certification of the justice cabinet, shall transfer to the department of state police the funds to which it is entitled under this section.

Section 2. KRS 15.330 is amended to read as follows:

(1) The council is vested with the following functions and powers:

(a) To prescribe standards for the approval and continuation of approval of schools at which law enforcement training courses required under KRS 15.310 to 15.510 and KRS 15.990 to 15.992 shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance related thereto;

(b) To prescribe minimum qualifications for instructors at such schools, except that institutions of higher education shall be exempt from council requirements;

(c) To prescribe qualifications for attendance and conditions for expulsion from such schools;

(d) To approve, to issue and to revoke for cause certificates to schools and instructors as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(e) To approve law enforcement officers and other persons as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(f) To inspect and evaluate schools at any time and to require of schools, instructors and persons approved or to be approved under the provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992, any information or documents;

(g) To recommend reasonable rules and regulations to the secretary to accomplish the purposes of KRS 15.310 to 15.510 and KRS 15.990 to 15.992;

(h) To monitor the law enforcement foundation program as prescribed in KRS 15.410 to 15.510; and

(i) To adopt bylaws for the conduct of its business not otherwise provided for.

(2) The provisions of *this section* KRS 15.310 to *15.370* [~~15.510~~] and KRS 15.990 to 15.992 do not apply to the department of state police.

Section 3. KRS 15.410 is amended to read as follows:

It is the intention of the general assembly to assure that the criminal laws of the commonwealth are enforced fairly, uniformly and effectively throughout the state by strengthening and upgrading *state and* local law enforcement; to attract competent, highly qualified young people to the field of law enforcement and to retain qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, and the visitors to, this commonwealth; and to offer a state monetary supplement for *state and* local law enforcement officers while upgrading the educational and training standards of such officers.

Section 4. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

(1) "Local unit of government" means any city or county, or any combination of cities and counties, of the Commonwealth.

(2) "Police officer" means a full-time member *of the Kentucky state police appointed pursuant to KRS 16.050 or* of a lawfully organized police department of county or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but does not include [~~Kentucky state police~~], any elected officer, sheriff, deputy sheriff, constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer or any other peace officer not specifically authorized in KRS 15.410 to 15.510.

(3) "Council" means the Kentucky law enforcement council.

Section 5. KRS 15.430 is amended to read as follows:

(1) There is hereby established the law enforcement foundation program fund consisting of appropriations from the general fund of the Commonwealth of Kentucky, and insurance premium surcharge proceeds which accrue to this fund pursuant to KRS 42.190 and 136.392. Any other funds, gifts, or grants made available to the state for distribution to *state police officers or to* local units of government in accordance with the provisions of KRS 15.410 to 15.510 also shall be made a part of this fund.

(2) All monies remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account, and shall not lapse, and shall be continuously appropriated for the purposes specified in KRS 15.410 to 15.500, and shall not be disbursed, expended, encumbered or transferred for any use or purpose other than as prescribed by KRS 15.410 to 15.500.

Section 6. KRS 15.450 is amended to read as follows:

(1) The secretary or his designated representative shall administer the law enforcement foundation program fund pursuant to the provisions of KRS 15.410 to 15.510 and may issue such reasonable rules and regulations as, in his judgment, are necessary to carry out his responsibilities under KRS 15.410 to 15.510.

(2) The secretary or his designated representative shall determine which local units of government are eligible to share in the law enforcement foundation program fund and may withhold or terminate payments to any local unit that does not comply with the requirements of KRS 15.410 to 15.510 or the rules and regulations issued by the justice cabinet under KRS 15.410 to 15.510.

(3) *The secretary or his designated representative shall determine the amount of law enforcement foundation program funds to which the department of state police is entitled under Section 1 of this Act.*

(4) The justice cabinet shall, from monies appropriated and accruing to the fund as provided under KRS 15.430, receive reimbursement for the salaries and other costs of administering the fund, including, but not limited to, council operations and expenses. The amount to be reimbursed for any given year shall be determined by the council and shall not exceed five percent (5%) of the total amount of funds for that year.

(5)[~~(4)~~] The justice cabinet shall furnish periodically to the council such reports as may be deemed reasonably necessary.

Section 7. KRS 15.500 is amended to read as follows:

(1) If funds appropriated by the general assembly and otherwise made available to the law enforcement foundation program fund are insufficient to provide the amount of money required by KRS 15.460 *and Section 1 of this Act,* the justice cabinet shall establish the rate of assistance to be paid to eligible local units of governments *and the department of state police.* Funds unexpended by the justice cabinet at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund pursuant to KRS 15.430, 42.190 and 136.392, shall not lapse as provided by KRS 45.229, but shall be carried forward into the following fiscal year, and shall be used solely for the purposes specified in KRS 15.410 to 15.500.

And, on page 1, line 1, by changing "Section 1" to "Section 8"; and

On page 7, line 1, by changing "Section 2" to "Section 9"; and

On page 9, line 10, by changing "Section 3" to "Section 10".

Floor Title Amendment to SB 370, by Representative Burnette:

Amend printed copy of SB 370:

On page 1, by changing the title to "AN ACT relating to finance."

Floor Amendment No. 1 to SB 370, by Representative Burnette:

Amend printed copy of SB 370:

On page 3, after line 8 by adding:

"SECTION 2. KRS 355.9-307 is amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of KRS 355.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) If any tobacco crop subject to the lien of a security interest is sold at public auction through a duly licensed tobacco warehouse in the ordinary course of business, a bona fide purchaser for value of such crop shall take title thereto free and clear of any such lien, and the warehouseman selling such tobacco crop shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien, the name and address of the debtor and proper description of the property subject to lien, are given to the tobacco warehouseman prior to the payment of the proceeds of sale to the owner or producer of such tobacco crop. *The holder of the lien shall pay the tobacco warehouseman a fee of five dollars ($5.00) for each lien the warehouseman collects.*

(3) If any grain or soybean crop subject to the lien of a security interest is sold to any entity which is a bona fide purchaser for value and which holds a current grain storage license issued by the Commonwealth of Kentucky or a current federal warehouse storage license, in the ordinary course of business, such entity shall take title to such crop free and clear of any such lien, and shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien, the name and address of the debtor and proper description of the property subject to the lien is given to the entity purchasing said crop prior to the payment of the proceeds of purchase to the owner or producer of such grain or soybean crop.

(4) If any livestock subject to the lien of a security interest is sold at public auction through a stockyard licensed by the Commonwealth of Kentucky in the ordinary cause of business, a bona fide purchaser for value of such livestock shall take title thereto free and clear of any such lien, and the stockyard and selling agents selling such livestock shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien, the name and address of the debtor and proper description of the livestock subject to the lien is given to the stockyard prior to the time of sale.

(5) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of $500 (other than fixtures, see KRS 355.9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

(6) If any registered breed of horse, the racing of which is regulated by KRS Chapter 230, subject to the lien of a security interest is sold at public auction in the ordinary course of business by an organization engaged in the business of selling such horses at public auction, a bona fide purchaser for value of such horse shall take title thereto free and clear of any such lien, and the organization selling such horse shall not be liable to the holder of such lien, unless written notice by certified mail, return receipt requested, of such lien and the amount thereof, the name and address of the debtor and proper identification of the horse subject to lien are given to the organization prior to the time of sale."

Floor Amendment No. 2 to SB 327, by Representative White:

Amend printed copy of GA copy of SB 327:

On page 42, below line 4, insert the following:

"SECTION 28. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

(1) The division of arson investigation is created within the department of state police.

(2) The commissioner, department of state police, may designate officers and employes of the department of state police to investigate and enforce the provisions against arson and arson related offenses occurring within the state and such officers when duly authorized by the commissioner, department of state police, shall have the general powers of a peace officer for the prevention of other offenses against the Commonwealth. Each arson investigator so appointed shall, before entering upon the discharge of his various duties, take an oath before a person authorized to administer oaths to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the records of the department.

(3) Each of said persons shall give such bond as the commissioner, department of state police, may designate and with such surety as required by the commissioner, department of state police, conditioned upon faithful performance of his duties.

(4) Arson investigators of the department shall have full access for the purpose of arson investigation to:

(a) Records of the department;

(b) Records of the justice cabinet;

(c) Records of the department of housing, buildings, and construction; and

(d) Records of the department of insurance.

(5) Arson investigators of the department shall have full access, for the purpose of arson investigation, to the facilities and services of:

(a) The department and the state police laboratory; and

(b) The department of housing, buildings, and construction, office of the state fire marshal, and the department of insurance.

(6) The department of state police shall cooperate with the justice cabinet, department of housing, buildings, and construction, and the department of insurance with regard to arson investigation.

SECTION 29. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

If, after an investigation or examination, the commissioner, department of state police, believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the commonwealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

SECTION 30. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The cabinet shall cooperate with the department of state police, department of housing, buildings, and construction, and the department of insurance with regard to arson investigation.

SECTION 31. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

The department shall cooperate with the department of state police, justice cabinet, and department of insurance with regard to arson investigation.

SECTION 32. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

The state fire marshal shall cooperate with the department of state police, justice cabinet, and department of insurance with regard to arson investigation.

SECTION 33. A NEW SECTION OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The department shall cooperate with the justice cabinet, department of housing, buildings and construction, and the department of state police with regard to arson investigation.

Section 34. KRS 227.275, Arson investigators, and 227.990, Commissioner, department of state police, to furnish data, are repealed.

Section 35. The commissioner of state police shall report to the Legislative Research Commission on the need for additional arson investigators and costs associated therewith no later than January 1, 1987."; and

on page 42, line 5, delete "28" and insert "36".

Floor Amendment No. 3 to SB 317, by Representative Guenthner:

Amend printed copy of GA Copy of SB 317:

On page 1, line 7, following the word "*process*" to insert a "." and to delete the remainder of the line; and

on page 1, line 8, to delete the same.

Floor Amendment No. 2 to SB 283, by Representative Reinhardt:

Amend printed copy of SB 283:

on page 28, after line 7, by inserting the following language:

Section 10. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator, shall be eleven dollars and fifty cents ($11.50).

(2) The annual registration fee for each motorcycle shall be five dollars ($5.00), and for each sidecar attachment, three dollars ($3.00).

(3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of six thousand (6,000) pounds or less except those mentioned in subsections (1) and (2) of this section and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) hereof, shall be eleven dollars and fifty cents ($11.50).

(b) All motor vehicles except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) hereof, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
6,001-10,000	$ 24.00
10,001-14,0	30.00
14,001-18,0	50.00
18,001-22,0	132.00
22,001-26,0	160.00
26,001-32,0	216.00
32,001-38,0	300.00
38,001-44,0	474.00
44,001-55,0	544.00
55,001-62,0	588.00
62,001-73,280	750.00
73,281-82,0	840.00

(4) (a) Any farmer owning a truck having a gross weight of thirty-eight thousand (38,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents ($11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of thirty-eight thousand (38,000) pounds or less, and that during the next twelve (12) months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation, and the products grown on his farm.

(b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) hereof and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for eleven dollars and fifty cents ($11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six (6) inches high and of a conspicuous color and the truck or bus will be used during the next twelve (12) months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for eleven dollars and fifty cents ($11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve (12) months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars and fifty cents ($11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve (12) months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city of the first, second, third, or fourth class, or within five (5) miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent (40%) of the fee set forth in subsection (3) hereof and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of *soil conservation equipment or* concrete blocks or ready mixed concrete from the point at which *either a previous soil conservation project or* [~~such~~] concrete blocks or ready mixed concrete is produced to *another soil conservation project or* a construction site where such concrete blocks or ready mixed concrete is to be used, where such *project or* construction site is located at a point not more than thirty (30) air miles from the *previous soil conservation project or* point at which such concrete blocks or ready mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent (40%) of the fee set out in subsection (3) hereof and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full amount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths (3/4) of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county clerk a certification from the cabinet that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the transportation cabinet's copy of the certificate of registration and ownership.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2) may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar ($1.00). Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars ($20.00) and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when such vehicle is not equipped wholly with pneumatic tires.

(14) (a) The department of vehicle regulation is authorized to negotiate and execute an agreement or agreements with other jurisdictions for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.

(b) Any owner of a commercial vehicle who is required to title his motor vehicle under this section shall first title such vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar ($1.00). Title to such vehicle may be transferred, however title, without proper registration, shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle.

(c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration as provided in (a) of this subsection may be registered in Kentucky, and, upon proof of proper title, and payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle. The department shall promulgate regulations in accordance with this section.

on page 28, line 8, Section 10 becomes Section 11.

Floor Amendment No. 4 to SB 317, by Representative Gray:

Amend printed copy of GA copy of SB 317:

On page 1, line 8, following "*commissioner*" to add "*in life threatening situations or when assistance is requested by another law enforcement agency*".

Floor Amendment No. 2 to SB 372, by Representative Reinhardt:

Amend printed copy of SB 372:

on page 33, after line 8, by inserting the following language:

Section 15. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its,

primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator, shall be eleven dollars and fifty cents ($11.50).

(2) The annual registration fee for each motorcycle shall be five dollars ($5.00), and for each sidecar attachment, three dollars ($3.00).

(3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of six thousand (6,000) pounds or less except those mentioned in subsections (1) and (2) of this section and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) hereof, shall be eleven dollars and fifty cents ($11.50).

(b) All motor vehicles except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) hereof, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
6,001-10,000	$ 24.00
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	544.00
55,001-62,000	588.00
62,001-73,280	750.00
73,281-82,000	840.00

(4) (a) Any farmer owning a truck having a gross weight of thirty-eight thousand (38,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents ($11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of thirty-eight thousand (38,000) pounds or less, and that during the next twelve (12) months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation, and the products grown on his farm.

(b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) hereof and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may

have the truck or bus registered as a school bus and obtain a license for eleven dollars and fifty cents ($11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six (6) inches high and of a conspicuous color and the truck or bus will be used during the next twelve (12) months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for eleven dollars and fifty cents ($11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve (12) months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars and fifty cents ($11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve (12) months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city of the first, second, third, or fourth class, or within five (5) miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent (40%) of the fee set forth in subsection (3) hereof and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of *soil conservation equipment or* concrete blocks or ready mixed concrete from the point at which *either a previous soil conservation project or* [~~such~~] concrete blocks or ready mixed concrete is produced to *another soil conservation project or* a construction site where such concrete blocks or ready mixed concrete is to be used, where such *project or* construction site is located at a point not more than thirty (30) air miles from the *previous soil conservation project or* point at which such concrete blocks or ready mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent (40%) of the fee set out in subsection (3) hereof and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full amount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths (3/4) of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county clerk a certification from the cabinet that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the transportation cabinet's copy of the certificate of registration and ownership.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand

(18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2) may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar ($1.00). Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars ($20.00) and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when such vehicle is not equipped wholly with pneumatic tires.

(14) (a) The department of vehicle regulation is authorized to negotiate and execute an agreement or agreements with other jurisdictions for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.

(b) Any owner of a commercial vehicle who is required to title his motor vehicle under this section shall first title such vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar ($1.00). Title to such vehicle may be transferred, however title, without proper registration, shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle.

(c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration as provided in (a) of this subsection may be registered in Kentucky, and, upon proof of proper title, and payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle. The department shall promulgate regulations in accordance with this section.

on page 33, line 9, Section 15 becomes Section 16.

on page 33, line 18, Section 16 becomes Section 17.

on page 33, line 22, Section 17 becomes Section 18.

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, Posting of Bills and Resolutions, and Report of Committees. Agreed.

Introduction of Resolutions

HR 183, by Representatives Yates and Cyrus: A RESOLUTION honoring the Secretary of Labor, John Calhoun Wells, for his efforts in improving the labor-management climate in Kentucky.

HR 184, by Representative Deskins: A RESOLUTION relating to Kentucky energy resources.

HR 185, by Representatives Deskins, Holloway, and Guenthner: A RESOLUTION observing a tradition honored by the Gentleman from Butler 17.

HR 186, by Representatives Brinkley, Stone, Burnette, and Bruce: A RESOLUTION relating to the department of fish and wildlife.

HR 187, by Representatives Richards, Smith, Lyne, M. Brown, and Preston: A RESOLUTION commending the Western Kentucky University Lady Basketball Hilltoppers.

HR 188, by Representatives Todd and Ford: A RESOLUTION honoring the boys' basketball teem of Pulaski County High School, the 1986 State Champions.

Report of Committees

The Committee on Rules reported SB 12, SB 37, SB 224, SB 229, SB 234, SB 268, SB 270, SB 291, SB 306, SB 316, SB 319, SB 337, SB 340, SB 344, SB 352, SB 370, SB 379, SCR 30, SCR 38, SJR 78, SCR 98, SJR 44, and SB 273 have been posted for passage in Orders of the Day, March 27, 1986.

The Committee on State Government reported SCR 87, with Committee Amendment attached thereto, SCR 91 and SCR 97 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SCR 87, A CONCURRENT RESOLUTION establishing a special committee on legislative development.

WHEREAS, during the past two decades, the General Assembly has experienced significant growth in its independence and its role in the shaping of public policy; and

WHEREAS, the complexities and duties facing state legislatures continue to increase as the state governments assume a growing share of the responsibilities for governance; and

WHEREAS, a thorough assessment of the laws and rules relating to the legislative branch and appropriations thereto should be undertaken and any necessary revisions be proposed therein to assure that the legislative branch is adequately equipped to fulfill its present and anticipated responsibilities;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That there is hereby established a Special Committee on Legislative Development consisting of the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Majority and Minority Caucus Chairmen of the House of Representatives and the Senate, and the chairmen of the House and Senate standing committees on appropriations and revenues. The presiding co-chairman of the Legislative Research Commission shall also serve as chairman of the Special Committee on Legislative Development. The Special Committee shall be a subcommittee of the Legislative Research Commission.

Section 2. That the Special Committee on Legislative Development shall assess the current state of the General Assembly and recommend short-term and long-term proposals for the development of the legislative branch of Kentucky state government. Such proposals may include, without being limited to, consideration of:

(1) Constitutional amendments relating to the powers of the General Assembly in relation to the executive and judicial branches and relating to the composition, organization and sessions of the General Assembly;

(2) Revisions in the rules of the House of Representatives and Senate, and the feasibility and advisability of adopting joint rules for certain purposes, such as the governance of conference committees;

(3) Revisions in the statutes and rules governing the Legislative Research Commission and statutory, interim and special subcommittees thereof; and

(4) The budget of the legislative branch of Kentucky state government.

Section 3. That the Special Committee on Legislative Development shall report its findings and recommendations to the Legislative Research Commission and to the majority and minority caucuses of the House of Representatives and the Senate prior to the convening of the 1988 Regular Session of the General Assembly.

The Committee Amendment No. 1 to SCR 87 is as follows:

Amend printed copy of SCR 87:

On page 2, line 7, after the period by inserting the following: *"The special committee shall meet on the same day of the month as the legislative research commission."*

SCR 91, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a long-term policy research center for state government.

WHEREAS, state government generally continues to bear the major burden of domestic governance in the United States; and

WHEREAS, the capacity of any government to govern effectively is directly related to its ability to accurately forecast and anticipate future needs and demands, to sort and prioritize competing demands and interests, and to allocate limited resources available to it in the best interest of its citizens; and

WHEREAS, passage of Gramm-Rudman-Hollings will cause continued reductions in federal assistance to state and local governments which when combined with current scarcities of other resources essential to the operation of government have intensified and exacerbated pressures upon state governments to select among competing interests to such an extent that they find it no longer possible to continue the luxury of reacting to problems once they occur, but rather have chosen to anticipate complex issues posed by modern society and to plan policy initiatives that address those issues before they become insurmountable problems in an effort to fulfill their constitutional responsibilities of domestic governance; and

WHEREAS, there exists no system or process within Kentucky state government aimed at improving the anticipatory capabilities of policy and management decision-making whereby policy makers and managers are better equipped to deal with future issues in a more rational, effective and integrated manner; and

WHEREAS, it is within the best interest of the citizens of the Commonwealth that state government provide for early warning of impending changes in the underlying social economic, environmental and technological processes in order that the Commonwealth may sustain its efforts to effectively compete for jobs and limited resources;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is directed to conduct a study on the feasibility of establishing a long-term policy research center for state government.

Section 2. That the study shall include, but not be limited to, the study and analysis of the capacities and capabilities of the legislative and executive branches of state government to: anticipate, analyze and address impending or present issues; assess and evaluate competing interests, establish priorities among competing interests in the best interest of the people; mobilize and allocate limited resources; and plan, develop and implement policies, strategies and programs that sustain and improve the socio-economic well being of the citizens and residents of this state.

Section 3. That the agencies of the executive branch and state universities are directed to cooperate with and offer any assistance to the Commission and its staff in the conduct of this study, and to supply any and all information requested.

Section 4. That a final report of findings and recommendations shall be submitted to the Commission by January 1, 1987.

Section 5. Staff services to be utilized in this study are estimated to cost $25,000, and are to be provided by the Commission from its regular budget, subject to the limitations and other research responsibilities of the Commission.

SCR 97, A CONCURRENT RESOLUTION requesting the Legislative Research Commission through the

Task Force on Small Business to study the impact of other states' domestic preference bidding laws on Kentucky businesses and to determine the desirability of enacting a Kentucky retaliatory statute.

WHEREAS, forty-three states now have some type of domestic preference bidding law; and

WHEREAS, at least six of the seven surrounding states have a domestic preference statute; and

WHEREAS, Kentucky is one of seven states which has no domestic preference statute; and

WHEREAS, Kentucky firms bidding out of state are often penalized in other states when they bid for business in those states; and

WHEREAS, firms from those states which penalize Kentucky firms are given equal footing with Kentucky businesses when they bid on the Commonwealth's business; and

WHEREAS, Kentucky firms and businesses are complaining to members of the Kentucky General Assembly that this state of affairs is grossly unfair to them;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission through the Task Force on Small Business be requested and authorized:

(a) To study the impact of other states' domestic preference bidding laws on Kentucky businesses; and

(b) To determine whether it is desirable to enact a statute in Kentucky which would retaliate against other states which have enacted domestic preference statutes by similarly penalizing firms from those states when they bid on the Commonwealth's business.

Section 2. That the Task Force on Small Business shall report its findings and recommendations to the Legislative Research Commission not later than November 30, 1987.

Section 3. That staff services to be utilized in completing this study are estimated to be $6,000. These services shall be provided from the regular commission budget and are subject to the limitation and other research responsibilities of the commission.

Motions, Petitions and Communications (continued)

Representative Stumbo moved that all House Bills be recommitted to the original Committees. Agreed.

The Speaker announced meetings of the Free Conference Committees on HB 262 and HB 398, March 27, 1986, 9:00 a.m., Room 327.

Representative Ford moved the adoption of the following Legislative Citation No. 64:

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, ANGELA McKINNEY, daughter of Danny and Betty Jo McKinney, student at Brodhead Elementary School, for winning the Regional Spelling Bee Contest, March 15, 1986. Your accomplishments and achievements are exemplary of your ambitious goals and great desire to excel. This victory has afforded your advancement to the State Spelling Competition in Frankfort, Kentucky, April 11, 1986.

This prestigious body applauds and salutes you for the pride and honor you have bestowed on your family, school, community and the Commonwealth of Kentucky; and we extend best wished to you in your future endeavors. (Sponsored by Representative Ford)

Agreed.

Representative Richards moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Richards moved the adoption of the following HR 187:

HR 187, A RESOLUTION commending the Western Kentucky University Lady Basketball Hilltoppers.

WHEREAS, the Western Kentucky University Lady Basketball Hilltoppers have enjoyed a spectacular 1985-86 season with a 32 and 3 record; and

WHEREAS, the Western Kentucky University Lady Hilltoppers are the regular season basketball champions of the Sunbelt Conference for 1985-86 as well as the tournament champions; and

WHEREAS, the Western Kentucky University Lady Basketball Hilltoppers are one of the nation's leading teams for game attendance, drawing the second largest crowd in the history of women's basketball on February 23, 1986, while playing Old Dominion with a turnstile count of 12,951; and

WHEREAS, the Western Kentucky University Lady Basketball Hilltoppers are traveling to the Final Four Championship Tournament for the second consecutive year, which is a feat unmatched by any other male or female basketball team in the nation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly commends the Western Kentucky University Lady Basketball Hilltoppers and their coach, Paul Sanderford, upon the completion of a superlative season and extends its best wishes for continued success in the Final Four Basketball Championship Tournament.

Section 2. That the members of this honorable body praise the dedication and devotion to athletic excellence of the WKU Lady Hilltoppers and proclaim the team members to be outstanding citizens and exemplary representatives of the Commonwealth.

Section 3. That the House hails its good-will ambassadors of the Western Kentucky University Lady Basketball Hilltoppers—Coach Paul Sanderford and team members Melinda Carlson, Brigette Combs, Dana Cunningham, Clemette Haskins, Charlene James, Annette Jones, Lillie Mason, Debbie O'Connell, Laura Ogles, Sharon Ottens, Traci Patton, Susie Starks, Kim Taylor and Kami Thomas.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to Dr. Kern Alexander, President, Western Kentucky University, Wetherby Administration Building, Bowling Green, Kentucky 42101, Dr. Paul Cook, Vice President, in care of the same address, Coach Paul Sanderford and every member of the WKU Lady Hilltoppers, WKU, Diddle Arena, Bowling Green, Kentucky 42101.

HR 187 was adopted by voice vote.

Representative Deskins moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Deskins moved the adoption of the following HR 185:

HR 185, A RESOLUTION observing a tradition honored by the Gentleman from Butler 17.

WHEREAS, the Gentleman from Butler 17 is a loyal Republican in the noble tradition of former governor Louie B. Nunn; and

WHEREAS, with each passing year, the maturing Gentleman from Butler 17 assumes a more striking resemblance to former governor Louie B. Nunn; and

WHEREAS, it has become virtually impossible to distinguish between these two outstanding public servants, in speech, in mannerism, in stature, in hair color;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this honorable body recognizes the Gentleman from Butler 17 as the best Louie B. Nunn look-alike in this honorable body.

Section 2. That a copy of this resolution be sent to Representative Woody Allen, the Gentleman from Butler 17.

HR 185 was adopted by voice vote.

Representative Gray moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Gray moved the adoption of the following **HR 181**:

HR 181, A RESOLUTION urging the Kentucky Reinsurance Association to calculate and report its liability.

WHEREAS, the Kentucky Reinsurance Association was created by the 1982 General Assembly for the purpose of funding liabilities of the workers' compensation special fund arising after July 1, 1983; and

WHEREAS, the post July 1, 1983 workers' compensation special fund liabilities are increasing rapidly; and

WHEREAS, the Kentucky Reinsurance Association has not reported its projected liability for the purpose of assessing its subscribers an amount sufficient to fund its liability; and

WHEREAS, the Task Force on Workers' Compensation created pursuant to 1986 House Joint Resolution 78 must have reliable data regarding the liability of Kentucky Reinsurance Association to utilize in its efforts to address the problems of workers' compensation; and

WHEREAS, the liability and stability of the Kentucky Reinsurance Association is of vital concern to all employers and employes in the Commonwealth, all workers' compensation insurance carriers doing business in this Commonwealth, all members of the Kentucky General Assembly and the Governor of the Commonwealth.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Board of Directors of the Kentucky Reinsurance Association is urged to take immediate action to calculate and report its current and projected liability to the Task Force on Workers' Compensation.

Section 2. That the Board of Directors of the Kentucky Reinsurance Association is urged to report and explain to the Task Force on Workers' Compensation the basis for its decision not to calculate or fully fund its liabilities.

Section 3. That the Clerk of the House transmit a copy of this resolution to the Board of Directors of the Kentucky Reinsurance Association, the secretary of the labor cabinet, the secretary of finance and administration, the Governor of the Commonwealth and each member of the Kentucky General Assembly.

HR 181 was adopted by voice vote.

Representative Yates moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Yates moved the adoption of the following **HR 183**:

HR 183, A RESOLUTION honoring the Secretary of Labor, John Calhoun Wells, for his efforts in improving the labor-management climate in Kentucky.

WHEREAS, Kentucky's continued economic prosperity and development is predicated upon a labor-management climate characterized by trust, understanding and cooperation; and

WHEREAS, the qualities of trust, understanding and cooperation between labor and management are not readily achievable given their differing perspectives and interests; and

WHEREAS, the Secretary of Labor, John Calhoun Wells, through the Labor-Management Advisory

Council, and by hosting various conferences and activities which promote a positive labor-management atmosphere, has fostered trust, understanding and cooperation between labor and management; and

WHEREAS, the task of fostering trust, understanding and cooperation is an ongoing one, one which requires constant attentiveness, hard work and patience; and

WHEREAS, the Secretary of Labor, John Calhoun Wells, has remained vigilant, worked hard, and was patient; and

WHEREAS, the Secretary of Labor, John Calhoun Wells, has achieved primacy for the Cabinet's Occupational Safety and Health Program, thus assuring the working men and women of Kentucky of the highest level of workplace protection, while providing the employers of Kentucky with a program administrator who is sensitive to their concerns, thereby providing an environment conducive to favorable labor-management relations;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Secretary of Labor, John Calhoun Wells, be praised and honored for his tireless efforts in promoting trust, understanding and cooperation between labor and management and thereby encouraging economic growth and development in the Commonwealth.

HR 183 was adopted by voice vote.

Representative Rapier moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Rapier moved the adoption of the following HR 168:

HR 168, A RESOLUTION directing the Legislative Research Commission to conduct a study of property annexation and its effect on school attendance districts.

WHEREAS, a city containing an independent school district may annex property being served by the county school system; and

WHEREAS, such annexation may occur during a school year; and

WHEREAS, such annexation may require students residing in the annexed territory to change schools after the start of a school year;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission conduct a study of school attendance as affected by property annexation. The study shall examine the feasibility of allowing students in annexed territory to enroll in either district, and shall develop recommendations concerning such enrollment no later than November 15, 1987.

Section 2. Staff services to be utilized in completing this study are estimated to cost $10,000. These services shall be provided from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.

HR 168 was adopted by voice vote.

Representative Barrows announced the Conference Committee on SB 86 on adjournment in Room 316.

The following members requested that the rules be suspended for the purpose of recording votes. All requests were agreed to.

Representative Burch, "yea" on HB 224; Representative Cowan, change from "nay" to "yea" on SCR 2, "yea" on SB 124; Representative Ford, change from "yea" to "nay" on SB 252; Representative Keith, change from "yea" to "nay" on HB 898; Representative Lyne, change from "yea" to "nay" on SB 252; Representative Stewart, change from "nay" to "yea" on SB 141; Representative Williams, "yea" on HB 172.

Representative B. Richardson moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative B. Richardson moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions:

Representative Arnold, HB 915; Representative Blevins, HR 183; Representative Donnermeyer, HB 859; Representative Farrow, HB 915; Representative Head, HB 915; Representative Keith, HB 40, HB 339, HB 710, HB 742, HB 809, HB 935; Representative Lile, HB 197, HB 238, HB 436, HB 488; Representative Meyer, HB 977; Representative Moberly, HB 86, HB 87; Representative Reinhardt, HB 76, HB 915, HB 977; Representative Rose, HB 880; Representative Stewart, HB 76; Representative Worthington, HB 790, HB 964.

The following members filed requests to have their names withdrawn as co-sponsors of the following Bills:

Representative L. Clark, HB 832; Representative Scorsone, HB 441.

Announcements

The following meetings were announced:

Committee on Natural Resources and Environment: March 27, 1986, 9:00 a.m.

Committee on State Government: March 27, 1986, on adjournment, Speaker Pro Tempore's office.

Adjournment

Representative Stumbo moved that the House adjourn until 2:00 p.m., Thursday, March 27, 1986.

On the roll call the vote was yeas 75—Allen, Bendl, Bennett, Blandford, Blevins, Brinkley, M. Brown, Bruce, Burch, Caldwell, L. Clark, P. Clark, Cowan, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Hines, Holbrook, Jensen, Johnson, R. Jones, Keith, Kerr, Layman, Lear, Lefevers, Lile, Long, Lyne, Mack, Maggard, McBee, McElroy, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Preston, Pritchett, Rapier, B. Richardson, P. Richardson, Riner, Rose, Siler, Smith, Stewart, Stone, Strong, Stumbo, Todd, Turner, White, Williams, Worthington, Yates. Nays 5—Bronger, Deskins, LeMaster, Overstreet, Richards.

The motion to adjourn was adopted.

THURSDAY, MARCH 27, 1986

FIFTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend Billy Hurt, First Baptist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 26, 1986, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of HB 286 with Senate Amendment, HB 462 with Senate Amendments, HB 589 with Senate Committee Substitute, HB 607 with Senate Amendment, HB 255 and HB 693.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills:

Appropriations and Revenue: SB 365.

State Government: SB 385.

A Minority Conference Committee Report was filed on SB 86.

A Majority Conference Committee Report was filed on SB 86.

Report of Committees

The Committee on Appropriations and Revenue reported SB 371 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 371, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state;

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;

(6) Gross receipts from sales of tangible personal property made in one (1) cent portions through vending machines;

(7) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities or special districts as defined in KRS 65.005. This exemption applies only to purchases of property or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit is not entitled to the exemption even though such purchaser may be the recipient of public funds or grants;

(8) (a) Gross receipts from the sale of sewer services, water and fuel to Kentucky residents for use in heating, water heating, cooking, lighting, and other residential uses. As used in this subsection, "fuel" shall include, but not be limited to, natural gas, electricity, fuel oil, bottled gas, coal, coke and wood. Determinations of eligibility for the exemption shall be made by the revenue cabinet.

(b) In making such determinations of eligibility, the cabinet shall exempt from taxation all gross receipts derived from sales classified as "residential" by a utility company as defined by applicable tariffs filed with and accepted by the public service commission. Where the service is classified as residential, use other than for "residential" purposes by the customer will not negate the exemption.

(c) The exemption does not apply where charges for sewer service, water and fuel are billed to an owner or operator of a multi-unit residential rental facility or mobile home and recreational vehicle park other than residential classification.

(d) The exemption applies also to residential property which may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight (98) years.

(9) Any rate increase for school taxes and any other charges or surcharges added to the total amount of a residential telephone bill.

(10) Gross receipts from the sale of electricity for agricultural purposes directly related to the production of agricultural commodities.

Calendar

SB 290, SB 389, SB 280, SB 331, SB 339, SB 353, HCR 141, SCR 87, SCR 91, and SCR 97 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Orders of the Day

Representative Crupper moved that the vote by which SB 256 was tabled be reconsidered.

On the roll call the vote was yeas 37—Arnold, Barrows, Blevins, F. Brown, M. Brown, Burch, Burnette, Cowan, Crupper, Curd, Cyrus, Farrow, Gedling, Hancock, Head, Heleringer, Holbrook, R. Jones, Layman, LeMaster, Lile, Lyne, Mack, Moberly, Nett, Noe, Overstreet, Pearman, Preston, Pritchett, Rapier, P. Richardson, Rose, Scorsone, Seum, Stumbo, White. Nays 25—Blandford, Brinkley, Caldwell, L. Clark, P.

Clark, Deskins, Donnermeyer, Ellington, K. Harper, Keith, Kerr, Lefevers, Little, Maggard, Mann, McElroy, McNutt, Noland, Rattliff, Reinhardt, Richards, Siler, Stewart, Stone, Strong.

The motion that the vote by which SB 256 was tabled be reconsidered was rejected.

SB 309, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cline moved the adoption of the Committee Amendment No. 1 to SB 309. Agreed.

Representative LeMaster moved the adoption of the Floor Amendment No. 7 to SB 309. Agreed.

Representative Cline moved that SB 309, as amended, be passed.

On the roll call the vote was: Yeas 75, Nays 2. (See March 27, 1986, roll call on SB 309—Appendix A.)

SB 309, as amended, was passed and the title agreed to.

Representative Cline moved that the vote by which SB 309, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 126, HB 172, HB 238, HB 224, HB 490, HB 526, HB 692, HB 955, and HB 975 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 126, HB 172, HB 238, HB 224, HB 490, HB 526, HB 692, HB 955, and HB 975 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (Continued)

Representative Stumbo moved that the rules be suspended to place SB 244 in Orders of the Day. Agreed.

SB 244, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved the adoption of the Floor Amendment No. 1 to SB 244. Agreed.

Representative Arnold moved that SB 244, as amended, be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 27, 1986, roll call on SB 244—Appendix A.)

SB 244, as amended, was passed.

Representative Arnold moved the adoption of the Floor Title Amendment to SB 244. Agreed; and the title agreed to.

Representative Arnold moved that the vote by which SB 244, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 337, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved the adoption of the Floor Amendment No. 1 to SB 337. Agreed.

Representative Johnson moved that SB 337, as amended, be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 27, 1986, roll call on SB 337—Appendix A.)

SB 337, as amended, was passed.

Representative Stumbo moved that the vote on SB 337, as amended, be reconsidered. Agreed.

Representative Stumbo moved that SB 337 be placed upon its passage. Agreed.

Representative Johnson moved the adoption of the Floor Amendment No. 1 to SB 337. Agreed.

Representative Johnson moved that SB 337, as amended, be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 27, 1986, roll call on SB 337—Appendix A.)

SB 337, as amended, was passed.

Representative Stumbo moved that the rules be suspended to allow consideration of the following Floor Title Amendment to SB 337. Agreed.

Amend printed copy of GA copy of SB 337:

On page 1, amend the Title to read as follows: "AN ACT relating to corporations, and declaring an emergency."

Representative Johnson moved the adoption of the Floor Title Amendment to SB 337. Agreed; and the title was agreed to.

Representative Johnson moved that the vote by which SB 337, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 281 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved the adoption of the Floor Amendment No. 2 to SB 281. Agreed.

Representative R. Jones moved that SB 281, as amended, be passed.

On the roll call the vote was: Yeas 83, Nays 0. (See March 27, 1986, roll call on SB 281—Appendix A.)

SB 281, as amended, was passed and title agreed to.

Representative R. Jones moved that the vote by which SB 281 was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Todd moved the adoption of the following HR 188:

HR 188, A RESOLUTION honoring the boys' basketball team of Pulaski County High School, the 1986 State Champions.

WHEREAS, the boys' basketball team of Pulaski County High School captured the state crown Saturday by defeating a favored Pleasure Ridge Park team by a score of 47-45 in Rupp Arena; and

WHEREAS, the coach, fans, and the rest of the team had the special thrill of seeing the winning basket laid up by Shannon Fraley, the coach's son, with seconds to go; and,

WHEREAS, the contributions of the other starters, especially tournament MVP Reggie Hanson, were also critical to this stunning victory; and

WHEREAS, Pulaski County's impressive regular season record was one of 32 wins and three losses; and

WHEREAS, Saturday's victory marked Pulaski County's first state basketball championship and its third trip to the state tournament;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the number one team in Kentucky boys' basketball, the stars of Region 12, the Pulaski County High Maroons.

Section 2. That when the House adjourns this day, Thursday, March 27, 1986, it does so in recognition of Pulaski County High School.

Section 3. That the Clerk send sufficient copies of this resolution to Coach David Fraley for distribution to assistant coaches Avery Hatfield, Roscoe Denney, Wayne Cox, and Darry Burkett; managers Kevin Pierce and Kenny Rollins; team members Reggie Hanson, Billy Hardy, Barry Stringer, Rod Edwards, George Long, Demetrius Upton, Shannon Fraley, Jeff Pierce, and Derek Shadoan.

HR 188 was adopted by voice vote.

SB 273, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Smith moved that SB 273 be passed.

Representative Rapier moved the adoption of the Floor Amendment No. 2 to SB 273.

Representative Smith inquired whether Floor Amendment No. 2 to SB 273 was germane.

The Chair ruled Floor Amendment No. 2 to SB 273 was germane to the bill.

Representative Rapier moved the adoption of the Floor Amendment No. 2 to SB 273. Rejected.

Representative Smith moved that SB 273 be passed.

On the roll call the vote was: Yeas 85, Nays 0. (See March 27, 1986, roll call on SB 273—Appendix A.)

SB 273 was passed and the title agreed to.

Representative Smith moved that the vote by which SB 273 was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 101, SB 120, SB 124, SB 134, SB 141, SB 196, SB 214, SB 243, SB 263, SB 264, SB 271, SB 275, SB 299, SB 302, SB 303, SB 325, SB 330, SB 350, SB 361, and SB 374 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:37 p.m.)

Senate Message

Announcing passage of HB 225 with Senate Amendment, HB 631 with Senate Amendments, HB 684 with Senate Amendments, HB 747, with Senate Amendments, HB 70, HB 325, HB 447, HB 454, HB 682, HB 698, and HB 774.

Orders of the Day (Continued)

SB 162, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Floor Amendment No. 1 to SB 162. Agreed.

Representative B. Richardson moved that SB 162, as amended, be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 27, 1986, roll call on SB 162—Appendix A.)

SB 162, as amended, was passed and title agreed to.

Representative B. Richardson moved that the vote by which SB 162, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 12 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved that SB 12 be passed.

On the roll call the vote was: Yeas 73, Nays 13. (See March 27, 1986, roll call on SB 12—Appendix A.)

SB 12 was passed and title agreed to.

Representative R. Jones moved that the vote by which SB 12 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 37 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Jones moved that SB 37 be passed.

On the roll call the vote was: Yeas 63, Nays 20. (See March 27, 1986, roll call on SB 37—Appendix A.)

SB 37 was passed and title agreed to.

Representative R. Jones moved that the vote by which SB 37 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 327, with Committee Amendments and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved the adoption of the Committee Amendment No. 1 to SB 327. Agreed.

Representative White moved the adoption of the Committee Amendment No. 2 to SB 327. Agreed.

Representative White moved the adoption of the Floor Amendment No. 2 to SB 327.

Representative Stumbo inquired whether Floor Amendment No. 2 was germane to SB 327.

The Chair ruled Floor Amendment No. 2 was not germane to SB 327.

Representative Stumo moved that the vote on Committee Amendment No. 2 to SB 327 be reconsidered. Agreed.

Representative Clapp moved the adoption of the Committee Amendment No. 2 to SB 327. Rejected.

Representative Burch moved the adoption of the Floor Amendment No. 1 to SB 327. Rejected.

Representative Stumbo moved that SB 327, as amended, be passed.

On the roll call the vote was: Yeas 70, Nays 10. (See March 27, 1986, roll call on SB 327—Appendix A.)

SB 327, as amended, was passed and title agreed to.

SB 224, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Johnson moved that SB 224 be passed.

Representative Johnson moved the adoption of the Committee Amendment No. 1 to SB 224. Agreed.

Representative Johnson moved that SB 224, as amended, be passed.

On the roll call the vote was: Yeas 83, Nays 0. (See March 27, 1986, roll call on SB 224—Appendix A.)

SB 224, as amended, was passed and title agreed to.

Representative Johnson moved that the vote by which SB 224, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 229, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that SB 229 be passed.

Representative Barrows moved the adoption of the Floor Amendment No. 1 to SB 229. Agreed.

Representative Hancock moved that SB 229, as amended, be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 27, 1986, roll call on SB 229—Appendix A.)

SB 229, as amended, was passed and title agreed to.

Representative Hancock moved that the vote by which SB 229, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 291 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative L. Clark moved that SB 291 be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 27, 1986, roll call on SB 291—Appendix A.)

SB 291 was passed and the title agreed to.

Representative L. Clark moved that the vote by which SB 291 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 283, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the Committee Amendment No. 1 to SB 283. Agreed.

Representative Hancock moved that SB 283, as amended, be passed.

On the roll call the vote was: Yeas 51, Nays 32. (See March 27, 1986, roll call on SB 283—Appendix A.)

SB 283, as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which SB 283, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 22, SB 70, SB 354, SCR 2, and SJR 54 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—3:30 p.m.)

Orders of the Day (Continued)

SB 316, with Committee Substitute and Title Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved the adoption of the Committee Substitute to SB 316. Agreed.

Representative Morris moved that SB 316, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 87, Nays 1. (See March 27, 1986, roll call on SB 316—Appendix A.)

SB 316, by way of Committee Substitute, was passed.

Representative Morris moved the adoption of the Committee Title Amendment to SB 316. Agreed; and the title was agreed to.

Representative Morris moved that the vote by which SB 316, by way of Committee Substitute with Title Amendment, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 270 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that SB 270 be passed.

On the roll call the vote was: Yeas 89, Nays 0. (See March 27, 1986, roll call on SB 270—Appendix A.)

SB 270 was passed and the title agreed to.

Representative Morris moved that the vote by which SB 270 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 306 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Seum moved that SB 306 be passed.

On the roll call the vote was: Yeas 61, Nays 27. (See March 27, 1986, roll call on SB 306—Appendix A.)

SB 306 was passed and the title agreed to.

Representative Seum moved that the vote by which SB 306 was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Gray moved that the vote by which the motion that SB 317 be laid on the Clerk's desk be reconsidered be taken from the table.

On the roll call the vote was yeas 52—Arnold, Bendl, Bennett, Blevins, Brinkley, Bronger, M. Brown, Bruce, Caldwell, L. Clark, P. Clark, Curd, Cyrus, Deskins, Ellington, Ford, Gedling, Gray, Gregory, Hancock, J. Harper, Head, Johnson, R. Jones, Kerr, Lear, LeMaster, Lile, Little, Long, Mack, Maggard, Mann, McBee, McElroy, Morris, Napier, Noland, O'Brien, Pearman, Priddy, Pritchett, Reinhardt, Riner, Rose, Siler, Stewart, Stone, Strong, Stumbo, Thomas, White. Nays 5—Allen, Handy, Heleringer, Lefevers, McNutt.

The motion to take from the table the motion to reconsider the vote by which SB 317 was laid on the Clerk's desk was adopted.

Representative Gray moved that SB 317 be taken from the Clerk's desk and placed in Orders of the Day as the next order of business. Agreed.

SB 317, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Floor Amendment No. 4 to SB 317. Agreed.

Representative Farrow moved the adoption of the Floor Amendment No. 2 to SB 317.

Representative Stumbo inquired whether Floor Amendment No. 2 was germane to SB 317.

The Chair ruled Floor Amendment No. 2 was not germane to SB 317.

Representative Stumbo moved that SB 317, as amended, be passed.

On the roll call the vote was: Yeas 55, Nays 18. (See March 27, 1986, roll call on SB 317—Appendix A.)

SB 317, as amended, was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 317, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 319 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cyrus moved that SB 319 be passed.

On the roll call the vote was: Yeas 82, Nays 0. (See March 27, 1986, roll call on SB 319—Appendix A.)

SB 319 was passed and the title agreed to.

Representative Cyrus moved that the vote by which SB 319 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 340, with Committee Substitute, Committee Amendment, and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Barrows moved the adoption of the Committee Substitute to SB 340. Agreed.

Representative Barrows moved the adoption of the Floor Amendment No. 1 to the Committee Substitute to SB 340. Agreed.

Representative Barrows moved that SB 340, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 85, Nays 0. (See March 27, 1986, roll call on SB 340—Appendix A.)

SB 340, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Barrows moved that the vote by which SB 340, by way of Committee Substitute as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 370, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that SB 370 be passed.

On the roll call the vote was: Yeas 75, Nays 4. (See March 27, 1986, roll call on SB 370—Appendix A.)

SB 370 was passed and the title agreed to.

Representative Richards moved that the vote by which SB 370 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 379 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brinkley moved that SB 379 be passed.

On the roll call the vote was: Yeas 72, Nays 12. (See March 27, 1986, roll call on SB 379—Appendix A.)

SB 379 was passed and the title agreed to.

Representative Brinkley moved that the vote by which SB 379 was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Brinkley moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Brinkley moved the adoption of the following HR 186:

HR 186, A RESOLUTION relating to the department of fish and wildlife.

WHEREAS, the sportsmen of the Commonwealth of Kentucky originate all funding for the Kentucky department of fish and wildlife resources through the game and fish fund; and

WHEREAS, no Kentucky general fund money goes to the game and fish fund or to support the Kentucky department of fish and wildlife resources; and

WHEREAS, all federal matching fund money dedicated to fish and wildlife restoration and related programs is allocated annually to Kentucky based on the sole control and use of sportsmen's money by the Kentucky department of fish and wildlife resources; and

WHEREAS, this dedicated funding system has been implemented and maintained over many years through the wisdom of successive Kentucky general assemblies; and

WHEREAS, the Kentucky department of fish and wildlife resources has established a nationwide reputation for excellence in its field and has done so without cost to Kentucky taxpayers; and

WHEREAS, any transfer or diversion from the game and fish fund will jeopardize Kentucky's receipt of federal fish and game funds and endanger the success of Kentucky's fish and game management program;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That no portion of the Kentucky game and fish fund be transferred to any other fund or agency, or diverted to any other use beyond that for which it was intended, namely, funding the administration and programs of the Kentucky department of fish and wildlife resources.

On the roll call the vote was: Yeas 78, Nays 0. (See March 27, 1986 roll call on HR 186—Appendix A.)

HR 186 was adopted.

Representative Brinkley moved that the vote by which HR 186 was adopted be reconsidered and said motion be placed on the table. Agreed.

SCR 30 taken from Orders of the day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Long moved that SCR 30 be passed.

On the roll call the vote was: Yeas 81, Nays 0. (See March 27, 1986, roll call on SCR 30—Appendix A.)

SCR 30 was passed and the title agreed to.

Representative Long moved that the vote by which SCR 30 was passed be reconsidered and said motion be placed on the table. Agreed.

SCR 38 taken from Orders of the day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hines moved that SCR 38 be passed.

On the roll call the vote was: Yeas 70, Nays 0. (See March 27, 1986, roll call on SCR 38—Appendix A.)

SCR 38 was passed and the title agreed to.

Representative Hines moved that the vote by which SCR 38 was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 78, with Floor Amendment attached thereto, taken from Orders of the day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lear moved that SJR 78 be passed.

On the roll call the vote was: Yeas 77, Nays 5. (See March 27, 1986, roll call on SJR 78—Appendix A.)

SJR 78 was passed and the title agreed to.

Representative Lear moved that the vote by which SJR 78 was passed be reconsidered and said motion be placed on the table. Agreed.

SCR 98, with Committee Substitute and Committee Amendment attached thereto, taken from Orders of the day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Noe moved the adoption of the Committee Substitute to SCR 98. Agreed.

Representative Noe moved that SCR 98, by way of Committee Substitute, be passed.

On the roll call the vote was: Yeas 81, Nays 0. (See March 27, 1986, roll call on SCR 98—Appendix A.)

SCR 98, by way of Committee Substitute, was passed.

Representative Noe moved the adoption of the Committee Title Amendment to SCR 98. Agreed; and the title was agreed to.

Representative Noe moved that the vote by which SCR 98, by way of Committee Substitute with Title Amendment, was passed be reconsidered and said motion be placed on the table. Agreed.

SJR 44, with Floor Amendment attached thereto, taken from Orders of the day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that SJR 44 be passed.

Representative Burch moved the adoption of the Floor Amendment No. 1 to SJR 44. Agreed.

Representative Hancock moved that SJR 44, as amended, be passed.

On the roll call the vote was: Yeas 66, Nays 12. (See March 27, 1986, roll call on SJR 44—Appendix A.)

SJR 44, as amended, was passed and the title agreed to.

Representative Hancock moved that the vote by which SJR 44, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 176, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 176 is as follows:

Amend printed copy of HB 176:

On page 4, line 9, after the word "*pension*" and before the word "*who*" by inserting the following: "*which does not exceed five hundred dollars ($500) monthly and*".

Representative Pearman moved that the House concur in the Senate Amendment No. 1 to HB 176. Agreed.

Representative Pearman moved that HB 176, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 86, Nays 0. (See March 27, 1986, roll call on HB 176—Appendix A.)

HB 176, as amended by the Senate, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 176, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 202, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 202 are as follows:

Amend printed copy of HB 202:

On page 5, after line 23, by adding the following:

Section 2. KRS 287.100 is amended to read as follows:

A bank may:

(1) Hold such personal property as has been transferred to it as collateral for the payment of any debt;

(2) Acquire and hold title to real estate, provided:

(a) Such real estate is necessary or appropriate for the transaction of legitimate business, and

(b) The cost of such real estate, including furniture and fixtures, shall not exceed forty percent (40%) of the total paid-in capital, unimpaired surplus and undivided profits (determined on accrual basis). The commissioner may permit the investment of a larger amount;

(3) Acquire and hold for not longer than ten (10) years, any real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, or that it may purchase under a judgment in its favor;

(4) Invest in the bonds of any Federal Home Loan Bank;

(5) Invest in obligations issued separately or collectively by or for federal land banks, federal intermediate credit banks and banks for cooperatives under the Act of Congress known as the Farm Credit Act of 1971, 85 Stat. 583, 12 U.S.C. 2001 and amendments thereto;

(6) Invest, subject to the approval of the commissioner, in the capital stock or bonds or both of any domestic realty corporation organized or existing for the sole purpose of acquiring and holding title to real property used by the bank, through lease or otherwise, for the transaction of the bank's legitimate business.

(7) Purchase, hold, and convey the shares of any open end registered investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933 and whose investments are limited to:

(a) Bonds or other interest bearing obligations of the United States, or those for the payment of the principal and interest on which the faith and credit of the United States is pledged;

(b) Stocks, bonds, or other interest bearing or dividend-yielding obligations issued or guaranteed as to the payment of principal and interest or dividend by any instrumentality presently or hereafter incorporated by authority of an Act of Congress;

(c) General obligation bonds or revenue bonds issued and guaranteed as to payment of principal and interest by any state, county or municipal governments legally authorized to issue such instruments of indebtedness;

(8) Purchase and hold shares of a bank service corporation as that term is used in the Bank Service Corporation Act (12 U.S.C. 1861) and any amendments thereto;[~~.~~]

(9) (a) Invest in other real estate in the bank's generally accepted banking market. For purposes of this section, "the bank's generally accepted banking market" means the geographic banking market at the time the investment is made as defined by the federal reserve bank in the federal reserve district in which the bank is located. Such investment shall not exceed ten (10%) of the bank's actual paid-in capital and surplus, calculated at the time the investment is made, for each real estate investment; and

(b) Investment in other real estate not to exceed ten percent (10%) of the bank's actual paid-in capital and surplus, calculated at the time the investment is made, for each real estate investment, if the bank has acquired the real estate in satisfaction of a debt previously contracted and the investment is for the purpose of improving the real estate for sale. Provided, however, that any real estate required in satisfaction of a debt previously contracted and improved by the bank shall be disposed of within five (5) years of the date of acquisition, with the commissioner authorized to extend such disposition upon written request of the bank for good cause shown on a year-to-year basis not exceeding an additional five (5) years."

by amending the title to read as follows: "AN ACT relating to financial institutions."

Representative R. Jones moved that the House concur in the Senate Amendment No. 1 to HB 202. Agreed.

Representative R. Jones moved that the House concur in the Senate Amendment No. 2 to HB 202. Rejected.

HB 614, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 614 is as follows:

Amend printed copy of HB 614:

On page 1, line 21, by adding the following after the word "purpose.":

"*All classes shall be within the maximum class size limitations by September 15 of each school year. If a district's enrollment increases after September 15 of any school year, the state board of education may grant an exception under the space limitation regulations. An exempt class with enrollment exceeding ten percent (10%) shall reduce enrollment as provided by state board of education regulations.*"

On page 2, line 1, by adding the following after the word "purpose,": "*and the district does not meet the space limitations for an exemption,*"

Representative Noe moved that the House refuse to concur in the Senate Amendment No. 1 to HB 614. Agreed.

HB 627, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 627 is as follows:

Amend printed copy of HB 627:

On page 1, line 14, beginning with the commma, ",", on that line and continuing through to line 16 ending with the comma, ",", on that line, by deleting all of the language and punctuation contained therein.

Representative Arnold moved that the House refuse to concur in the Senate Amendment No. 1 to HB 627. Agreed.

HB 148, with the Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 148 is as follows:

HB 148, AN ACT relating to handicapped persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 405.020 is amended to read as follows:

(1) The father and mother shall have the joint custody, nurture and education of their children who are under the age of eighteen (18). If either of the parents dies, the survivor, if suited to the trust, shall have the custody, nurture and education of the children who are under the age of eighteen (18). The father shall be primarily liable for the nurture and education of his children who are under the age of eighteen (18).

(2) The father and mother shall have the joint custody, care and support of their children who have reached the age of eighteen (18) and who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. [~~The father shall be primarily liable for the custody, care and support of wholly dependent children who have reached the age of eighteen (18).~~]

Representative Gedling moved that the House concur in the Senate Committee Substitute to HB 148. Agreed.

Representative Gedling moved that HB 148, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 27, 1986, roll call on HB 148—Appendix A.)

HB 148, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Gedling moved that the vote by which HB 148, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table.

Representative Stumbo moved that the rules be suspended for a meeting of the Committee on Rules. Agreed.

Recess

Representative Stumbo moved that the House recess for ten minutes.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

The Speaker announced the following members had been appointed to the Conference Committee on HB 323: Representatives Johnson, Chairman; Burnette, Freibert.

Representative Mack moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 190, by Representatives Mack, Noe, Freibert, Hines, Richards, Moberly, Scorsone, Little, Curd, Lile, Barrows, Blevins, Kerr, White and Williams: A RESOLUTION requiring a study of vocational education.

Representative Mack moved the adoption of the following HR 190:

HR 190, A RESOLUTION requiring a study of vocational education.

WHEREAS, passage of the Smith-Hughes Act by the U.S. Congress in 1917 provided the foundation for our present day vocational program; and

WHEREAS, one of Kentucky's senior Congressmen was the nation's greatest spokesman for vocational education for thirty-six years; and

WHEREAS, the need for vocational education has expanded from the early days of serving an agrarian population to include a need for a wide range of intensive training programs which will develop our human resources, reduce unemployment, expand the state's economic base, and increase productivity by expanding, improving, and updating vocational programs;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Interim Joint Committee on Education shall conduct a study of vocational education in Kentucky, including the governance structure, rate of placement on the job for both secondary and postsecondary students, and whether training programs are being matched with employment needs, especially in terms of high technology occupations.

Section 2. The study shall be completed prior to the 1988 session of the General Assembly.

Section 3. Staff services to be utilized in completing this study are estimated to cost $15,000 which shall be provided from the regular Commission budget and are subject to the limitations of other research responsibilities of the Commission.

HR 190 was adopted by voice vote.

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 1 to SB 352, by Representative Gedling:

Amend printed copy of GA copy of SB 352:

On page 2, line 4, by adding after line 4, the following:

"Section 2. KRS 186.240 is amended to read as follows:

It shall be the duty of the cabinet to carry out the provisions of KRS 186.005 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.005 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180(1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The cabinet shall prescribe a plate of practical form and size for police identification purposes which shall be embossed with the registration number, the word "Kentucky" and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Transportation," "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the department of vehicle regulation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned

exclusively by the state and of KRS 186.061, relating to the licensing of vehicles owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, and volunteer fire protection unit. A state slogan may be placed upon such plate if so desired.

(4) The transportation cabinet shall receive all moneys forwarded by the clerk in each county and turn same over to the state treasurer for the benefit of the state road fund.

(5) The transportation cabinet shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him. *The auditor of public accounts, pursuant to Section 3 of this Act, shall annually audit each county clerk concerning his responsibilities for the collection of various fees and taxes associated with motor vehicles. The secretary of the transportation cabinet, with the advice, consultation and approval of the auditor, shall develop and implement an inventory and accounting system which shall insure that the audits mandated in Section 3 of this Act are performed in accordance with generally accepted auditing standards. Payment for expenses incurred from the audits shall be one-half (1/2) the responsibility of the fiscal court and one-half (1/2) from the appropriation pursuant to Section 4 of this Act except, if the county clerk failed to remit excess fees for that fiscal year to the fiscal court, then expenses for said audit shall be the sole responsibility of the transportation cabinet.*

(6) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the cabinet.

SECTION 3. A NEW SECTION OF KRS CHAPTER 43 IS CREATED TO READ AS FOLLOWS:

(1) The auditor of public accounts shall annually audit each county clerk concerning:

(a) All receipts due from the collection of motor vehicle registration fees and motor vehicle licenses and other receipts due the clerk pertaining to motor vehicles as prescribed in KRS Chapters 186 and 186A;

(b) All receipts due from the collection of motor vehicle usage tax as prescribed by KRS 138.460; and

(c) All receipts due from the collection of the ad valorem tax on motor vehicles as prescribed by KRS 134.800.

These annual audits shall be completed by April 15 of the year following the year to be audited.

(2) The provisions of KRS 43.070 shall not apply to the separate and distinct duties imposed on the auditor of public accounts pursuant to subsection (1) of this section. The audits specified in subsection (1) of this section shall be conducted prior to the audits mandated by KRS 43.070. Payment for expenses incurred from the audits shall be one-half (1/2) the responsibility of the fiscal court and one-half (1/2) from the appropriation pursuant to Section 4 of this Act except, if the county clerk failed to remit excess fees for that fiscal year to the fiscal court, then expenses for said audit shall be the sole responsibility of the transportation cabinet.

(3) Immediately upon completion of each audit, the auditor of public accounts shall prepare a report of his findings noting any indebtedness to the Commonwealth. He shall furnish one (1) copy to the county clerk, one (1) copy to the secretary of the transportation cabinet and one (1) copy to the secretary of the revenue cabinet. Should the county clerk object to any findings of indebtedness in the auditor's report, he shall file a written response with the auditor within ten (10) days of his receipt of said report. The auditor shall consider the written response and within thirty (30) days of its receipt issue a final report. Should the county clerk wish to object to any findings of indebtedness contained in the final report, he shall file a request within ten (10) days of his receipt of the final report for a hearing before a three (3) member panel composed of the secretary of transportation or his designee, the secretary of the revenue cabinet or his designee and the president of the Kentucky county clerks association or his designee. The majority decision of this panel shall be determinative of any indebtedness to the Commonwealth. This panel shall convene within twenty (20) days after receiving a request for such hearing and shall render its decision including written findings of fact within fifteen (15) days of the termination of the hearing. Should the county clerk wish to appeal the decision of this panel he shall file such appeal within thirty (30) days of the issuance of the panel's decision in the circuit court for the county where he serves.

Section 4. To carry out the purposes of this Act, there is appropriated to the Auditor of Public Accounts $250,000 out of the State Treasury for FY 1986-87 and $250,000 out of the state treasury for FY 1987-88. It is further directed that this appropriation be paid from the state road fund by the transportation cabinet from any funds appropriated to it by the general appropriations Act.".

Floor Amendment No. 1 to SB 234, by Representative Donnermeyer:

Amend printed copy of GA copy of SB 234:

On page 6, after line 9, insert the following:

"Section 4. KRS 23A.080 is amended to read as follows:

(1) A direct appeal may be taken from district court to circuit court from any final action of the district court.

(2) The circuit court may issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause within its appellate jurisdiction.

(3) An appeal may be taken to the circuit court by the state in criminal cases from an adverse decision or ruling of the district court, but only under the following conditions:

(a) Such appeal shall not suspend the proceedings in the case;

(b) Such appeal shall be taken in the manner provided by the rules of criminal procedure and the rules of the supreme court, except that the record on appeal shall be transmitted by the clerk of the district court to the attorney general; and if the attorney general is satisfied that review by the circuit court is important to the correct and uniform administration of the law, he may deliver the record to the clerk of the circuit court within the time prescribed by the above-mentioned rules; and

(c) When an appeal is taken pursuant to this subsection, the circuit court, if the record so warrants, may reverse the decision of the district court and order a new trial in any case in which a new trial would not constitute double jeopardy or otherwise violate any constitutional rights of the defendant."

Floor Title Amendment to SB 234, by Representative Donnermeyer:

Amend printed copy of GA copy of SB 234:

On page 1, amend the TITLE to read as follows: "AN ACT relating to legal proceedings."

Floor Title Amendment to SB 389, by Representative Morris:

Amend printed copy of SB 389:

By changing the title to "AN ACT relating to finance."

Floor Amendment No. 1 to SB 389, by Representative Morris:

Amend printed copy of SB 389:

On page 1, before line 1, by inserting the following:

SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

As used in this chapter unless the context requires otherwise:

(1) "Qualified investment" means a new partnership interest or new stock in a qualified entity in which interest or stock is purchased for cash by the taxpayer;

(2) "New partnership interest" means either a general or limited partnership interest in a limited partnership if the interest is acquired by the taxpayer from the limited partnership;

(3) "New stock" means a share or shares of stock of a corporation if the stock, when purchased by the taxpayer, is authorized but unissued;

(4) "Qualified entity" means a venture capital limited partnership or corporation certified pursuant to Section 2 of this Act;

(5) "State tax liability" means a taxpayer's total tax liability that is incurred under:

(a) KRS Chapter 132—Intangibles tax;

(b) KRS 136.070—Corporation license tax;

(c) KRS 136.270—Bank and trust company share tax;

(d) KRS 136.300—Savings and loan tax; and

(e) KRS Chapter 141—Income tax.

(6) "Taxpayer" means any person, corporation, partnership or other entity that has any state tax liability.

(7) "Small business and industry" means a Kentucky based company, with capitalization of less than five hundred thousand dollars ($500,000), anticipated to employ less than fifty (50) people.

SECTION 2. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) The purposes of this Act are to encourage capital investment in the Commonwealth of Kentucky, to encourage the establishment or expansion of small business and industry, to provide additional jobs and to encourage the development of new products and technologies in the state through seed and venture capital.

(2) To carry out the purposes of this Act, a Kentucky-based venture capital entity shall be established with the name Commonwealth venture fund to provide financing to business entities including but not limited to corporations and partnerships. The fund shall give preference to Kentucky based entities. The financing may include any combination of equity investments, loans, guarantees and commitments for financing and the amount of financing shall be limited for any one business entity to less than five hundred thousand dollars ($500,000). The Commonwealth venture fund shall be certified as qualified under this chapter by a panel comprised of the governor of the Commonwealth, the secretary of the Kentucky commerce cabinet and the secretary of the Kentucky revenue cabinet, or their designated representatives. The panel and its respective staffs will establish guidelines relative to the certification of such qualified entity based on the purposes of this Act. Administrative regulations necessary to carry out the purposes of this Act shall be promulgated and issued by the panel and its respective staffs. Such guidelines and regulations shall assure that such qualified entity will make investments in small businesses in return for receiving this credit against state tax liability.

SECTION 3. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) Subject to Section 4 of this Act, a taxpayer is entitled to a credit against any state tax liability which may be imposed on the taxpayer for any tax year beginning after December 31, 1986, if the taxpayer purchases a qualified investment in the qualified entity. However, a taxpayer may only receive a credit for qualified investments purchased during calendar years 1986, 1987 and 1988. The total amount of credit that a taxpayer may receive under this Act shall be determined by multiplying the consideration paid for all qualified investments purchased by the taxpayer by four-tenths (.4).

(2) The amount of credit that a taxpayer may receive under this Act for a particular taxable year shall not exceed the taxpayer's state tax liability, reduced by other credits to which the taxpayer is entitled, for that taxable year.

(3) If the amount determined in subsection (1) of this section exceeds the taxpayer's state tax liability for that tax year, then the taxpayer may carry the excess credit over to the immediately succeeding tax years. However, the credit carryover may not be used for any tax year that begins on or after January 1, 1992. The amount of the carryover from a tax year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this Act for any subsequent tax year. A credit based on a qualified investment purchased during 1986 shall be a credit carryover to tax years that begin after December 31, 1986.

SECTION 4. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

The total amount of credits allowed under this chapter will not exceed, in the aggregate, seven million dollars ($7,000,000) for all taxpayers and all taxable years. If aggregate consideration paid for qualified investments which would otherwise qualify for the credit provided by this chapter exceeds the limits imposed by this section, the credit shall be allowed to taxpayers in the order of the time of the purchase of the qualified investments.

SECTION 5. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) A credit to which a taxpayer is entitled under this Act shall be applied against taxes owed by the taxpayer in the following order:

(a) First, against the taxpayer's income tax liability for the tax year;

(b) Second, against the taxpayer's intangibles tax liability for the tax year;

(c) Third, against the taxpayer's bank and trust company share tax liability or savings and loan tax liability for the tax year;

(d) Fourth, against the taxpayer's corporation license tax for the tax year.

(2) Whenever the tax paid by the taxpayer under any of the above listed tax provisions is a credit against the liability or a deduction in determining the tax base under another Kentucky tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer is entitled under this Act.

SECTION 6. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) To receive the credit provided by this Act, a taxpayer must:

(a) Claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the revenue cabinet; and

(b) File with the cabinet and with the taxpayer's annual state tax return or returns a copy of the form issued by the qualified entity as to the qualified investment by the taxpayer.

(2) The qualified entity shall complete forms prescribed by the revenue cabinet which shall show as to each qualified investment in the qualified entity the following:

(a) The name, address, and employer identification number of the qualified entity;

(b) The name, address and identification number of the taxpayer who purchased the qualified investment; and

(c) The extent of the qualified investment purchased by the taxpayer and the amount paid therefor.

(3) The forms required to be filed with the revenue cabinet shall be filed by the qualified entity on or before the fifteenth day of the second month following the month in which the qualified investment is purchased. Copies of the forms shall be mailed to the taxpayer by the qualified entity on or before that same date.

And, on page 1, line 1, by changing "SECTION 1" to "SECTION 7".

Floor Amendment No. 1 to SB 117, by Representative Long:

Amend printed copy of GA copy of SB 117:

On page 2, after line 6, insert the following:

"Section 2. KRS 158.030 is amended to read as follows:

(1) A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight (8) or more months during the school year and

every child residing in the district who satisfies the age requirements of this section has had the privilege of attending it. Provided, however, that any child who is six (6) years of age, or who may become six (6) years of age by October 1, shall attend public school as provided by KRS 157.315 or qualify for an exemption as provided by KRS 159.030. Any child who is five (5) years of age, or who may become five (5) years of age by October 1, may enter a public school kindergarten.

(2) Notwithstanding any statute to the contrary, effective July 1, 1986 and any year thereafter, successful completion of kindergarten shall be a prerequisite for a child's entrance into first grade. The state board of education shall establish, by regulation, methods of verifying successful completion of kindergarten and extenuating circumstances for which waiver of the above prerequisite may be granted. The local school district, with the approval of the state department of education, may organize the local kindergarten program in the manner most appropriate to the local situation provided the plan assures that each child receives an average of fifteen (15) hours class time per week. The local district may use five (5) three (3) hour sessions per week; alternate sessions of three (3) days a week with one (1) group and two (2) days a week with a second group with the two (2) groups reversing days every other week; or any other approved plan.

(2) The parent or legal guardian of any child who becomes five (5) years of age on or before December 31 may petition the state board of education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes five (5).

(3) The parent or legal guardian of any child who becomes six (6) years of age on or before December 31 may petition the state board of education to allow the child to enter first grade at the beginning of the school year in which the child becomes six (6).

(4) The state board of education shall establish procedures for consideration of such petitions including readiness testing with the cost to be borne by the parent or legal guardian and such other measures as may be deemed necessary."

Floor Title Amendment to SB 352, by Representative Gedling:

Amend printed copy of GA copy of SB 352:

Amend the title to read "AN ACT relating to county government and making an appropriation therefor."

Floor Amendment No. 1 to SB 268, by Representative Donnermeyer:

Amend printed copy of SB 268:

On page 8, after line 3, by inserting the following:

Section 4. KRS 45.253 is amended to read as follows:

(1) Revolving accounts may be established by appropriation in a joint budget resolution to finance activities which are self-supporting in whole or in part.

(2) Trust and agency accounts may be established by a joint budget resolution to receive and disburse contributions, gifts, donations, devises and federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other miscellaneous receipts of budget units.

(3) The head of the budget unit or other responsible fiscal agent of the unit for which a revolving, trust or agency account has been established shall deposit with the state treasury all receipts of the character above described, and the department of finance shall credit all such receipts to the budget unit and shall keep separate accounting for each account so established.

(4) The amounts credited to any revolving, trust or agency account so provided, shall be held available for disbursement for the purpose provided by law and shall not be diverted to any other purpose. Revolving, trust or agency accounts shall be subject to withdrawal from the state treasury by the head of each budget unit when actually needed, on requisition to the department of finance in the same manner provided by law as other state funds are withdrawn. Funds received from the federal government in the form of grants or otherwise may be

expended for the purpose intended even though received in a fiscal year other than that in which the related original encumbrance or expenditure was incurred. Trust and agency funds shall be allotted before an expenditure is made; and the secretary of the department of finance may withhold allotment of general fund appropriations to the extent trust and agency funds are available.

(5) Subject to prior approval by the secretary of the department of finance, the chief justice and the legislative research commission for their respective branches any budget unit which, as an incident to its authorized duties and functions, furnishes requested services or materials to any persons outside state government, where such services or materials are not required by law to be furnished gratuitously, may charge such persons an amount not to exceed the total expense to the budget unit of the services or materials furnished. The receipts from such approved charges shall be credited to the surplus account of the general fund.

(6) The department of information systems may charge any agency of local government an amount, not to exceed the total expense to the department, for services rendered or materials furnished unless such services or materials are required by law to be furnished gratuitously. The receipts from such authorized charges shall be deposited in the state treasury and credited to the trust and agency fund, department of information systems' operating account.

Floor Amendment No. 2 to SB 48, by Representative B. Richardson:

Amend printed copy of SB 48:

on page 4, line 19, after ''enlargement.'' by adding the following:

''Section 2. KRS 353.590 is amended to read as follows:

(1) Any person, seeking a permit required by KRS 353.570, shall submit to the department a written application in such form as may be prescribed by the department.

(2) Each application shall be accompanied by a specified fee as follows:

(a) The fee shall be one hundred dollars ($100) for each well to be drilled, deepened or reopened for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole.

(b) If the department receives delegation of authority for administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended), the department may, by regulation, establish a fee or schedule of fees in an amount not to exceed fifty dollars ($50.00) per well, in addition to the fees imposed by paragraph (a) of this subsection, upon each application to drill, deepen or reopen a well for any purpose relating to the production, repressuring or storage of oil or gas, and for each water supply well, observation well, and geological or structure test hole. The fees or schedule of fees to be established by regulation shall not exceed an amount sufficient to recover the costs incurred by the department in administering the underground injection control program less any other state or federal funds which are made available for such purpose.

(c) All money paid to the state treasurer for fees required by paragraph (b) of this subsection shall be for the sole use of the department in the administration of the underground injection control program under Section 1425 of the Safe Drinking Water Act (Public Law 93-523 as amended).

(3) All money paid to the state treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the general assembly for the use of the department.

(4) Each application shall be accompanied by a plat, which shows the location and elevation of each well, prepared according to the rules and regulations promulgated under KRS 353.500 to 353.720. The plat shall be certified as accurate and correct by the applicant, a qualified employe of the applicant, a person approved by the department, or an engineer registered in Kentucky, provided that when the location of the well is known to be underlaid by coal-bearing stratum, such plat shall be certified accurate and correct only by an engineer registered in Kentucky. If any plat submitted by an applicant is determined by the department to be materially inaccurate or incomplete, the department may require that a new plat be prepared and submitted either by a

person approved by the director or an engineer registered in Kentucky. The department may further require that all future plats submitted by such an applicant be prepared either by a person approved by the director or an engineer registered in Kentucky.

(5) *In those cases where the lessor of drilling rights is not the owner or owners of the surface of the land to be drilled or to be affected by surface disturbances as a result of the drilling operation, the applicant for a permit to drill shall give notice by certified mail of intent to drill to the property owner or owners of the surface of the land to be drilled. Such notice shall be given no later than the filing of the application with the department for a permit to drill and prior to any site preparation and shall contain a correct copy of the plat required to be submitted with the application.*

(*6*) When any person submits to the department of mines and minerals an application for a permit to drill a well, or to reopen, deepen or temporarily abandon any well which is not covered by surety bond, the department shall except as provided in this section, require from the well operator a bond in the sum of $1,000 in favor of the department of mines and minerals, conditioned that the well upon abandonment shall be plugged in accordance with the rules and regulations of the department and that all records required by the department be filed as specified. The bond shall remain in effect until the plugging of the well is approved by the department, or the bond is released by the department. Any well operator in lieu of such bond may file with the department a blanket bond in a sum of $5,000, covering all wells drilled or to be drilled in the Commonwealth by the principal in the bond, and the acceptance and approval by the department of such blanket bond shall be in full compliance with the above provision requiring an individual well bond. The bond or bonds referred to in this section shall be executed by the well operator as principal and by a corporate surety authorized to do business in the Commonwealth. A deposit in cash shall serve in lieu of either of the above bonds.

(*7*) [~~6~~]Notification in writing to the department by a successor to the well operator with bond as provided in subsection *(6)* [~~(5)~~] that said successor is assuming the obligations of this chapter as to a particular well or wells, will relieve the original permittee of responsibility under this chapter with respect to such well or wells.

(*8*) [~~7~~]If the requirements of subsection *(6)* [~~(5)~~] with respect to proper plugging upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five (45) days after mailing of the notice, the bond shall then be forfeited to the department.

(*9*) [~~8~~]When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the attorney general, who shall collect the forfeiture.

(*10*) [9]All sums received through the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account to be designated as the oil and gas well plugging fund. This fund shall be available to the department and may be expended for the plugging of any abandoned wells coming within the authority of the department pursuant to this chapter. The plugging of any well pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for such plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

(*11*) [~~10~~]Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of said hole confidential until such information is allowed to be released by the person obtaining such permit.

(*12*) [~~11~~]For the purpose of this chapter, "water supply well" shall not include:

(a) Any well for a potable water supply for domestic use or for livestock.

(b) Any water well used primarily for cooling purposes in an industrial process."

Floor Amendment No. 2 to SB 389, by Representative Hancock:

Amend printed copy of GA copy of SB 389:

On page 1, line 1, before the word "Section" insert the following:

"SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) The commissioner may refuse to examine an applicant; or, after examination, may disqualify an applicant, remove his name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed if:

(a) It is found that he does not meet any one (1) of the preliminary requirements established for the examination for the class of position;

(b) He is unable to perform the duties of the class;

(c) He has made a false statement of material fact in his application;

(d) He has used or attempted to use political pressure or bribery to secure an advantage in the examination;

(e) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled;

(f) He has failed to submit his application correctly or within the prescribed time limits;

(g) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant;

(h) He has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause of which he had knowledge were pending;

(i) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(j) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification; or

(k) He has otherwise wilfully violated the provisions of this Act.

(2) An eligible may be removed from a register:

(a) If the eligible cannot be located by postal authorities at the last address provided by the eligible;

(b) If the eligible responds in writing that he no longer desires consideration for position in that class;

(c) If the eligible declines an offer of probationary appointment to the class for which the register was established;

(d) If it is shown that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;

(e) If the eligible fails to reply within a period of ten (10) calendar days of the receipt of the written request of the appointing authority for an interview, or fails to appear for an interview which he has scheduled with the appointing authority without good cause;

(f) If the eligible accepts an appointment and fails to present himself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority; or

(g) If the eligible states in writing that he is not available for appointment or does not wish to be considered for appointment.

(h) Notices to eligibles required under the provisions of this section shall be sent by certified mail return receipts requested.

(3) When an eligible notifies the department in writing that he is unavailable for employment or employment consideration, the department may remove the name of that eligible from the appropriate register without further notification to the person.

(4) When the department is notified in writing by an appointing authority that an eligible has accepted a bona fide offer of probationary appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he has been appointed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Except when appointed to a job classification with an initial probationary period in excess of six (6) months, an employe shall serve a six (6) months probationary period when he is initially appointed to the classified service. An employe may be separated from his position, reduced in class or rank, or replaced on the eligible list during this initial probationary period and shall not have the right to appeal except as provided by Section 15 of this Act. If an employe is separated from his position, he shall be notified in writing at least ten (10) working days prior to separation. A copy of the notification shall be forwarded to the commissioner. The employe shall be placed on an eligible list but shall not be certified to the agency from which he was separated unless that agency so requests. Unless the appointing authority notifies an employe prior to the end of the initial probationary period that he is separated, the employe shall acquire status in the classified service.

(2) An employe who satisfactorily completes the initial probationary period for the position to which he was initially appointed to the classified service shall be granted status and shall not be demoted, disciplined, dismissed, or otherwise penalized except as provided by the provisions of this Act.

(3) An employe ordered reinstated by the board shall not be required to serve a probationary period unless the board rules otherwise.

(4) An employe with status who has been promoted shall serve a probationary period of six (6) months. During this period, he shall retain the rights and privileges granted by the provisions of this Act to employes with status. An employe with status shall be evaluated after serving his promotional probation as provided by Section 3 of this Act.

(5) An employe with status may request that he be reverted to a position in his former class at any time during the promotional probationary period.

(6) A laid-off employe who accepts a bona fide written offer of appointment to a position shall not be required to serve an initial probationary period. Such an employe shall serve a promotional probationary period. He shall be an employe with status and shall have all rights and privileges granted employes with status under the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Evaluations of employes shall comply with the provisions of this section.

(2) Salary advancements, promotions and demotions shall be determined by an employe's performance evaluation.

(3) Evaluations shall be in writing. An evaluator shall present and explain all documentation affecting an employe's evaluation and shall discuss every aspect of his performance with the employe at each evaluation. The evaluator shall elicit the employe's opinions and suggestions, and shall advise the employe of the measures needed to improve his performance.

(4) Each full-time employe who has completed his initial probationary period; each part-time employe who works over one hundred (100) hours each month and who has completed his initial probationary period; and each federally funded time limited employe who has completed six (6) months service shall be evaluated.

(5) (a) The first line supervisor of an employe shall be his evaluator, providing he has supervised the employe for a period of at least ninety (90) calendar days.

(b) If the evaluator has supervised an employe for at least ninety (90) calendar days, and if he ceases to be the employe's first line supervisor after such period of time, he shall evaluate the employe at least five (5) working days prior to the day he ceases to be the employe's supervisor.

(c) If the first line supervisor ceases to be the supervisor of an employe due to the suspension, demotion or dismissal of the first line supervisor, paragraph (b) of this subsection shall not apply.

(d) If the first line supervisor ceases to be an employe's supervisor because the employe transfers, the first line supervisor shall evaluate the employe prior to his transfer, provided he has supervised the employe no less than ninety (90) calendar days prior to notification of his transfer.

(6) An employe's performance shall be evaluated in each of the following categories:

(a) Job knowledge and skills;

(b) Quality of work;

(c) Productivity;

(d) Employe conduct, provided that the requirements of subsection (2)(c) of Section 8 of this Act have been met; and

(e) Improvement in performance provided that the requirements of subsection (2)(c) of Section 8 of this Act have been met.

(7) For each category, one of the following ratings shall be given:

(a) Exceeds performance requirements;

(b) Meets performance requirements; or

(c) Fails to meet performance requirements.

(8) The ratings provided for in subsection (7) of this section shall be determined as follows:

(a) Exceeds performance requirements means that, in each category, an employe's performance exceeds the performance requirements established for the employe's job;

(b) Meets performance requirements means that, in each category, an employe's performance meets the performance requirements established for the employe's job; and

(c) Fails to meet performance requirements means that an employe has failed to meet the performance requirements established for the employe's job in at least one (1) category.

(9) An employe who exceeds performance requirements shall be awarded a lump sum payment. Such lump sum payment shall not increase the base salary or wages of the employe.

(10) Upon appointment to a position for which an evaluation is required by this section, and prior to the evaluation period of an evaluator shall:

(a) Identify the specific performance requirements established for an employe's job; and

(b) Meet with the employe to inform him of such requirements and to discuss them with the employe.

(c) Provide the employe with a written job description in sufficient detail to convey to the employe the specific performance requirements of his job including but not limited to specific duties, time limits, reporting requirements, and required procedures.

(11) (a) At intervals of six (6) months and twelve (12) months after the procedure provided for in subsection (10) of this section, the evaluator shall:

1. Evaluate the employe's performance in writing;

2. Assign a rating to each category and an overall rating to the employe's performance; and

3. Discuss such evaluation with the employe; and

(b) The final rating of the employe's performance shall be made after the two (2) evaluations provided for in paragraph (a) of this subsection.

(12) (a) Within five (5) working days of an evaluation, an employe may request reconsideration of such evaluation by the evaluator.

(b) Within five (5) working days of such reconsideration, an employe may:

1. Submit a written response to any evaluation. Such response shall be attached to the evaluation; and

2. Submit a written request for reconsideration of any evaluation to his second line supervisor.

(c) No later than fifteen (15) working days after receipt of such request, the second line supervisor shall inform the employe and the evaluator in writing of his decision after he has:

1. Obtained written statements from both the employe and the evaluator; or

2. Met with the employe and the evaluator.

(13) Within thirty (30) days after the employe has received the written decision of his second line supervisor, he may appeal an evaluation to the board.

(14) If an employe receives a "fails to meet performance requirements" rating on two (2) successive evaluations, he shall be:

1. Demoted to a position commensurate with his abilities; or

2. Terminated.

SECTION 4. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) It shall be unlawful to coerce employes who may be or are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with statutes relating thereto, and layoffs shall not be utilized as a method of dismissing employes. In this section and in Sections 5 and 6, "cabinet" shall include an office or department headed by an elected official, and "cabinet secretary" and "cabinet head" shall include an elected official.

(2) In the same cabinet, county, and job classification, provisional, temporary, emergency, federally funded time-limited, and probationary employes shall be laid off before permanent full-time or permanent part-time employes with status. For purposes of layoff, "probationary employe" does not include an employe with status serving a promotional probation. A cabinet shall not transfer positions, including vacant positions, in order to circumvent the provisions of this section.

(3) If two (2) or more employes subject to layoff have the same qualifications, the employe with the lesser seniority shall be laid off first.

(4) An employe who is laid off shall be placed on a reemployment register for the class of position from which he was laid off and for any class for which he is qualified. He shall have the right to test for any class of position for which he is qualified to take an examination. If he passes the examination, he shall be placed on the register for the class.

(5) For a period of five (5) years laid-off employes shall be hired before any applicant or eligible except another laid-off employe with greater seniority who is already on such register.

(6) For a period of five (5) years, a laid-off employe shall not be removed from any register unless:

(a) He notifies the department in writing that he no longer desires consideration for a position on such register;

(b) He declines two (2) written offers of appointment;

(c) Without good cause, he fails to report for an interview after he has been notified in writing at least fifteen (15) calendar days prior to the date of the interview;

(d) He is unqualified for appointment;

(e) He is unable to perform the duties of the class;

(f) He has made a false statement of a material fact in his application;

(g) He has used or attempted to use political influence or bribery to secure an advantage in connection with his placement on the register;

(h) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(i) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification;

(j) He cannot be located by postal authorities at the last address provided by the employe; or

(k) He has otherwise wilfully violated the provisions of this Act.

(7) When the department is notified by an appointing authority that a laid-off employe has accepted a bona fide offer of appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same as or less than that of the class to which he has been appointed.

(8) When a laid-off employe is removed from a register he shall be notified in writing and shall be notified of his right to appeal to the board under the provisions of KRS 18A.095.

SECTION 5. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) A layoff of a state employe with status in the executive branch due to the abolition of a position, lack of work or a material change in duties or organization shall comply with the provisions of this section.

(2) Prior to the notification of an employe that he is subject to layoff and prior to the layoff of an employe, the appointing authority shall submit a layoff plan to the commissioner and the secretary of the finance and administration cabinet for their approval. Such plan shall contain the name of the employe and the reasons, in detail, for such layoff. Upon approval of the plan by the commissioner and the secretary, the employe shall be notified that he is subject to layoff, and of:

(a) The reason for the layoff;

(b) The procedures established by the provisions of this Act for the layoff of employes; and

(c) The rights granted employes subject to layoff and to laid off employes.

(3) (a) An employe subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties and responsibilities within the cabinet. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(b) If such a position is not available, the employe shall be transferred to a vacant position within the cabinet for which he is qualified. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(c) If such a position is not available, the employe shall be notified of all vacant positions for which he is

qualified to take an examination. The employe shall have the right to take an examination for any vacant position within the cabinet for which he is qualified. If he passes the examination he shall be appointed to that position before any applicant or eligible on a register except another laid off employe with greater seniority already on such register.

(4) (a) If no position is available to an employe subject to layoff under the procedure established by subsections (2) and (3) of this section, the appointing authority shall notify the employe and the department.

(b) The department shall coordinate efforts to transfer an employe subject to layoff to another agency.

(5) If no position is available, the employe shall have the right to take an examination for any position for which he is qualified. If he passes the examination he shall be hired before any applicant or eligible on a register, except a laid-off employe with greater seniority already on such register.

(6) If no position is available to an employe subject to layoff under the procedure established by this section, the employe shall be notified in writing that he is to be laid-off thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

SECTION 6. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Prior to a layoff of state employes in the executive branch, required by a projected or actual reduction in tax receipts contemplated under the provisions of subsections (1) and (5) of Section 16 of this Act, each cabinet shall prepare a layoff plan that complies with the provisions of this Act.

(2) Each layoff plan shall provide that a layoff of state employes shall occur only after all other cost saving measures are taken and have failed to alleviate the projected or actual deficit. These measures shall be specified in the plan, in detail, and shall include but not be limited to:

(a) A suspension of appointments, unless the secretary of the cabinet certifies in writing that appointments are required in order to provide services mandated by law and that such appointments cannot be made by transfers of employes within the cabinet;

(b) A reduction or delay of expenditures that would not prevent the provision of services required by law;

(c) Consolidation of offices and job duties that would not prevent the provision of services required by law;

(d) Transfer of funds as provided by the budget reduction plan enacted pursuant to KRS Chapter 48;

(e) Transfer of funds appropriated for or allotted to vacant positions as provided by the budget reduction plan provided for by KRS 48.130, unless it is certified that the positions are essential and cannot be filled in the period during which layoffs are to occur by transfer of employes of the appointing authority;

(f) The filling of vacancies and promotions from within the cabinet; and

(g) Transfers of employes within the cabinet as provided by Section 5 of this Act.

(3) Each cabinet shall submit:

(a) Its layoff plan; and

(b) A list of employes who would remain subject to layoff after the implementation of cost saving measures, to the secretary of the finance and administration cabinet and to the commissioner for review. Upon approval by the secretary, the layoff plans shall be submitted to the governor for approval.

(4) Upon approval of the plans by the governor, the commissioner shall attempt to transfer employes as provided by Section 5 of this Act. Employes who cannot be so transferred may be laid-off.

(5) If no position is available to an employe subject to layoff under the procedures established by this section, the employe shall be notified in writing that he is to be laid-off effective thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

(6) When the commissioner and the secretary of finance and administration determine that appointments may be made, and the hiring freeze is ended, laid-off employes shall be hired before any applicant or eligible except laid-off employes already on such registers.

Section 7. KRS 18A.005 is amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Appointing *authority* [~~officer~~]" means the officer or employe or group of officers or employes authorized by law to make appointments;

(2) *"Base salary or wages," means the compensation to which an employe is entitled under the salary schedules adopted pursuant to the provisions of this Act. Base salary or wages shall be adjusted as provided under the provisions of Sections 15 and 16 of this Act;*

(3) "Board" means the personnel board created by KRS 18A.045;

(4)[~~(3)~~] "Career employe" shall mean a state employe with twenty (20) or more years of permanent full-time state service, or the part-time employment equivalent of at least twenty (20) years of full-time state service. The service may have been in the classified service, the unclassified service, or a combination thereof.

(5)[~~(4)~~] "Certification" means the referral of the name of one (1) or more qualified prospective employes by the commissioner on request of an appointing officer for consideration in filling a position in the classified service;

(6)[~~(5)~~] "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;

(7)[~~(6)~~] "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service;

(8)[~~(7)~~] "Commissioner" means the commissioner of the department of personnel as provided for in KRS 18A.015;

(9)[~~(8)~~] "Demotion" means a change in the rank of an employe from a position in one (1) class to a position in another class having a lower minimum salary range *or* [~~and~~] less discretion or responsibility;

(10)[~~(9)~~] "Department" means the department of personnel provided for in KRS 18A.015 unless the context indicates otherwise;

(11)[~~(10)~~] "Eligible" refers to a person who has made a passing score on any examination required under KRS 18A.005 to 18A.200 and who has qualified to be placed on a register;

(12)[~~(11)~~] "Emergency employe" means an employe appointed without regard to the examination requirements of KRS 18A.005 to 18A.200 to any position by reason of a governmental emergency. *An emergency* [~~, whose~~] appointment *shall* [~~is~~] not [~~to~~] exceed thirty (30) working days in duration and is nonrenewable;

(13)[~~(12)~~] "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis;

(14) "Federally funded time-limited employe" means an employe appointed to a federally funded time-limited position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS Chapter 18A;

(15) "Federally funded time-limited position" means a position created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

[~~(13) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;~~]

(16)[~~(14)~~] "*Initial* probation" means the *six (6) month* period of service following *initial* appointment to any position under KRS 18A.005 to 18A.200 which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in KRS 18A.110 *and by the provisions of this Act* [~~. An employe serving the probationary period is known as a "probationary employe";~~];

(17) "Penalization" shall include, but not be limited to, demotion, dismissal, suspension, fines and other disciplinary actions, involuntary transfers; any action, that diminishes the level, rank, discretion or responsibility of an employe without proper cause including a reclassification or reallocation; and the abridgement or denial of other rights granted to state employes.

(18) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;

(19)[~~(15)~~] "Promotion" means a change of rank of an employe from a position in one (1) class to a position in another class having a higher minimum salary and carrying a greater scope of discretion or responsibility;

(20) "Promotional probation" means the six (6) month period of service following the promotion of an employe with status which must be successfully completed in order for the employe to retain the position to which he has been promoted;

(21)[~~(16)~~] "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under KRS 18A.005 to 18A.200 without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in KRS 18A.110;

(22) "Reallocation" means the correction of the classification of an existing position by placement of the position into the classification that is appropriate for the duties the employe has been and shall continue to perform.

(23) "Reclassification" means the change in the classification of a current employe when a material and permanent change in the duties or responsibilities of that employe occurs.

(24) "Reemployment" shall mean the rehiring of an employe with status who has been laid off.

(25)[~~(17)~~] "Reemployment *register* [~~list~~]" means the separate list of names of persons reduced in force by reason of *lay off* [~~lack of appropriations, curtailment of program or abolishment of position or of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment~~]. Reemployment *registers shall be* [~~lists are~~] used as provided *by the provisions of this Act* [~~in KRS 18A.110 and subject to KRS 18A.130 and 18A.135~~];

(26)[~~(18)~~] "Register" means any official list of eligibles for a particular class, *and, except as provided in this Act,* placed in rank order according to the examination records, maintained for use in making original appointments or promotions to positions in the classified service;

(27) "Reinstatement" shall mean the restoration of an employe who has resigned in good standing or who has been ordered reinstated by the board or a court to a position in his former class or to a position of like status and pay;

(28) "Seasonal employe" means an employe appointed to a seasonal position either from an existing eligible list or without reference to an eligible list;

(29) "Seasonal position" means a position that is temporary, coincides with a particular season or seasons of the year, and does not exceed eleven (11) months duration;

(30) "Seniority" means the total number of months of state service;

(31) "Temporary employe" means an employe appointed to a temporary position;

(32) "Temporary position" means a position that is created for a definite period of time not to exceed six (6) months and not renewable;

(33)[~~(19)~~] "Status" means the acquisition of tenure with all rights and privileges *granted by the provisions of this Act* [~~appertaining thereunto~~] after satisfactory completion of the *initial* probationary period by an employe in the classified service;

[~~(20) A "temporary position" is one created for a defined period of time not to exceed six (6) months and not renewable; a "temporary employe" is one (1) appointed to such a temporary position. A "seasonal position," although temporary in duration in the foregoing sense, coincides in duration with a particular season or seasons of the year, but may not exceed eleven (11) months duration, and may recur regularly from year to year; a "seasonal employe" is one appointed to such a seasonal position from an existing eligible list or without reference to an eligible list;~~

~~(21) A "federally funded time-limited position" is one created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided. A "federally funded time-limited" employe is one appointed to such position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS 18A.005 to 18A.200;~~]

(34)[~~(22)~~] "Transfer" means a movement of any employe from one (1) position to another of the same grade having the same salary ranges, [~~and~~] the same level of responsibility within the classified service *and the same salary received immediately prior to transfer*;

(35)[~~(23)~~] A "war veteran" is a person who served on active duty in the United States armed forces during any war, or in a campaign or expedition for which a campaign badge or service medal has been authorized, or between *December 7, 1941* [~~April 28, 1952~~], and July 1, 1955 or between August 6, 1964 and May 7, 1975.

Section 8. KRS 18A.020 is amended to read as follows:

(1) The records of the department shall be public records and shall be open to public inspection, as provided in KRS 61.870 to 61.884.

(2) (a) A personnel file shall be maintained by the department and the appointing authority for each employe. The file maintained by the department shall be the official personnel file for the employe. Upon transfer, the personnel file maintained by the appointing authority from which the employe transfers shall be forwarded to the new appointing authority.

(b) Each file shall include, but not be limited to, for each employe, his name, address, title of positions held, classification, rates of compensation, all changes in status including evaluations, promotions, demotions, layoffs, transfers, disciplinary actions, commendations, awards, and preliminary and other supporting documentation for each action. Each file shall contain the complete record and supporting documentation for each personnel action.

(c) Whenever an employe is reprimanded for misconduct, other infraction, or failure to perform his duties in a proper or adequate manner, the supervising employe taking such action shall document such action in detail, and shall provide the employe with a copy of such documentation. The supervising employe shall inform the employe that he has the right to prepare a written response to the action taken after he has reviewed the written documentation prepared by the supervising employe. Such response shall be attached to the documentation prepared by the supervising employe. The supervising employe shall place a copy of the documentation and response provided for herein in the employe's personnel file and shall transmit a copy to the department to be placed in the official personnel file of the employe. The supervising employe shall notify the employe that copies of the documentation and the response provided for herein have been placed in his personnel files.

(3) Upon written request, an employe shall have the right to examine his personnel file. An employe may comment in writing on any item in his file. Such comments shall be made a part of his file and shall be attached to the specific record or document to which they pertain.

(4) Upon written request a state employe, an applicant for employment, and an eligible on a register shall have the right to inspect and to copy any record and preliminary documentation and other supporting documentation that relates to him except that an applicant, an eligible or a state employe shall not have the right to inspect or to copy any examination materials.

(5) No public agency, as defined by KRS 61.870, and no officer or employe shall deny, abridge or impede the exercise of the rights granted in any manner by this section and by Section 17 of this Act.

Section 9. KRS 18A.050 is amended to read as follows:

(1) Any person serving on the board on July 15, 1982 shall serve until the expiration of his current term of office. Subsequent appointments shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was appointed as provided in subsections (2) and (3) of this section, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed in the same manner as provided in KRS 18A.045 and for the remainder of such term.

(2) Upon the expiration of the terms of office of the two (2) board members whose terms expire January 1, 1984, the governor shall appoint two (2) members from a list of four (4) names submitted by the legislative research commission. Thereafter, upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(3) Upon the expiration of the terms of office, of the members whose terms expire December 31, 1982, January 1, 1985, and January 1, 1986, the Governor shall appoint citizens at large who are not associated with state government in any manner. Thereafter upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(4) These five (5) appointments to the board shall be subject to confirmation by the senate. If the senate is not in session, these five (5) appointments shall be subject to review by the interim joint committee on state government which shall hold a public hearing and shall transmit its recommendations to the senate.

(5) The initial election of classified employes to the board shall be held as provided *by Section 10 of this Act* [~~in KRS 18A.055~~]. The two (2) classified employes initially elected to the board shall serve until July 1, 1986. Subsequent elections shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was elected. If a vacancy occurs prior to the expiration of such term, the board shall fill the vacancy as provided in KRS 18A.060.

(6) If an elected board member accepts an unclassified position with state government, his membership on the board shall be terminated immediately and the vacancy shall be filled as provided in KRS 18A.060.

(7) If an elected board member accepts a classified position in a cabinet employing another board member or if, through no fault of his own, he is placed in that cabinet, his membership on the board shall not be terminated for the remainder of his term.

SECTION 10. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) (a) Elections to the board shall be scheduled every four (4) years on or before July 1. The department shall provide written notification of the date of the election to all classified employes on or before May 1.

(b) Upon receipt of the notification provided for by subsection (1)(a) of this section, an employe wishing to serve on the board shall notify the department, in writing, no later than June 1. This notification shall be notarized and shall include the candidate's name, address, social security number, job classification, and length of state employment. It shall also include the name and address of his current employer.

(2) On the last working day of May, the department shall certify a payroll that is current on such day and that contains the name, social security number and home address of every classified employe.

(3) At least fifteen (15) working days prior to the election provided for in subsection (1) of this section, the department shall mail to each classified employe whose name appeared on the payroll certified by the department at his home address:

(a) A list of candidates for election to the board, in alphabetical order, with a brief biography following the name of each candidate;

(b) Instructions for voting, including the instruction that the employe shall write his name, address and social security number in the upper left corner of the reply envelope;

(c) A ballot listing the names of all candidates for election to the board in alphabetical order and providing a blank space next to each name; and

(d) An envelope for returning the ballot. Prior to mailing the envelope to a state employe, it shall be addressed by the department to the impartial third party selected by the department to receive, validate and tabulate the ballots at a post office box rented by the department for the election. The upper left corner of the envelope shall contain a sufficient number of blank lines and spaces to permit an employe to write his name, address and social security number in such corner.

(4) Upon receipt of his ballot a classified employe wishing to participate in the election provided for in subsection (1) of this section shall:

(a) Vote for no more than two (2) candidates;

(b) Mark his ballot by placing a mark in the blank space next to the name of the candidate for whom he is casting his vote; and

(c) Print his name, address and social security number in the upper left corner of the reply envelope provided by the department.

(5) The department shall:

(a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by subsections (5) and (6) of this section;

(b) Acquire a post office box to which all ballots shall be mailed; and

(c) Provide the impartial third party with a computer generated list of the names and social security numbers of eligible voters, with the names of the eligible voters in numerical sequence as determined by their social security numbers. The names and social security numbers listed on such list shall correspond to those appearing on the payroll certified by the department under subsection (2) of this section.

(6) The impartial third party selected by the department shall collect all ballots, unopened, from the post office box. It shall:

(a) 1. Verify the name and social security number on each envelope by comparing them to the computer generated list of names and social security numbers of eligible voters provided by the department; and

2. Set aside, unopened, any envelope containing a name or a social security number on the envelope that does not match a name or a social security number appearing next to the name on the computer generated list;

(b) Examine the postmark on each envelope;

(c) Set aside, unopened, any envelope postmarked with a date subsequent to the deadline provided for by this section;

(d) Remove the ballot from each envelope;

(e) Tabulate the ballots by electronic data entry in duplicate, provided that ballots in envelopes specified in paragraphs (a)2. and (c) of this subsection shall not be counted;

(f) Compare the total tabulated vote with the total number of eligible employes appearing on the computer generated list provided by the department;

(g) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the department; and

(h) Certify to the department:

1. That the tabulation does not include two (2) or more ballots with the same social security number;

2. The total number of ballots received;

3. The total number of ballots set aside and not included in the tabulation;

4. The total number of ballots included in the tabulation; and

5. The total vote for each candidate.

(7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes and other election materials provided for by this section shall be public record and open to inspection.

(8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.

(9) Successful candidates shall be notified by the department no later than five (5) working days after the election. Successful candidates shall take office immediately upon notification.

(10) State employes shall not use state materials or equipment for any purpose related to the election of classified employes to the board, nor shall any activity related to the election of a classified employe to the board be conducted during working hours.

Section 11. KRS 18A.075 is amended to read as follows:

It shall be the duty of the board to:

(1) Adopt comprehensive *administrative regulations* [~~rules~~] consistent with the provisions of KRS *Chapter 18A* [~~18A.005 to 18A.200~~], and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants;

(2) Present to the governor, through the secretary of the department of finance, for his adoption such classification and compensation plans for the state service, provision for vacation, sick and special leave and hours of work, together with rules for their administration, as recommended by the commissioner and the board after a thorough survey of the personnel and departmental organizations included in such plan or plans;

(3) Make investigations, either on petition of a citizen, taxpayer, interested party, or on its own motion, concerning the enforcement and effect of KRS 18A.005 to 18A.200, and to require observance of its provisions and the rules and regulations made pursuant thereto; and to make such investigation as may be requested by the general assembly or the governor and to report thereon;

(4) Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, from unclassified employes who have been dismissed, demoted, suspended, or otherwise penalized for cause, and from officers or employes serving under the personnel system created by KRS *Chapter 18A* [~~18A.005 to 18A.200~~], as [~~hereinafter~~] provided *by* [~~, subject to the procedural rules which the board may adopt pursuant to~~] the provisions of this *Act* [~~section~~];

(5) Promote public understanding of merit principles in government service;

(6) Make annual reports to the governor and the legislative research commission and biennial reports to the general assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy;

(7) Advise the governor and the commissioner with respect to the administration of the personnel system created by KRS 18A.005 to 18A.200;

(8) Consider and act on such matters as may be referred to the board by the commissioner; and

(9) Represent the public interest in the improvement of personnel administration in the state service, and

advise and assist the commissioner in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

Section 12. KRS 18A.090 is amended to read as follows:

(1) As provided by the budget enacted by the general assembly and other laws applicable to state personnel, the board shall appoint an executive director who shall be the chief administrative officer of the board and serve as secretary to the board. He shall have proven administrative and managerial experience and familiarity with equal employment opportunity laws and regulations. The board shall appoint other employes it deems necessary in accordance with the provisions of this chapter. The salaries of the executive director and other employes of the board shall be determined by order of the board. The executive director of the board shall prepare the budget request for approval by the board in the form and manner required by applicable law. For the purposes of KRS *Chapter 48* [~~45.070~~] the board shall be considered a budget unit.

(2) The board shall appoint a general counsel pursuant to KRS 12.210 to provide legal services for the board. Upon request of the board, the attorney general may designate the general counsel as an assistant attorney general. The general counsel provided for by this subsection shall not be employed by personal service contract and shall be a full-time employe of the board. He shall serve as a hearing officer for the board [~~The attorney general shall be an advisory member of the board~~].

Section 13. KRS 18A.095 is amended to read as follows:

(1) *A classified employe with status shall not be dismissed, demoted, suspended or otherwise penalized except for cause.*

(2) Prior to dismissal, a classified employe with status shall be notified in writing of the intent to dismiss him. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the intent to dismiss is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(b) That the employe has the right to appear personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(3) The department shall prescribe and distribute a form to each appointing authority to be completed and forwarded by an employe who wishes to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy. Such form shall be attached to every notice of intent to dismiss, and shall contain written instructions explaining:

(a) The right granted an employe under the provisions of this Act relating to pretermination hearings; and

(b) The time limits and procedures to be followed by all parties in pretermination hearings.

(4) No later than five (5) working days after receipt of the notice of intent to dismiss, excluding the day he receives such notice, the employe may request to appear, personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(5) Such appearance shall be scheduled six (6) working days after receipt of an employe's request to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day his request is received.

(6) No later than five (5) working days after the employe appears before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day of the appearance, the elected official or his deputy or the cabinet head or his deputy shall:

(a) Determine whether to dismiss the employe or to alter, modify or rescind the intent to dismiss; and

(b) Notify the employe in writing of such determination.

(7) If the cabinet head or his deputy, or in the case of employes of elected officials, the elected official or his deputy, determines that the employe shall be dismissed or otherwise penalized, the employe shall be notified in writing of:

(a) The effective date of his dismissal or other penalization;

(b) The specific reason for such action, including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the dismissal or other penalization is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(c) That he may appeal such dismissal or other penalization to the board within thirty (30) days after receipt of this notification, excluding the day he receives such notification.

(8) A classified employe with status who is demoted, suspended or otherwise penalized shall be notified in writing of such action, the specific reason for such action, and that he has the right to appeal to the board within thirty (30) days excluding the day that he received notification.

(9) Any [~~classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service or any~~] unclassified employe who is dismissed, demoted, suspended, or otherwise penalized for cause may, within thirty (30) days after such dismissal, demotion, suspension, or other form of penalization, appeal to the board for review thereof.

(10) (a) An employe whose position is reallocated shall be notified in writing by the appointing authority of:

1. The reallocation; and

2. His right to request reconsideration by the commissioner within ten (10) working days of receipt of the notice, excluding the day he receives notification.

(b) He shall be provided with a form prescribed by the commissioner on which to request reconsideration; and

(c) The employe shall file a written request for reconsideration of the reallocation of his position with the commissioner and shall be given a reasonable opportunity to be heard thereon by the commissioner. The commissioner shall make a determination within sixty (60) days after the request has been filed by an employe. After reconsideration of the request by the commissioner, the employe may appeal to the board.

(11) An evaluation may be appealed to the board if an employe has complied with the review procedure established under Section 3 of this Act.

(12) Any state employe, applicant for employment, or eligible on a register may appeal to the personnel board on the grounds that his right to inspect or copy records, including preliminary and other supporting documentation, relating to him has been denied, abridged or impeded by a public agency. The board shall conduct a hearing to determine whether the records related to the employe, applicant or eligible, and whether his right to inspect or copy such was denied, abridged or impeded. If the board determines that the records related to the employe and that the right to inspect or copy such records has been denied, abridged or impeded, the board shall order the public agency to make them available for inspection and copying and shall charge the

cost of the hearing to the public agency. A state employe, applicant or eligible shall not have the right to inspect or to copy examination materials.

(13) Any classified state employe may appeal to the board an action alleged to be based on discrimination due to race, color, religion, national origin, sex, handicap, or age. Nothing herein shall be construed to preclude any classified or unclassified state employe from filing with the Kentucky Commission on Human Rights a complaint alleging discrimination on the basis of race, color, religion, national origin, sex, handicap or age in accordance with KRS Chapter 344.

(14) When an eligible's name is removed from a register, the commissioner shall notify the eligible of his action and the reasons therefor, and that he may appeal such removal to the board. An eligible's name shall be restored to the register upon presentation of reasons satisfactory to the commissioner or in accordance with the decision of the board.

(15) (a) Any employe, applicant for employment, or eligible on a register, who believes that he has been discriminated against, may appeal to the board;

(b) Any applicant whose application for admission to an open-competitive examination has been rejected shall be notified of such rejection and the reasons therefor and may appeal to the board for reconsideration of his qualifications and for admission to the examination. Applicants may be conditionally admitted to an examination by the commissioner pending reconsideration by the board;

(c) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly;

(d) An appeal to the board by applicants or eligibles under subsections (12), (14) and (15) of this section shall be filed in writing with the executive director not later than fifteen (15) calendar days after the notification of the action in question was mailed.

(16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the board. Appeal forms shall be available at the employe's place of work. The department shall be responsible for the distribution of such forms.

(b) The appeal form shall be attached to any notice or copy of such notice of dismissal, demotion, suspension, fine, involuntary transfer or other penalization, reallocation, or notice of any other action an employe may appeal under the provisions of this Act. The appeal form shall instruct the employe to state whether he is a classified or unclassified employe, his full name, his appointing authority, work station address and telephone number, and, if he has retained counsel at the time he files an appeal, the name, address and telephone number of his attorney.

(c) The form shall also instruct a classified employe to state the action he is appealing in a short, plain, concise statement of the facts. The form shall instruct an unclassified employe to make a short, plain, concise statement of the reason or cause given for his dismissal.

(d) Upon receipt of the appeal by the board, the appointing authority and the department of personnel shall be notified and the board shall schedule a hearing within the time limits prescribed by this Act.

(17) All notices from the board shall be in writing. Notices shall be written so as to be understood by non-attorneys.

(18) (a) [~~Upon such review, both~~] The appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts.

(b) Except as provided herein, an appeal shall be decided by the board only after a hearing. The board shall not deny, reject or sustain an appeal, or make any other determination relating to an appeal, except after a hearing is conducted pursuant to the provisions of this Act.

(c) The board may deny a hearing to an employe who has failed to file an appeal within the time prescribed by this Act; and, to an unclassified employe who has failed to state the cause for which he has been dismissed. The board shall notify the employe of its denial in writing and shall inform the employe of his right to appeal such denial under the provisions of KRS 18A.100.

(d) Any investigation by the board of any matter related to an appeal filed by an employe shall be conducted only upon notice to the employe, the employe's counsel, and the appointing authority. All parties to the appeal shall have access to information produced by such investigations and such information shall be presented at the hearing. Any party to the hearing shall be permitted an adequate opportunity to rebut or comment upon such information.

(e) Each appeal shall be decided on its merits.

(19) At the hearing of such appeals, technical rules of evidence shall not apply. *Upon its own motion or upon request by a party, the board may require the production by a party, a state employe or a state agency of documents, records and other material relevant to the appeal.*

(20) Each appeal shall be decided individually unless otherwise agreed by the parties and the board. The board shall not:

(a) Employ class action procedures; or

(b) Conduct test representative cases.

(21) Except as authorized by law, board members and employes of the board shall neither initiate, participate in, nor consider ex parte or other communications concerning a pending or impending proceeding before the board. Board members shall abstain from public comment about a pending or impending proceeding before the board, and shall require similar abstention on the part of board personnel subject to the board's direction and control. This shall not prohibit board members from making public statements in the course of their official duties or from explaining for public information the procedures of the board.

(22) (a) An appeal to the board may be heard by*:*

1. The full board;

2. Two (2) board members;

3. A member of the board and a hearing officer; or

4. The general counsel of the board and either a member of the board or a hearing officer [~~individual members of the board, by its executive director or by a hearing officer of the board~~].

(b) Any appeal heard by less than the full board shall be *reviewed by the full board before a final order of the board is issued.*

1. Prior to a final order of the board, the board shall provide a copy of the findings of fact and recommendations to the parties to the appeal and shall provide them with an opportunity to submit written exceptions and responses to such findings of fact and recommendations. At the request of a party or on its own motion, the board shall permit oral argument before the full board. Such request shall be filed with the board within fifteen (15) days of the recommended order issued by a member, the executive director, or a hearing officer.

2. The board shall review the record of the evidence presented, the findings of fact and recommendations of the hearing officer, and the written exceptions and responses filed by parties to the appeal [~~subject to review by the full board upon petition for such review by either party to the appeal. Petition for review by the full board shall be filed with the board within thirty (30) days of the recommended order issued by a member, the executive director, or a hearing officer~~].

(c) If the board finds that the action complained of was taken by the appointing authority in violation of laws prohibiting favor for, or discrimination against, or bias with respect to his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex or age or handicap, the appointing authority shall, not later than thirty (30) days after receipt of such findings and recommendations, reinstate the employe to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(d) If the board finds that the action complained of was taken without just cause, the board shall order the

employe reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(e) [~~In all other cases,~~] If the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action.

(f) In all other cases, the board shall rescind the action taken or otherwise grant such other relief to which the employe is entitled.

(g) The appointing authority shall, not later than thirty (30) days after receipt of the final order of the board, comply with such final order. When any employe is dismissed and not ordered reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he had been removed.

(23) After a final decision has been rendered by the board or court, an employe who prevails in his appeal shall be credited with the amount of leave time used for time spent at his hearing before the board or court. Employes who had an insufficient amount of leave time shall be credited with leave time equal to the amount of time spent at their hearings before the board or court.

[~~(2) Any unclassified employe who is dismissed without cause shall not have the right of appeal as provided in this section.~~]

(24)[~~(3)~~] The board shall, within sixty (60) days after an appeal is filed, hear the appeal, and shall, within ninety (90) days after an appeal is filed, issue a final determination for the disposition thereof.

Section 14. KRS 18A.110 is amended to read as follows:

The commissioner shall prepare and submit to the board proposed *administrative regulations* [~~rules~~] for the classified service. Such *administrative regulations* [~~rules~~] shall have the force and effect of law, [~~when approved by the board,~~] after public notice and public hearing, and after filing with the legislative research commission in accordance with KRS Chapter 13A and procedures adopted thereunder. If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board. The *administrative regulations* [~~rules~~] shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the board, the commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the secretary of the finance and administration cabinet. The plan shall take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings *except as provided by this Act.* The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. *Except as provided by this Act,* vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(5) *As provided by this Act,* for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. *Except as provided by this Act,* eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the board for a period not to exceed one (1) additional year;

(6) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience[~~, or who have been guilty of infamous or disgraceful conduct~~]; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(7) *Except as provided by this Act,* for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

(8) For *probationary periods as provided by this Act* [~~a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. Unless the appointing authority notifies the employe prior to the end of the probationary period that the employe's services are not satisfactory, the employe shall have status in the classified service. The notice shall be in writing and as provided by personnel rules~~];

(9) For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(10) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

(11) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary [~~ranges~~];

(12) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part *as provided by this Act*;

(13) For developing, in *accordance with provisions of this Act* [~~cooperation with the appointing authorities~~], uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(14) *In accordance with the provisions of this Act,* for layoffs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off[~~, giving consideration in both layoffs and reemployment to qualifications, performance records, conduct and seniority in service~~];

(15) For imposition as disciplinary measures of a fine of not more than ten (10) working days' pay or for suspension from the service without pay for not longer than thirty (30) working days and for the manner of notification of the employe of the discipline and his right of appeal *as provided in this Act*;

(16) For discharge or reduction in rank or grade *as provided by this Act* [~~only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner~~];

(17) For establishment of a plan for resolving employe grievances and complaints *that does not restrict rights granted under this Act*;

(18) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in subsection (2) of KRS 18A.075;

(19) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(20) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(21) For such other rules and administrative regulations not inconsistent with *this Act and KRS Chapter 13A* [~~KRS 18A.005 to 18A.200~~], as may be proper and necessary for its enforcement.

Section 15. KRS 18A.355 is amended to read as follows:

(1) *(a)* An annual increment of not less than five percent (5%) of the *base* [~~gross annual~~] salary or wages of each state employe shall be granted to each employe *on his anniversary date.*

(b) An employe's base salary or wages shall be increased by:

1. The amount of the annual increment;

2. A promotional or performance increment granted an employe; and

3. A salary adjustment due to a reclassification or reallocation.

(2) The *branch* [~~biennial~~] budget *recommendation* [~~report~~] submitted to the general assembly under KRS *Chapter 48* [~~48.110, 48.180 and 48.185~~] shall include a request for the amount of the annual increment expressed as a percentage of each employe's gross salary or wages and a request for the total appropriation needed to fund the annual increment. The annual increment shall be uniform for all employes. The financial plan enacted under the provisions of KRS 48.300 [~~and 48.500~~] shall contain the annual increment expressed as a percentage of each employe's gross salary or wages, and the total appropriation needed to fund the annual increment.

(3) The budget reduction plan submitted and enacted under the provisions of KRS Chapter 48 shall provide that a reduction of the annual increment granted under this section shall be made only after other cost savings measures, as provided by subsection (2) of Section 6 of this Act, are taken. Any such reduction shall be uniform for all state employes and shall comply with the provisions of this Act and KRS Chapter 48.

Section 16. KRS 48.130 is amended to read as follows:

(1) The branch budget recommendation submitted by each branch of government shall include a plan for the reduction of the respective budget recommendations, by budget unit, when projected or actual tax receipts accruing to the general fund or road fund are at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates for these funds as determined under subsection (3) of KRS 48.120.

(2) *(a)* In recommending budget reductions, the governor, the chief justice, and the legislative research commission shall not recommend universal percentage reductions but shall weigh the needs of all budget units and shall strive to protect the highest possible level of service in their respective branches. Services which are not essential to constitutional functions shall be subject to reduction. Transfer of funds may be authorized by the budget reduction plan.

(b) In recommending budget reductions for the executive branch, the budget reduction plan provided for by subsection (1) of this section shall comply with subsections (1) through (3) of Section 6 of this Act.

(c) A layoff of state employes in the executive branch under the budget reduction plan enacted by the general assembly shall comply with the provisions of Sections 4 and 6 of this Act.

(d) A layoff of state employes in the executive branch required by an actual or projected deficit in tax receipts contemplated by subsection (5) of this section shall comply with the provisions of Sections 4 and 6 of this Act.

(3) The plan shall be enacted as modified by the general assembly, in each joint budget resolution.

(4) In the event of an actual or projected deficit in tax receipts provided for by this section, the department of revenue shall notify all branches of government:

(a) If funds that have accrued to the surplus accounts of the general or road funds are not sufficient to meet these deficits, the allotments to the respective branches shall be reduced according to the reduction provisions embodied in the joint budget resolution, and the governor, the chief justice, and the legislative research commission shall automatically implement budget reductions for their respective branches according to the reduction provisions embodied in the joint budget resolution*; and* [~~.~~]

(b) In the event funds that have accrued to the surplus accounts of the general or road funds are sufficient to meet these deficits, transfers from these surplus accounts shall be made, as appropriate, and the budget reduction provisions embodied in the joint budget resolution shall not be implemented.

(5) In the event of an actual or projected deficit in tax receipts provided for by this section of less than two and one-half percent (2 1/2%), the governor, the chief justice, and the legislative research commission shall implement budget reductions for their respective branches on their own initiative.

(6) *The budget reduction plan shall provide that the annual increment granted state employes under Section 15 of this Act shall be reduced as provided by this Act. Any such reduction of the annual increment shall be uniform for all employes.*

(7) If general fund or road fund tax receipts increase over the estimated deficits, then services shall be restored in the reverse order of the reduced services.

(8)[~~(7)~~] This section shall not preclude the general assembly, in regular or special session, from amending a joint budget resolution requiring budget reductions nor shall it preclude the governor from calling a special session of the general assembly at any time the budget reduction plan is in effect.

Section 17. KRS 61.878 is amended to read as follows:

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action.

Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(i) All public records or information the disclosure of which is prohibited by federal law or regulation.

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) *No exemption in this section shall be construed to deny, abridge or impede the right of a state employe, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. Such records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, transfers, layoffs, disciplinary actions, examination scores and preliminary and other supporting documentation. A state employe, applicant or eligible shall not have the right to inspect or to copy any examination.*

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

(5)[~~(4)~~] The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

SECTION 18. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

No provision in this chapter shall be construed to preclude any classified or unclassified state employe from appealing to the personnel board any action alleged to be in violation of laws prohibiting discrimination based on sex, age, religion, handicap, race or national origin, in accordance with KRS Chapter 18A.

Section 19. KRS 18A.045 is amended to read as follows:

(1) There is hereby created a personnel board in which shall be vested the constitutional powers and responsibilities of officers of the Commonwealth. The board shall consist of seven (7) members, five (5) of whom shall be appointed by the governor as provided in KRS 18A.050. Two (2) members of the board shall be elected by classified employes as provided in *Section 10 of this Act* [~~KRS 18A.055~~].

(2) Any person retaliating in any manner and any person ordering retaliation against a classified employe or a member of his family because he has participated in an election to the board, either by being a candidate or voting for a candidate, shall be subject to the provisions of KRS 18A.990.

Section 20. KRS 18A.350 is amended to read as follows:

"As used in [~~this~~] KRS 18A.355 [~~and 18A.360~~], "employe" means any officer or employe of the executive branch of government. The provisions of KRS 18A.355 and 18A.360 do not apply to employes of the general assembly, the legislative research commission, or the court of justice, or to any constitutional officer." and,

On page 1, line 1, after the word "section", delete the number "1" and insert in lieu thereof the number "21"; and,

On page 2, after line 25, insert the following: "Section 22. KRS 18A.055, Board elections to be held by department—Campaign restrictions, and KRS 18A.360, Increase or reduction of annual increment, is repealed."

Floor Amendment No. 1 to Committee Amendment No. 1 to SB 344, by Representative Overstreet:

Amend printed copy of Committee Amendment No. 1 to SB 344:

On page 19, line 8, after the word "Adair" by inserting an underlined comma and bracketing and striking through the word "and" the first time it appears in the line; and

On page 19, line 8, after the word "Casey" by inserting an underlined comma and bracketing and striking through the word "Counties"; and

On page 19, line 8, after the words "Counties and" by inserting an opening bracket before the word "that" and striking through the word "that"; and

On page 19, line 9, by striking through the words "part of" and inserting a closing bracket after the word "of" the first time it appears in the line; and

On page 19, line 9, after the word "Russell" by inserting the word "*Counties*" and inserting an opening bracket before the word "County" and striking through the words "County contained in the election precinct of Webbs,"; and

On page 19, line 10, by striking through line 10 in its entirety and inserting a closing bracket after the word "Rowes"; and

On page 19, line 12, after the word "Counties" by inserting an opening bracket before the semicolon and striking through the words "; that part of Russell County not contained within the"; and

On page 19, line 13, by striking through line 13 in its entirety and inserting a closing bracket after the words "Districts" and before the period; and

On page 29, line 12, after the word "District" by inserting an opening bracket and striking through the words "; and that part of Russell County"; and

On page 29, line 13, by striking through the words "contained in the election precinct of Jabez" and inserting a closing bracket after the word "Jabez" and before the period.

Floor Title Amendment to SB 268, by Representative Hancock:

Amend printed copy of GA copy of SB 268:

On page 1, amend the title to read "AN ACT relating to state government."

Floor Amendment No. 2 to SB 268, by Representative Hancock:

Amend printed copy of SB 268:

On page 1, line 1, before the word "Section" insert the following:

"SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) The commissioner may refuse to examine an applicant; or, after examination, may disqualify an applicant, remove his name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed if:

(a) It is found that he does not meet any one (1) of the preliminary requirements established for the examination for the class of position;

(b) He is unable to perform the duties of the class;

(c) He has made a false statement of material fact in his application;

(d) He has used or attempted to use political pressure or bribery to secure an advantage in the examination;

(e) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled;

(f) He has failed to submit his application correctly or within the prescribed time limits;

(g) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant;

(h) He has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause of which he had knowledge were pending;

(i) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(j) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification; or

(k) He has otherwise wilfully violated the provisions of this Act.

(2) An eligible may be removed from a register:

(a) If the eligible cannot be located by postal authorities at the last address provided by the eligible;

(b) If the eligible responds in writing that he no longer desires consideration for position in that class;

(c) If the eligible declines an offer of probationary appointment to the class for which the register was established;

(d) If it is shown that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;

(e) If the eligible fails to reply within a period of ten (10) calendar days of the receipt of the written request of the appointing authority for an interview, or fails to appear for an interview which he has scheduled with the appointing authority without good cause;

(f) If the eligible accepts an appointment and fails to present himself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority; or

(g) If the eligible states in writing that he is not available for appointment or does not wish to be considered for appointment.

(h) Notices to eligibles required under the provisions of this section shall be sent by certified mail return receipts requested.

(3) When an eligible notifies the department in writing that he is unavailable for employment or employment consideration, the department may remove the name of that eligible from the appropriate register without further notification to the person.

(4) When the department is notified in writing by an appointing authority that an eligible has accepted a bona fide offer of probationary appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he has been appointed.

SECTION 2. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Except when appointed to a job classification with an initial probationary period in excess of six (6) months, an employe shall serve a six (6) months probationary period when he is initially appointed to the classified service. An employe may be separated from his position, reduced in class or rank, or replaced on the eligible list during this initial probationary period and shall not have the right to appeal except as provided by Section 15 of this Act. If an employe is separated from his position, he shall be notified in writing at least ten (10) working days prior to separation. A copy of the notification shall be forwarded to the commissioner. The

employe shall be placed on an eligible list but shall not be certified to the agency from which he was separated unless that agency so requests. Unless the appointing authority notifies an employe prior to the end of the initial probationary period that he is separated, the employe shall acquire status in the classified service.

(2) An employe who satisfactorily completes the initial probationary period for the position to which he was initially appointed to the classified service shall be granted status and may not be demoted, disciplined, dismissed, or otherwise penalized except as provided by the provisions of this Act.

(3) An employe ordered reinstated by the board shall not be required to serve a probationary period unless the board rules otherwise.

(4) An employe with status who has been promoted shall serve a probationary period of six (6) months. During this period, he shall retain the rights and privileges granted by the provisions of this Act to employes with status. An employe with status shall be evaluated after serving his promotional probation as provided by Section 3 of this Act.

(5) An employe with status may request that he be reverted to a position in his former class at any time during the promotional probationary period.

(6) A laid-off employe who accepts a bona fide written offer of appointment to a position shall not be required to serve an initial probationary period. Such an employe shall serve a promotional probationary period. He shall be an employe with status and shall have all rights and privileges granted employes with status under the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Evaluations of employes shall comply with the provisions of this section.

(2) Salary advancements, promotions and demotions shall be determined by an employe's performance evaluation.

(3) Evaluations shall be in writing. An evaluator shall present and explain all documentation affecting an employe's evaluation and shall discuss every aspect of his performance with the employe at each evaluation. The evaluator shall elicit the employe's opinions and suggestions, and shall advise the employe of the measures needed to improve his performance.

(4) Each full-time employe who has completed his initial probationary period; each part-time employe who works over one hundred (100) hours each month and who has completed his initial probationary period; and each federally funded time limited employe who has completed six (6) months service shall be evaluated.

(5) (a) The first line supervisor of an employe shall be his evaluator, providing he has supervised the employe for a period of at least ninety (90) calendar days.

(b) If the evaluator has supervised an employe for at least ninety (90) calendar days, and if he ceases to be the employe's first line supervisor after such period of time, he shall evaluate the employe at least five (5) working days prior to the day he ceases to be the employe's supervisor.

(c) If the first line supervisor ceases to be the supervisor of an employe due to the suspension, demotion or dismissal of the first line supervisor, paragraph (b) of this subsection shall not apply.

(d) If the first line supervisor ceases to be an employe's supervisor because the employe transfers, the first line supervisor shall evaluate the employe prior to his transfer, provided he has supervised the employe no less than ninety (90) calendar days prior to notification of his transfer.

(6) An employe's performance shall be evaluated in each of the following categories:

(a) Job knowledge and skills;

(b) Quality of work;

(c) Productivity;

(d) Employe conduct, provided that the requirements of subsection (2)(c) of Section 8 of this Act have been met; and

(e) Improvement in performance provided that the requirements of subsection (2)(c) of Section 8 of this Act have been met.

(7) For each category, one of the following ratings shall be given:

(a) Exceeds performance requirements;

(b) Meets performance requirements; or

(c) Fails to meet performance requirements.

(8) The ratings provided for in subsection (7) of this section shall be determined as follows:

(a) Exceeds performance requirements means that, in each category, an employe's performance exceeds the performance requirements established for the employe's job;

(b) Meets performance requirements means that, in each category, an employe's performance meets the performance requirements established for the employe's job; and

(c) Fails to meet performance requirements means that an employe has failed to meet the performance requirements established for the employe's job in at least one (1) category.

(9) An employe who exceeds performance requirements shall be awarded a lump sum payment. Such lump sum payment shall not increase the base salary or wages of the employe.

(10) Upon appointment to a position for which an evaluation is required by this section, and prior to the evaluation period of an evaluator shall:

(a) Identify the specific performance requirements established for an employe's job; and

(b) Meet with the employe to inform him of such requirements and to discuss them with the employe.

(c) Provide the employe with a written job description in sufficient detail to convey to the employe the specific performance requirements of his job including but not limited to specific duties, time limits, reporting requirements, and required procedures.

(11) (a) At intervals of six (6) months and twelve (12) months after the procedure provided for in subsection (10) of this section, the evaluator shall:

1. Evaluate the employe's performance in writing;

2. Assign a rating to each category and an overall rating to the employe's performance; and

3. Discuss such evaluation with the employe; and

(b) The final rating of the employe's performance shall be made after the two (2) evaluations provided for in paragraph (a) of this subsection.

(12) (a) Within five (5) working days of an evaluation, an employe may request reconsideration of such evaluation by the evaluator.

(b) Within five (5) working days of such reconsideration, an employe may:

1. Submit a written response to any evaluation. Such response shall be attached to the evaluation; and

2. Submit a written request for reconsideration of any evaluation to his second line supervisor.

(c) No later than fifteen (15) working days after receipt of such request, the second line supervisor shall inform the employe and the evaluator in writing of his decision after he has:

1. Obtained written statements from both the employe and the evaluator; or

2. Met with the employe and the evaluator.

(13) Within thirty (30) days after the employe has received the written decision of his second line supervisor, he may appeal an evaluation to the board.

(14) If an employe receives a "fails to meet performance 3equirements" rating on two (2) successive evaluations, he shall be:

1. Demoted to a position commensurate with his abilities; or

2. Terminated.

SECTION 4. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) It shall be unlawful to coerce employes who may be or are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with statutes relating thereto, and layoffs shall not be utilized as a method of dismissing employes. In this section and in Sections 5 and 6, "cabinet" shall include an office or department headed by an elected official, and "cabinet secretary" and "cabinet head" shall include an elected official.

(2) In the same cabinet, county, and job classification, provisional, temporary, emergency, federally funded time-limited, and probationary employes shall be laid off before permanent full-time or permanent part-time employes with status. For purposes of layoff, "probationary employe" does not include an employe with status serving a promotional probation. A cabinet shall not transfer positions, including vacant positions, in order to circumvent the provisions of this section.

(3) If two (2) or more employes subject to layoff have the same qualifications, the employe with the lesser seniority shall be laid off first.

(4) An employe who is laid off shall be placed on a reemployment register for the class of position from which he was laid off and for any class for which he is qualified. He shall have the right to test for any class of position for which he is qualified to take an examination. If he passes the examination, he shall be placed on the register for the class.

(5) For a period of five (5) years laid-off employes shall be hired before any applicant or eligible except another laid-off employe with greater seniority who is already on such register.

(6) For a period of five (5) years, a laid-off employe shall not be removed from any register unless:

(a) He notifies the department in writing that he no longer desires consideration for a position on such register;

(b) He declines two (2) written offers of appointment;

(c) Without good cause, he fails to report for an interview after he has been notified in writing at least fifteen (15) calendar days prior to the date of the interview;

(d) He is unqualified for appointment;

(e) He is unable to perform the duties of the class;

(f) He has made a false statement of a material fact in his application;

(g) He has used or attempted to use political influence or bribery to secure an advantage in connection with his placement on the register;

(h) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the governor;

(i) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification;

(j) He cannot be located by postal authorities at the last address provided by the employe; or

(k) He has otherwise wilfully violated the provisions of this Act.

(7) When the department is notified by an appointing authority that a laid-off employe has accepted a bona fide offer of appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same as or less than that of the class to which he has been appointed.

(8) When a laid-off employe is removed from a register he shall be notified in writing and shall be notified of his right to appeal to the board under the provisions of KRS 18A.095.

SECTION 5. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) A layoff of a state employe with status in the executive branch due to the abolition of a position, lack of work or a material change in duties or organization shall comply with the provisions of this section.

(2) Prior to the notification of an employe that he is subject to layoff and prior to the layoff of an employe, the appointing authority shall submit a layoff plan to the commissioner and the secretary of the finance and administration cabinet for their approval. Such plan shall contain the name of the employe and the reasons, in detail, for such layoff. Upon approval of the plan by the commissioner and the secretary, the employe shall be notified that he is subject to layoff, and of:

(a) The reason for the layoff;

(b) The procedures established by the provisions of this Act for the layoff of employes; and

(c) The rights granted employes subject to layoff and to laid off employes.

(3) (a) An employe subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties and responsibilities within the cabinet. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(b) If such a position is not available, the employe shall be transferred to a vacant position within the cabinet for which he is qualified. Such position shall be located in the same county as the position from which the employe is subject to layoff;

(c) If such a position is not available, the employe shall be notified of all vacant positions for which he is qualified to take an examination. The employe shall have the right to take an examination for any vacant position within the cabinet for which he is qualified. If he passes the examination he shall be appointed to that position before any applicant or eligible on a register except another laid off employe with greater seniority already on such register.

(4) (a) If no position is available to an employe subject to layoff under the procedure established by subsections (2) and (3) of this section, the appointing authority shall notify the employe and the department.

(b) The department shall coordinate efforts to transfer an employe subject to layoff to another agency.

(5) If no position is available, the employe shall have the right to take an examination for any position for which he is qualified. If he passes the examination he shall be hired before any applicant or eligible on a register, except a laid-off employe with greater seniority already on such register.

(6) If no position is available to an employe subject to layoff under the procedure established by this section, the employe shall be notified in writing that he is to be laid-off thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

SECTION 6. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) Prior to a layoff of state employes in the executive branch, required by a projected or actual reduction in tax receipts contemplated under the provisions of subsections (1) and (5) of Section 16 of this Act, each cabinet shall prepare a layoff plan that complies with the provisions of this Act.

(2) Each layoff plan shall provide that a layoff of state employes shall occur only after all other cost saving measures are taken and have failed to alleviate the projected or actual deficit. These measures shall be specified in the plan, in detail, and shall include but not be limited to:

(a) A suspension of appointments, unless the secretary of the cabinet certifies in writing that appointments are required in order to provide services mandated by law and that such appointments cannot be made by transfers of employes within the cabinet;

(b) A reduction or delay of expenditures that would not prevent the provision of services required by law;

(c) Consolidation of offices and job duties that would not prevent the provision of services required by law;

(d) Transfer of funds as provided by the budget reduction plan enacted pursuant to KRS Chapter 48;

(e) Transfer of funds appropriated for or allotted to vacant positions as provided by the budget reduction plan provided for by KRS 48.130, unless it is certified that the positions are essential and cannot be filled in the period during which layoffs are to occur by transfer of employes of the appointing authority;

(f) The filling of vacancies and promotions from within the cabinet; and

(g) Transfers of employes within the cabinet as provided by Section 5 of this Act.

(3) Each cabinet shall submit:

(a) Its layoff plan; and

(b) A list of employes who would remain subject to layoff after the implementation of cost saving measures, to the secretary of the finance and administration cabinet and to the commissioner for review. Upon approval by the secretary, the layoff plans shall be submitted to the governor for approval.

(4) Upon approval of the plans by the governor, the commissioner shall attempt to transfer employes as provided by Section 5 of this Act. Employes who cannot be so transferred may be laid-off.

(5) If no position is available to an employe subject to layoff under the procedures established by this section, the employe shall be notified in writing that he is to be laid-off effective thirty (30) days after receipt of notice, and of the rights and privileges granted laid-off employes.

(6) When the commissioner and the secretary of finance and administration determine that appointments may be made, and the hiring freeze is ended, laid-off employes shall be hired before any applicant or eligible except laid-off employes already on such registers.”

Section 7. KRS 18A.005 is amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) “Appointing *authority* [~~officer~~]” means the officer or employe or group of officers or employes authorized by law to make appointments;

(2) “Base salary or wages,” means the compensation to which an employe is entitled under the salary schedules adopted pursuant to the provisions of this Act. Base salary or wages shall be adjusted as provided under the provisions of Sections 15 and 16 of this Act;

(3) “Board” means the personnel board created by KRS 18A.045;

(4)[~~(3)~~] “Career employe” shall mean a state employe with twenty (20) or more years of permanent full-time state service, or the part-time employment equivalent of at least twenty (20) years of full-time state service. The service may have been in the classified service, the unclassified service, or a combination thereof.

(5)[~~(4)~~] “Certification” means the referral of the name of one (1) or more qualified prospective employes by the commissioner on request of an appointing officer for consideration in filling a position in the classified service;

(6)[~~(5)~~] "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;

(7)[~~(6)~~] "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service;

(8)[~~(7)~~] "Commissioner" means the commissioner of the department of personnel as provided for in KRS 18A.015;

(9)[~~(8)~~] "Demotion" means a change in the rank of an employe from a position in one (1) class to a position in another class having a lower minimum salary range *or* [~~and~~] less discretion or responsibility;

(10)[~~(9)~~] "Department" means the department of personnel provided for in KRS 18A.015 unless the context indicates otherwise;

(11)[~~(10)~~] "Eligible" refers to a person who has made a passing score on any examination required under KRS 18A.005 to 18A.200 and who has qualified to be placed on a register;

(12)[~~(11)~~] "Emergency employe" means an employe appointed without regard to the examination requirements of KRS 18A.005 to 18A.200 to any position by reason of a governmental emergency. *An emergency* [~~, whose~~] appointment *shall* [~~is~~] not [~~to~~] exceed thirty (30) working days in duration and is nonrenewable;

(13)[~~(12)~~] "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis;

(14) "Federally funded time-limited employe" means an employe appointed to a federally funded time-limited position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS Chapter 18A;

(15) "Federally funded time-limited position" means a position created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

[~~(13) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;~~]

(16)[~~(14)~~] "*Initial* probation" means the *six (6) month* period of service following *initial* appointment to any position under KRS 18A.005 to 18A.200 which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in KRS 18A.110 *and by the provisions of this Act* [~~. An employe serving the probationary period is known as a "probationary employe"~~];

(17) "Penalization" shall include, but not be limited to, demotion, dismissal, suspension, fines and other disciplinary actions, involuntary transfers; any action, that diminishes the level, rank, discretion or responsibility of an employe without proper cause including a reclassification or reallocation; and the abridgement or denial of other rights granted to state employes.

(18) "Position" means an office or employment in an agency (whether part-time, full-time, permanent, temporary, seasonal, federally funded time-limited, or emergency, occupied or vacant) involving duties requiring the services of one (1) person;

(19)[~~(15)~~] "Promotion" means a change of rank of an employe from a position in one (1) class to a position in another class having a higher minimum salary and carrying a greater scope of discretion or responsibility;

(20) "Promotional probation" means the six (6) month period of service following the promotion of an employe with status which must be successfully completed in order for the employe to retain the position to which he has been promoted;

(21)[~~(16)~~] "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under KRS 18A.005 to 18A.200 without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in KRS 18A.110;

(22) "Reallocation" means the correction of the classification of an existing position by placement of the position into the classification that is appropriate for the duties the employe has been and shall continue to perform.

(23) "Reclassification" means the change in the classification of a current employe when a material and permanent change in the duties or responsibilities of that employe occurs.

(24) "Reemployment" shall mean the rehiring of an employe with status who has been laid off.

(25)[~~(17)~~] "Reemployment *register* [~~list~~]" means the separate list of names of persons reduced in force by reason of *lay off* [~~lack of appropriations, curtailment of program or abolishment of position or of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment~~]. Reemployment *registers shall be* [~~lists are~~] used as provided *by the provisions of this Act* [~~in KRS 18A.110 and subject to KRS 18A.130 and 18A.135~~];

(26)[~~(18)~~] "Register" means any official list of eligibles for a particular class, *and, except as provided in this Act,* placed in rank order according to the examination records, maintained for use in making original appointments or promotions to positions in the classified service;

(27) "Reinstatement" shall mean the restoration of an employe who has resigned in good standing or who has been ordered reinstated by the board or a court to a position in his former class or to a position of like status and pay;

(28) "Seasonal employe" means an employe appointed to a seasonal position either from an existing eligible list or without reference to an eligible list;

(29) "Seasonal position" means a position that is temporary, coincides with a particular season or seasons of the year, and does not exceed eleven (11) months duration;

(30) "Seniority" means the total number of months of state service;

(31) "Temporary employe" means an employe appointed to a temporary position;

(32) "Temporary position" means a position that is created for a definite period of time not to exceed six (6) months and not renewable;

(33)[~~(19)~~] "Status" means the acquisition of tenure with all rights and privileges *granted by the provisions of this Act* [~~appertaining thereunto~~] after satisfactory completion of the *initial* probationary period by an employe in the classified service;

[~~(20) A "temporary position" is one created for a defined period of time not to exceed six (6) months and not renewable; a "temporary employe" is one (1) appointed to such a temporary position. A "seasonal position," although temporary in duration in the foregoing sense, coincides in duration with a particular season or seasons of the year, but may not exceed eleven (11) months duration, and may recur regularly from year to year; a "seasonal employe" is one appointed to such a seasonal position from an existing eligible list or without reference to an eligible list;~~

~~(21) A "federally funded time-limited position" is one created for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided. A "federally funded time-limited" employe is one appointed to such position and, except as provided in KRS 18A.115, may in all other respects be entitled to the benefits provided permanent, full-time regular employes as defined in KRS 18A.005 to 18A.200;~~]

(34)[~~(22)~~] "Transfer" means a movement of any employe from one (1) position to another of the same grade having the same salary ranges, [~~and~~] the same level of responsibility within the classified service *and the same salary received immediately prior to transfer*;

(35)[~~(23)~~] A "war veteran" is a person who served on active duty in the United States armed forces during any war, or in a campaign or expedition for which a campaign badge or service medal has been authorized, or between *December 7, 1941* [~~April 28, 1952~~], and July 1, 1955 or between August 6, 1964 and May 7, 1975.

Section 8. KRS 18A.020 is amended to read as follows:

(1) The records of the department shall be public records and shall be open to public inspection, as provided in KRS 61.870 to 61.884.

(2) (a) A personnel file shall be maintained by the department and the appointing authority for each employe. The file maintained by the department shall be the official personnel file for the employe. Upon transfer, the personnel file maintained by the appointing authority from which the employe transfers shall be forwarded to the new appointing authority.

(b) Each file shall include, but not be limited to, for each employe, his name, address, title of positions held, classification, rates of compensation, all changes in status including evaluations, promotions, demotions, layoffs, transfers, disciplinary actions, commendations, awards, and preliminary and other supporting documentation for each action. Each file shall contain the complete record and supporting documentation for each personnel action.

(c) Whenever an employe is reprimanded for misconduct, other infraction, or failure to perform his duties in a proper or adequate manner, the supervising employe taking such action shall document such action in detail, and shall provide the employe with a copy of such documentation. The supervising employe shall inform the employe that he has the right to prepare a written response to the action taken after he has reviewed the written documentation prepared by the supervising employe. Such response shall be attached to the documentation prepared by the supervising employe. The supervising employe shall place a copy of the documentation and response provided for herein in the employe's personnel file and shall transmit a copy to the department to be placed in the official personnel file of the employe. The supervising employe shall notify the employe that copies of the documentation and the response provided for herein have been placed in his personnel files.

(3) Upon written request, an employe shall have the right to examine his personnel file. An employe may comment in writing on any item in his file. Such comments shall be made a part of his file and shall be attached to the specific record or document to which they pertain.

(4) Upon written request a state employe, an applicant for employment, and an eligible on a register shall have the right to inspect and to copy any record and preliminary documentation and other supporting documentation that relates to him except that an applicant, an eligible or a state employe shall not have the right to inspect or to copy any examination materials.

(5) No public agency, as defined by KRS 61.870, and no officer or employe shall deny, abridge or impede the exercise of the rights granted in any manner by this section and by Section 17 of this Act.

Section 9. KRS 18A.050 is amended to read as follows:

(1) Any person serving on the board on July 15, 1982 shall serve until the expiration of his current term of office. Subsequent appointments shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was appointed as provided in subsections (2) and (3) of this section, except that a person appointed to fill a vacancy prior to the expiration of such term shall be appointed in the same manner as provided in KRS 18A.045 and for the remainder of such term.

(2) Upon the expiration of the terms of office of the two (2) board members whose terms expire January 1, 1984, the governor shall appoint two (2) members from a list of four (4) names submitted by the legislative research commission. Thereafter, upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(3) Upon the expiration of the terms of office, of the members whose terms expire December 31, 1982, January 1, 1985, and January 1, 1986, the Governor shall appoint citizens at large who are not associated with state government in any manner. Thereafter upon the expiration of these terms, such terms shall be filled in the same manner as provided in this subsection.

(4) These five (5) appointments to the board shall be subject to confirmation by the senate. If the senate is

not in session, these five (5) appointments shall be subject to review by the interim joint committee on state government which shall hold a public hearing and shall transmit its recommendations to the senate.

(5) The initial election of classified employes to the board shall be held as provided *by Section 10 of this Act* [~~in KRS 18A.055~~]. The two (2) classified employes initially elected to the board shall serve until July 1, 1986. Subsequent elections shall be for a term of four (4) years from the date of expiration of the term for which his predecessor was elected. If a vacancy occurs prior to the expiration of such term, the board shall fill the vacancy as provided in KRS 18A.060.

(6) If an elected board member accepts an unclassified position with state government, his membership on the board shall be terminated immediately and the vacancy shall be filled as provided in KRS 18A.060.

(7) If an elected board member accepts a classified position in a cabinet employing another board member or if, through no fault of his own, he is placed in that cabinet, his membership on the board shall not be terminated for the remainder of his term.

SECTION 10. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

(1) (a) Elections to the board shall be scheduled every four (4) years on or before July 1. The department shall provide written notification of the date of the election to all classified employes on or before May 1.

(b) Upon receipt of the notification provided for by subsection (1)(a) of this section, an employe wishing to serve on the board shall notify the department, in writing, no later than June 1. This notification shall be notarized and shall include the candidate's name, address, social security number, job classification, and length of state employment. It shall also include the name and address of his current employer.

(2) On the last working day of May, the department shall certify a payroll that is current on such day and that contains the name, social security number and home address of every classified employe.

(3) At least fifteen (15) working days prior to the election provided for in subsection (1) of this section, the department shall mail to each classified employe whose name appeared on the payroll certified by the department at his home address:

(a) A list of candidates for election to the board, in alphabetical order, with a brief biography following the name of each candidate;

(b) Instructions for voting, including the instruction that the employe shall write his name, address and social security number in the upper left corner of the reply envelope;

(c) A ballot listing the names of all candidates for election to the board in alphabetical order and providing a blank space next to each name; and

(d) An envelope for returning the ballot. Prior to mailing the envelope to a state employe, it shall be addressed by the department to the impartial third party selected by the department to receive, validate and tabulate the ballots at a post office box rented by the department for the election. The upper left corner of the envelope shall contain a sufficient number of blank lines and spaces to permit an employe to write his name, address and social security number in such corner.

(4) Upon receipt of his ballot a classified employe wishing to participate in the election provided for in subsection (1) of this section shall:

(a) Vote for no more than two (2) candidates;

(b) Mark his ballot by placing a mark in the blank space next to the name of the candidate for whom he is casting his vote; and

(c) Print his name, address and social security number in the upper left corner of the reply envelope provided by the department.

(5) The department shall:

(a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by subsections (5) and (6) of this section;

(b) Acquire a post office box to which all ballots shall be mailed; and

(c) Provide the impartial third party with a computer generated list of the names and social security numbers of eligible voters, with the names of the eligible voters in numerical sequence as determined by their social security numbers. The names and social security numbers listed on such list shall correspond to those appearing on the payroll certified by the department under subsection (2) of this section.

(6) The impartial third party selected by the department shall collect all ballots, unopened, from the post office box. It shall:

(a) 1. Verify the name and social security number on each envelope by comparing them to the computer generated list of names and social security numbers of eligible voters provided by the department; and

2. Set aside, unopened, any envelope containing a name or a social security number on the envelope that does not match a name or a social security number appearing next to the name on the computer generated list;

(b) Examine the postmark on each envelope;

(c) Set aside, unopened, any envelope postmarked with a date subsequent to the deadline provided for by this section;

(d) Remove the ballot from each envelope;

(e) Tabulate the ballots by electronic data entry in duplicate, provided that ballots in envelopes specified in paragraphs (a)2. and (c) of this subsection shall not be counted;

(f) Compare the total tabulated vote with the total number of eligible employes appearing on the computer generated list provided by the department;

(g) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the department; and

(h) Certify to the department:

1. That the tabulation does not include two (2) or more ballots with the same social security number;

2. The total number of ballots received;

3. The total number of ballots set aside and not included in the tabulation;

4. The total number of ballots included in the tabulation; and

5. The total vote for each candidate.

(7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes and other election materials provided for by this section shall be public record and open to inspection.

(8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.

(9) Successful candidates shall be notified by the department no later than five (5) working days after the election. Successful candidates shall take office immediately upon notification.

(10) State employes shall not use state materials or equipment for any purpose related to the election of classified employes to the board, nor shall any activity related to the election of a classified employe to the board be conducted during working hours.

Section 11. KRS 18A.075 is amended to read as follows:

It shall be the duty of the board to:

(1) Adopt comprehensive *administrative regulations* [~~rules~~] consistent with the provisions of KRS *Chapter 18A* [~~18A.005 to 18A.200~~], and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants;

(2) Present to the governor, through the secretary of the department of finance, for his adoption such classification and compensation plans for the state service, provision for vacation, sick and special leave and hours of work, together with rules for their administration, as recommended by the commissioner and the board after a thorough survey of the personnel and departmental organizations included in such plan or plans;

(3) Make investigations, either on petition of a citizen, taxpayer, interested party, or on its own motion, concerning the enforcement and effect of KRS 18A.005 to 18A.200, and to require observance of its provisions and the rules and regulations made pursuant thereto; and to make such investigation as may be requested by the general assembly or the governor and to report thereon;

(4) Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, from unclassified employes who have been dismissed, demoted, suspended, or otherwise penalized for cause, and from officers or employes serving under the personnel system created by KRS *Chapter 18A* [~~18A.005 to 18A.200~~], as [~~hereinafter~~] provided *by* [~~, subject to the procedural rules which the board may adopt pursuant to~~] the provisions of this *Act* [~~section~~];

(5) Promote public understanding of merit principles in government service;

(6) Make annual reports to the governor and the legislative research commission and biennial reports to the general assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy;

(7) Advise the governor and the commissioner with respect to the administration of the personnel system created by KRS 18A.005 to 18A.200;

(8) Consider and act on such matters as may be referred to the board by the commissioner; and

(9) Represent the public interest in the improvement of personnel administration in the state service, and advise and assist the commissioner in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

Section 12. KRS 18A.090 is amended to read as follows:

(1) As provided by the budget enacted by the general assembly and other laws applicable to state personnel, the board shall appoint an executive director who shall be the chief administrative officer of the board and serve as secretary to the board. He shall have proven administrative and managerial experience and familiarity with equal employment opportunity laws and regulations. The board shall appoint other employes it deems necessary in accordance with the provisions of this chapter. The salaries of the executive director and other employes of the board shall be determined by order of the board. The executive director of the board shall prepare the budget request for approval by the board in the form and manner required by applicable law. For the purposes of KRS *Chapter 48* [~~45.070~~] the board shall be considered a budget unit.

(2) *The board shall appoint a general counsel pursuant to KRS 12.210 to provide legal services for the board. Upon request of the board, the attorney general may designate the general counsel as an assistant attorney general. The general counsel provided for by this subsection shall not be employed by personal service contract and shall be a full-time employe of the board. He shall serve as a hearing officer for the board* [~~The attorney general shall be an advisory member of the board~~].

Section 13. KRS 18A.095 is amended to read as follows:

(1) *A classified employe with status shall not be dismissed, demoted, suspended or otherwise penalized except for cause.*

(2) Prior to dismissal, a classified employe with status shall be notified in writing of the intent to dismiss him. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the intent to dismiss is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(b) That the employe has the right to appear personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(3) The department shall prescribe and distribute a form to each appointing authority to be completed and forwarded by an employe who wishes to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy. Such form shall be attached to every notice of intent to dismiss, and shall contain written instructions explaining:

(a) The right granted an employe under the provisions of this Act relating to pretermination hearings; and

(b) The time limits and procedures to be followed by all parties in pretermination hearings.

(4) No later than five (5) working days after receipt of the notice of intent to dismiss, excluding the day he receives such notice, the employe may request to appear, personally or with counsel if he has retained counsel, to reply to the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy.

(5) Such appearance shall be scheduled six (6) working days after receipt of an employe's request to appear before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day his request is received.

(6) No later than five (5) working days after the employe appears before the head of the cabinet or his deputy, or in the case of employes of elected officials, the elected official or his deputy, excluding the day of the appearance, the elected official or his deputy or the cabinet head or his deputy shall:

(a) Determine whether to dismiss the employe or to alter, modify or rescind the intent to dismiss; and

(b) Notify the employe in writing of such determination.

(7) If the cabinet head or his deputy, or in the case of employes of elected officials, the elected official or his deputy, determines that the employe shall be dismissed or otherwise penalized, the employe shall be notified in writing of:

(a) The effective date of his dismissal or other penalization;

(b) The specific reason for such action, including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the dismissal or other penalization is based;

3. The date, time and place of such action or activity; and

4. The name of the parties involved.

(c) That he may appeal such dismissal or other penalization to the board within thirty (30) days after receipt of this notification, excluding the day he receives such notification.

(8) A classified employe with status who is demoted, suspended or otherwise penalized shall be notified in writing of such action, the specific reason for such action, and that he has the right to appeal to the board within thirty (30) days excluding the day that he received notification.

(9) Any [~~classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service or any~~] unclassified employe who is dismissed, demoted, suspended, or otherwise penalized for cause may, within thirty (30) days after such dismissal, demotion, suspension, or other form of penalization, appeal to the board for review thereof.

(10) (a) An employe whose position is reallocated shall be notified in writing by the appointing authority of:

1. The reallocation; and

2. His right to request reconsideration by the commissioner within ten (10) working days of receipt of the notice, excluding the day he receives notification.

(b) He shall be provided with a form prescribed by the commissioner on which to request reconsideration; and

(c) The employe shall file a written request for reconsideration of the reallocation of his position with the commissioner and shall be given a reasonable opportunity to be heard thereon by the commissioner. The commissioner shall make a determination within sixty (60) days after the request has been filed by an employe. After reconsideration of the request by the commissioner, the employe may appeal to the board.

(11) An evaluation may be appealed to the board if an employe has complied with the review procedure established under Section 3 of this Act.

(12) Any state employe, applicant for employment, or eligible on a register may appeal to the personnel board on the grounds that his right to inspect or copy records, including preliminary and other supporting documentation, relating to him has been denied, abridged or impeded by a public agency. The board shall conduct a hearing to determine whether the records related to the employe, applicant or eligible, and whether his right to inspect or copy such was denied, abridged or impeded. If the board determines that the records related to the employe and that the right to inspect or copy such records has been denied, abridged or impeded, the board shall order the public agency to make them available for inspection and copying and shall charge the cost of the hearing to the public agency. A state employe, applicant or eligible shall not have the right to inspect or to copy examination materials.

(13) Any classified state employe may appeal to the board an action alleged to be based on discrimination due to race, color, religion, national origin, sex, handicap, or age. Nothing herein shall be construed to preclude any classified or unclassified state employe from filing with the Kentucky Commission on Human Rights a complaint alleging discrimination on the basis of race, color, religion, national origin, sex, handicap or age in accordance with KRS Chapter 344.

(14) When an eligible's name is removed from a register, the commissioner shall notify the eligible of his action and the reasons therefor, and that he may appeal such removal to the board. An eligible's name shall be restored to the register upon presentation of reasons satisfactory to the commissioner or in accordance with the decision of the board.

(15) (a) Any employe, applicant for employment, or eligible on a register, who believes that he has been discriminated against, may appeal to the board;

(b) Any applicant whose application for admission to an open-competitive examination has been rejected shall be notified of such rejection and the reasons therefor and may appeal to the board for reconsideration of his qualifications and for admission to the examination. Applicants may be conditionally admitted to an examination by the commissioner pending reconsideration by the board;

(c) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly;

(d) An appeal to the board by applicants or eligibles under subsections (12), (14) and (15) of this section shall be filed in writing with the executive director not later than fifteen (15) calendar days after the notification of the action in question was mailed.

(16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the board. Appeal forms shall be available at the employe's place of work. The department shall be responsible for the distribution of such forms.

(b) The appeal form shall be attached to any notice or copy of such notice of dismissal, demotion, suspension, fine, involuntary transfer or other penalization, reallocation, or notice of any other action an employe may appeal under the provisions of this Act. The appeal form shall instruct the employe to state whether he is a classified or unclassified employe, his full name, his appointing authority, work station address and telephone number, and, if he has retained counsel at the time he files an appeal, the name, address and telephone number of his attorney.

(c) The form shall also instruct a classified employe to state the action he is appealing in a short, plain, concise statement of the facts. The form shall instruct an unclassified employe to make a short, plain, concise statement of the reason or cause given for his dismissal.

(d) Upon receipt of the appeal by the board, the appointing authority and the department of personnel shall be notified and the board shall schedule a hearing within the time limits prescribed by this Act.

(17) All notices from the board shall be in writing. Notices shall be written so as to be understood by non-attorneys.

(18) (a) [~~Upon such review, both~~] The appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts.

(b) Except as provided herein, an appeal shall be decided by the board only after a hearing. The board shall not deny, reject or sustain an appeal, or make any other determination relating to an appeal, except after a hearing is conducted pursuant to the provisions of this Act.

(c) The board may deny a hearing to an employe who has failed to file an appeal within the time prescribed by this Act; and, to an unclassified employe who has failed to state the cause for which he has been dismissed. The board shall notify the employe of its denial in writing and shall inform the employe of his right to appeal such denial under the provisions of KRS 18A.100.

(d) Any investigation by the board of any matter related to an appeal filed by an employe shall be conducted only upon notice to the employe, the employe's counsel, and the appointing authority. All parties to the appeal shall have access to information produced by such investigations and such information shall be presented at the hearing. Any party to the hearing shall be permitted an adequate opportunity to rebut or comment upon such information.

(e) Each appeal shall be decided on its merits.

(19) At the hearing of such appeals, technical rules of evidence shall not apply. *Upon its own motion or upon request by a party, the board may require the production by a party, a state employe or a state agency of documents, records and other material relevant to the appeal.*

(20) Each appeal shall be decided individually unless otherwise agreed by the parties and the board. The board shall not:

(a) Employ class action procedures; or

(b) Conduct test representative cases.

(21) Except as authorized by law, board members and employes of the board shall neither initiate, participate in, nor consider ex parte or other communications concerning a pending or impending proceeding before the board. Board members shall abstain from public comment about a pending or impending proceeding before the board, and shall require similar abstention on the part of board personnel subject to the board's direction and control. This shall not prohibit board members from making public statements in the course of their official duties or from explaining for public information the procedures of the board.

(22) (a) An appeal to the board may be heard by:

1. The full board;

2. Two (2) board members;

3. A member of the board and a hearing officer; or

4. The general counsel of the board and either a member of the board or a hearing officer [~~individual members of the board, by its executive director or by a hearing officer of the board~~].

(b) Any appeal heard by less than the full board shall be *reviewed by the full board before a final order of the board is issued.*

1. Prior to a final order of the board, the board shall provide a copy of the findings of fact and recommendations to the parties to the appeal and shall provide them with an opportunity to submit written exceptions and responses to such findings of fact and recommendations. At the request of a party or on its own motion, the board shall permit oral argument before the full board. Such request shall be filed with the board within fifteen (15) days of the recommended order issued by a member, the executive director, or a hearing officer.

2. The board shall review the record of the evidence presented, the findings of fact and recommendations of the hearing officer, and the written exceptions and responses filed by parties to the appeal [~~subject to review by the full board upon petition for such review by either party to the appeal. Petition for review by the full board shall be filed with the board within thirty (30) days of the recommended order issued by a member, the executive director, or a hearing officer~~].

(c) If the board finds that the action complained of was taken by the appointing authority in violation of laws prohibiting favor for, or discrimination against, or bias with respect to his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex or age or handicap, the appointing authority shall, not later than thirty (30) days after receipt of such findings and recommendations, reinstate the employe to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(d) If the board finds that the action complained of was taken without just cause, the board shall order the employe reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employe whole.

(e) [~~In all other cases,~~] If the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action.

(f) In all other cases, the board shall rescind the action taken or otherwise grant such other relief to which the employe is entitled.

(g) The appointing authority shall, not later than thirty (30) days after receipt of the final order of the board, comply with such final order. When any employe is dismissed and not ordered reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he had been removed.

(23) After a final decision has been rendered by the board or court, an employe who prevails in his appeal shall be credited with the amount of leave time used for time spent at his hearing before the board or court. Employes who had an insufficient amount of leave time shall be credited with leave time equal to the amount of time spent at their hearings before the board or court.

[~~(2) Any unclassified employe who is dismissed without cause shall not have the right of appeal as provided in this section.~~]

(24)[~~(3)~~] The board shall, within sixty (60) days after an appeal is filed, hear the appeal, and shall, within ninety (90) days after an appeal is filed, issue a final determination for the disposition thereof.

Section 14. KRS 18A.110 is amended to read as follows:

The commissioner shall prepare and submit to the board proposed *administrative regulations* [~~rules~~] for the classified service. Such *administrative regulations* [~~rules~~] shall have the force and effect of law, [~~when approved by the board,~~] after public notice and public hearing, and after filing with the legislative research commission in accordance with KRS Chapter 13*A* and procedures adopted thereunder. If not disapproved by the board within forty-five (45) days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board. The *administrative regulations* [~~rules~~] shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the board, the commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the secretary of the finance and administration cabinet. The plan shall take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings *except as provided by this Act.* The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(4) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. *Except as provided by this Act,* vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(5) *As provided by this Act,* for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. *Except as provided by this Act,* eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the board for a period not to exceed one (1) additional year;

(6) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience[~~, or who have been guilty of infamous or disgraceful conduct~~]; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(7) *Except as provided by this Act,* for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;

(8) For *probationary periods as provided by this Act* [~~a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. Unless the appointing authority notifies the employe prior to the end of the probationary period that the employe's services are not satisfactory, the employe shall have status in the classified service. The notice shall be in writing and as provided by personnel rules~~];

(9) For emergency employment for not more than thirty (30) working days with or without examination, with the consent of the commissioner;

(10) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed to the same position;

(11) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary [~~ranges~~];

(12) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part *as provided by this Act*;

(13) For developing, in *accordance with provisions of this Act* [~~cooperation with the appointing authorities~~], uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(14) *In accordance with the provisions of this Act,* for layoffs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off[~~, giving consideration in both layoffs and reemployment to qualifications, performance records, conduct and seniority in service~~];

(15) For imposition as disciplinary measures of a fine of not more than ten (10) working days' pay or for suspension from the service without pay for not longer than thirty (30) working days and for the manner of notification of the employe of the discipline and his right of appeal *as provided in this Act*;

(16) For discharge or reduction in rank or grade *as provided by this Act* [~~only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner~~];

(17) For establishment of a plan for resolving employe grievances and complaints *that does not restrict rights granted under this Act*;

(18) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in subsection (2) of KRS 18A.075;

(19) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(20) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(21) For such other rules and administrative regulations not inconsistent with *this Act and KRS Chapter 13A* [~~KRS 18A.005 to 18A.200~~], as may be proper and necessary for its enforcement.

Section 15. KRS 18A.355 is amended to read as follows:

(1) *(a)* An annual increment of not less than five percent (5%) of the *base* [~~gross annual~~] salary or wages of each state employe shall be granted to each employe *on his anniversary date.*

(b) An employe's base salary or wages shall be increased by:

1. The amount of the annual increment;

2. A promotional or performance increment granted an employe; and

3. A salary adjustment due to a reclassification or reallocation.

(2) The *branch* [~~biennial~~] budget *recommendation* [~~report~~] submitted to the general assembly under KRS

Chapter 48 [~~48.110,~~ ~~48.180~~ ~~and~~ ~~48.185~~] shall include a request for the amount of the annual increment expressed as a percentage of each employe's gross salary or wages and a request for the total appropriation needed to fund the annual increment. The annual increment shall be uniform for all employes. The financial plan enacted under the provisions of KRS 48.300 [~~and 48.500~~] shall contain the annual increment expressed as a percentage of each employe's gross salary or wages, and the total appropriation needed to fund the annual increment.

(3) The budget reduction plan submitted and enacted under the provisions of KRS Chapter 48 shall provide that a reduction of the annual increment granted under this section shall be made only after other cost savings measures, as provided by subsection (2) of Section 6 of this Act, are taken. Any such reduction shall be uniform for all state employes and shall comply with the provisions of this Act and KRS Chapter 48.

Section 16. KRS 48.130 is amended to read as follows:

(1) The branch budget recommendation submitted by each branch of government shall include a plan for the reduction of the respective budget recommendations, by budget unit, when projected or actual tax receipts accruing to the general fund or road fund are at least two and one-half percent (2 1/2%) but not more than five percent (5%) less than the revenue estimates for these funds as determined under subsection (3) of KRS 48.120.

(2) *(a)* In recommending budget reductions, the governor, the chief justice, and the legislative research commission shall not recommend universal percentage reductions but shall weigh the needs of all budget units and shall strive to protect the highest possible level of service in their respective branches. Services which are not essential to constitutional functions shall be subject to reduction. Transfer of funds may be authorized by the budget reduction plan.

(b) In recommending budget reductions for the executive branch, the budget reduction plan provided for by subsection (1) of this section shall comply with subsections (1) through (3) of Section 6 of this Act.

(c) A layoff of state employes in the executive branch under the budget reduction plan enacted by the general assembly shall comply with the provisions of Sections 4 and 6 of this Act.

(d) A layoff of state employes in the executive branch required by an actual or projected deficit in tax receipts contemplated by subsection (5) of this section shall comply with the provisions of Sections 4 and 6 of this Act.

(3) The plan shall be enacted as modified by the general assembly, in each joint budget resolution.

(4) In the event of an actual or projected deficit in tax receipts provided for by this section, the department of revenue shall notify all branches of government:

(a) If funds that have accrued to the surplus accounts of the general or road funds are not sufficient to meet these deficits, the allotments to the respective branches shall be reduced according to the reduction provisions embodied in the joint budget resolution, and the governor, the chief justice, and the legislative research commission shall automatically implement budget reductions for their respective branches according to the reduction provisions embodied in the joint budget resolution*; and* [~~.~~]

(b) In the event funds that have accrued to the surplus accounts of the general or road funds are sufficient to meet these deficits, transfers from these surplus accounts shall be made, as appropriate, and the budget reduction provisions embodied in the joint budget resolution shall not be implemented.

(5) In the event of an actual or projected deficit in tax receipts provided for by this section of less than two and one-half percent (2 1/2%), the governor, the chief justice, and the legislative research commission shall implement budget reductions for their respective branches on their own initiative.

(6) *The budget reduction plan shall provide that the annual increment granted state employes under Section 15 of this Act shall be reduced as provided by this Act. Any such reduction of the annual increment shall be uniform for all employes.*

(7) If general fund or road fund tax receipts increase over the estimated deficits, then services shall be restored in the reverse order of the reduced services.

(8)[~~(7)~~] This section shall not preclude the general assembly, in regular or special session, from amending a

joint budget resolution requiring budget reductions nor shall it preclude the governor from calling a special session of the general assembly at any time the budget reduction plan is in effect.

Section 17. KRS 61.878 is amended to read as follows:

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(i) All public records or information the disclosure of which is prohibited by federal law or regulation.

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) *No exemption in this section shall be construed to deny, abridge or impede the right of a state employe, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. Such records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, transfers, layoffs, disciplinary actions, examination scores and preliminary and other supporting documentation. A state employe, applicant or eligible shall not have the right to inspect or to copy any examination.*

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

(5)[~~(4)~~] The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

SECTION 18. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO READ AS FOLLOWS:

No provision in this chapter shall be construed to preclude any classified or unclassified state employe from appealing to the personnel board any action alleged to be in violation of laws prohibiting discrimination based on sex, age, religion, handicap, race or national origin, in accordance with KRS Chapter 18A.

Section 19. KRS 18A.045 is amended to read as follows:

(1) There is hereby created a personnel board in which shall be vested the constitutional powers and responsibilities of officers of the Commonwealth. The board shall consist of seven (7) members, five (5) of whom shall be appointed by the governor as provided in KRS 18A.050. Two (2) members of the board shall be elected by classified employes as provided in *Section 10 of this Act* [~~KRS 18A.055~~].

(2) Any person retaliating in any manner and any person ordering retaliation against a classified employe or a member of his family because he has participated in an election to the board, either by being a candidate or voting for a candidate, shall be subject to the provisions of KRS 18A.990.

Section 20. KRS 18A.350 is amended to read as follows:

"As used in [~~this~~] KRS 18A.355 [~~and 18A.360~~], "employe" means any officer or employe of the executive branch of government. The provisions of KRS 18A.355 and 18A.360 do not apply to employes of the general assembly, the legislative research commission, or the court of justice, or to any constitutional officer." and,

On page 1, line 1, after the word "section", delete the number "1" and insert in lieu thereof the number "21"; and,

Renumber subsequent sections accordingly; and,

On page 8, after line 3, insert the following: "Section 24. KRS 18A.055, Board elections to be held by department—Campaign restrictions, and KRS 18A.360, Increase or reduction of annual increment, is repealed."

Floor Amendment No. 3 to SB 372, by Representative Morris:

Amend printed copy of GA copy of SB 372:

On page 14, line 12, by inserting after the word "person" the following underlined phrase "*including a county clerk*"; and

On page 32, line 18, by inserting after the word "person" the following underlined phrase "*including a county clerk*".

Floor Amendment No. 2 to SB 117, by Representative Mann:

Amend printed copy of GA copy of SB 117:

On page 2, after line 6, insert the following:

"Section 2. KRS 161.030 is amended to read as follows:

(1) The certification of all teachers and other school personnel is vested in the state board of education. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the published rules and regulations of the state board of education.

(2) In the case of nontax supported schools, standards for teacher certification shall provide for the certification without further educational requirements of any administrator, supervisor, or teacher who has earned a bachelor's degree from a standard college or university.

(3) Certificates shall be issued to persons who have completed, at such colleges and universities as have been approved by the state board of education for the preparation of teachers and other school personnel, the curricula prescribed by the Kentucky council on teacher education and certification and approved by the state board of education for the certificates.

(4) Effective January 1, 1985, initial certification of all new teachers shall require the successful completion of appropriate written tests prior to certification. The tests shall be selected by the state board of education and shall measure communication skills, general knowledge, professional education concepts and knowledge in the specific teaching field of the applicant. The state board of education shall determine the minimum acceptable level of achievement on each test. The tests shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the tests and the approved teacher preparation program, a certificate valid for one (1) year shall be issued.

(5) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the tests shall be established by the state board of education. Provisions shall be made for persons having less than minimum levels of performance on any test to repeat that test, and candidates shall be informed of their strengths and weaknesses in the specific performance areas. The department of education shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than five (5) years of teaching experience who are seeking initial certification in Kentucky.

(6) Effective January 1, 1985, all new teachers and out-of-state teachers with less than five (5) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one-year internship. The teacher shall be a full-time employe with supervision, assistance, and assessment during the one-year internship. Successful completion shall be determined by a majority vote of the beginning teacher committee. The internship period shall be counted as experience for the purpose of continuing contract status, retirement eligibility and benefits for single salary experience increments. Upon successful completion of the beginning teacher program the one-year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by state board of education regulations.

(7) The beginning teacher committee shall be composed of three (3) persons who have received special training in the supervision and assessment of the performance of beginning teachers as provided in subsection (9) of this section. The committee shall consist of a resource teacher, the school principal of the school where the internship is served, and a teacher educator from a state-approved teacher training institution to be appointed by the president of that institution. In the event the teacher training institution is unable to provide a member, the district superintendent shall appoint an instructional supervisor from the school district. The resource teacher shall be appointed by the department of education from a pool of qualified resource teachers. Priority shall be given to resource teachers with the same certification as the teacher intern in the following order: (1) teachers in the same school, (2) teachers in the same district, and (3) teachers statewide. The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year. If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.

(8) The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher; twenty (20) of these hours shall be observing the beginning teacher in the classroom setting; fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.

(9) By contract with teacher education institutions in the Commonwealth, the superintendent of public instruction shall provide training for persons who will be serving on the beginning teacher committees.

(10) In the event an applicant establishes eligibility for a one-year certificate under the provisions of subsection (4) of this section, but does not become employed on the full-time basis needed to satisfy the one-year internship requirement, the applicant shall be eligible for the issuance of a certificate for substitute teaching as provided by the regulations of the state board of education. The applicant shall remain eligible for the one-year certificate as provided in paragraph (4) and for the opportunity to serve the internship for a period of four (4) years after establishing eligibility. If the internship is not completed within the four (4) year period, the applicant must re-establish eligibility by repeating and passing the testing program in effect for new teachers at that time.

(11) The state board of education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the state board of education and are equivalent to the curricula prescribed for the state institutions for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula or the equivalent thereof, as approved by the state board of education, and who has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions maybe granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

(12) The state department of education shall permit school districts that annually employ more than fifty (50) intern teachers to develop, implement and test alternative programs for selecting and training committees for intern teachers and for evaluating intern teachers.

Section 3. KRS 161.122 is amended to read as follows:

(1) No later than October 18, 1985, the governor shall appoint a twenty-two (22) member commission to oversee the implementation of a pilot program designed to test the feasibility of operating a statewide career ladder system for teachers. It is recommended that the commission be composed of:

(a) Two (2) public school superintendents;

(b) Two (2) public school principals;

(c) Six (6) public school teachers;

(d) Two (2) public school board members; and

(e) Ten (10) representatives of the lay public to be selected from persons who are interested in education but who are not professional educators.

(2) The governor shall appoint a member to serve as chairman. The commission shall meet as often as necessary but no less than two (2) times per year. The commission members shall be reimbursed for their actual expenses incurred in the regular business of the commission in accordance with state regulations.

(3) The commission shall be responsible for general policy decisions that are required for the pilot program and by September 1, 1988 shall submit a report of the findings of the career ladder pilot program with a recommendation regarding a statewide career ladder program to the governor, the state board of education, the legislative research commission, and the interim joint committee on education.

(4) The commission shall be attached to the department of education for administrative purposes. The commission shall employ a research director and other personnel as may be needed. Researchers trained in empirical analysis shall be utilized as necessary.

(5) The commission shall initiate a two (2) year pilot program designed to test the feasibility of operating a statewide system to identify and reward excellent teachers and provide reliable information for making decisions on a teacher career incentive program. The pilot program shall be based on the career ladder plan specified in the July, 1985 report to the governor by the Kentucky career ladder committee and shall test the assertions specified in the report.

(6) (a) The pilot program shall be conducted in [~~five (5) to ten (10)~~] voluntary local school districts which represent no more than five (5) percent of the state's teachers and are selected to obtain a representative sample according to the following considerations:

1. Geographic distribution;

2. Districts which are below average, average and above average in size;

3. County and independent districts; and

4. Elementary, secondary and special area teachers;

(b) Participating districts shall be selected by July 1, 1986. To prevent the omission of districts which are significantly above average in size, the commission is authorized to select individual schools in those districts in order to maintain the representative sample as set forth in paragraph (a) of this subsection. If there are two (2) or more districts which meet the requirements in paragraph (a) of this subsection, the participating districts shall be selected by the commission. All information identifying a specific school district shall forever remain confidential. School districts will receive up to twenty thousand dollars ($20,000), depending on the size of the district, to defray administrative costs to participate in the program;

(c) Teachers will be considered eligible to participate in the pilot program if they have taught seven (7) or more years and have attained Rank II or above as defined by KRS 157.390(1)(a). Participating teachers shall be selected from those eligible teachers who agree to participate. All information concerning them shall forever remain confidential. Participants will receive equal monetary supplements for their participation in the pilot program regardless of rank and experience. The supplements will not increase the base pay of the teacher but will include teacher retirement system contributions during the pilot year. Supplements of one thousand dollars ($1,000) per participating teacher will be given for pilot related work during the school year and one thousand dollars ($1,000) per participating teacher for the ten (10) days required past the regular school term.

(7) Each participating teacher will be evaluated three (3) times per year by a local committee consisting of the teacher's principal, a state employed full-time evaluator and a trained evaluator assigned by the department of education. Each participating teacher will also be evaluated three (3) times by an independent committee consisting of three (3) state employed full-time evaluators. The conclusions of the two (2) committees shall be compared to assess the consistency and validity of the evaluation process. All committee members shall be trained and certified.

(8) The independent committee shall have access to all data and information considered by the local committee but shall not receive or be knowledgeable of the conclusions or recommendations of the local committee.

(9) All information which relates to individual teachers and specific school districts will remain confidential forever and known only to the research staff to be used solely for the defined purposes of the study.

(10) The commission shall complete its work by September 1, 1988, and shall submit its report to the governor, state board of education, legislative research commission, and the interim joint committee on education for review and revision. The interim joint committee on education shall present the final report to the general assembly for approval in 1988. A career ladder shall not be implemented until approved by the general assembly."

Floor Amendment No. 7 to SB 152, by Representative Mann:

Amend printed copy of GA copy of SB 152:

On page 1, after line 20, insert the following:

"Section 2. KRS 161.030 is amended to read as follows:

(1) The certification of all teachers and other school personnel is vested in the state board of education. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the published rules and regulations of the state board of education.

(2) In the case of nontax supported schools, standards for teacher certification shall provide for the certification without further educational requirements of any administrator, supervisor, or teacher who has earned a bachelor's degree from a standard college or university.

(3) Certificates shall be issued to persons who have completed, at such colleges and universities as have been approved by the state board of education for the preparation of teachers and other school personnel, the curricula prescribed by the Kentucky council on teacher education and certification and approved by the state board of education for the certificates.

(4) Effective January 1, 1985, initial certification of all new teachers shall require the successful completion of appropriate written tests prior to certification. The tests shall be selected by the state board of education and shall measure communication skills, general knowledge, professional education concepts and knowledge in the specific teaching field of the applicant. The state board of education shall determine the minimum acceptable level of achievement on each test. The tests shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the tests and the approved teacher preparation program, a certificate valid for one (1) year shall be issued.

(5) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the tests shall be established by the state board of education. Provisions shall be made for persons having less than minimum levels of performance on any test to repeat that test, and candidates shall be informed of their strengths and weaknesses in the specific performance areas. The department of education shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than five (5) years of teaching experience who are seeking initial certification in Kentucky.

(6) Effective January 1, 1985, all new teachers and out-of-state teachers with less than five (5) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one-year internship. The teacher shall be a full-time employe with supervision, assistance, and assessment during the one-year internship. Successful completion shall be determined by a majority vote of the beginning teacher committee. The internship period shall be counted as experience for the purpose of continuing contract status, retirement eligibility and benefits for single salary experience increments. Upon successful completion of the beginning teacher program the one-year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by state board of education regulations.

(7) The beginning teacher committee shall be composed of three (3) persons who have received special training in the supervision and assessment of the performance of beginning teachers as provided in subsection (9) of this section. The committee shall consist of a resource teacher, the school principal of the school where the internship is served, and a teacher educator from a state-approved teacher training institution to be appointed by the president of that institution. In the event the teacher training institution is unable to provide a member, the district superintendent shall appoint an instructional supervisor from the school district. The resource teacher shall be appointed by the department of education from a pool of qualified resource teachers. Priority shall be given to resource teachers with the same certification as the teacher intern in the following order: (1) teachers in the same school, (2) teachers in the same district, and (3) teachers statewide. The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year. If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.

(8) The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher; twenty (20) of these hours shall be observing the beginning teacher in the classroom setting; fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.

(9) By contract with teacher education institutions in the Commonwealth, the superintendent of public instruction shall provide training for persons who will be serving on the beginning teacher committees.

(10) In the event an applicant establishes eligibility for a one-year certificate under the provisions of subsection (4) of this section, but does not become employed on the full-time basis needed to satisfy the one-year internship requirement, the applicant shall be eligible for the issuance of a certificate for substitute teaching as provided by the regulations of the state board of education. The applicant shall remain eligible for

the one-year certificate as provided in paragraph (4) and for the opportunity to serve the internship for a period of four (4) years after establishing eligibility. If the internship is not completed within the four (4) year period, the applicant must re-establish eligibility by repeating and passing the testing program in effect for new teachers at that time.

(11) The state board of education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the state board of education and are equivalent to the curricula prescribed for the state institutions for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula or the equivalent thereof, as approved by the state board of education, and who has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions maybe granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

(12) The state department of education shall permit school districts that annually employ more than fifty (50) intern teachers to develop, implement and test alternative programs for selecting and training committees for intern teachers and for evaluating intern teachers.

Section 3. KRS 161.122 is amended to read as follows:

(1) No later than October 18, 1985, the governor shall appoint a twenty-two (22) member commission to oversee the implementation of a pilot program designed to test the feasibility of operating a statewide career ladder system for teachers. It is recommended that the commission be composed of:

(a) Two (2) public school superintendents;

(b) Two (2) public school principals;

(c) Six (6) public school teachers;

(d) Two (2) public school board members; and

(e) Ten (10) representatives of the lay public to be selected from persons who are interested in education but who are not professional educators.

(2) The governor shall appoint a member to serve as chairman. The commission shall meet as often as necessary but no less than two (2) times per year. The commission members shall be reimbursed for their actual expenses incurred in the regular business of the commission in accordance with state regulations.

(3) The commission shall be responsible for general policy decisions that are required for the pilot program and by September 1, 1988 shall submit a report of the findings of the career ladder pilot program with a recommendation regarding a statewide career ladder program to the governor, the state board of education, the legislative research commission, and the interim joint committee on education.

(4) The commission shall be attached to the department of education for administrative purposes. The commission shall employ a research director and other personnel as may be needed. Researchers trained in empirical analysis shall be utilized as necessary.

(5) The commission shall initiate a two (2) year pilot program designed to test the feasibility of operating a statewide system to identify and reward excellent teachers and provide reliable information for making decisions on a teacher career incentive program. The pilot program shall be based on the career ladder plan specified in the July, 1985 report to the governor by the Kentucky career ladder committee and shall test the assertions specified in the report.

(6) (a) The pilot program shall be conducted in [~~five (5) to ten (10)~~] voluntary local school districts which represent no more than five (5) percent of the state's teachers and are selected to obtain a representative sample according to the following considerations:

1. Geographic distribution;

2. Districts which are below average, average and above average in size;

3. County and independent districts; and

4. Elementary, secondary and special area teachers;

(b) Participating districts shall be selected by July 1, 1986. To prevent the omission of districts which are significantly above average in size, the commission is authorized to select individual schools in those districts in order to maintain the representative sample as set forth in paragraph (a) of this subsection. If there are two (2) or more districts which meet the requirements in paragraph (a) of this subsection, the participating districts shall be selected by the commission. All information identifying a specific school district shall forever remain confidential. School districts will receive up to twenty thousand dollars ($20,000), depending on the size of the district, to defray administrative costs to participate in the program;

(c) Teachers will be considered eligible to participate in the pilot program if they have taught seven (7) or more years and have attained Rank II or above as defined by KRS 157.390(1)(a). Participating teachers shall be selected from those eligible teachers who agree to participate. All information concerning them shall forever remain confidential. Participants will receive equal monetary supplements for their participation in the pilot program regardless of rank and experience. The supplements will not increase the base pay of the teacher but will include teacher retirement system contributions during the pilot year. Supplements of one thousand dollars ($1,000) per participating teacher will be given for pilot related work during the school year and one thousand dollars ($1,000) per participating teacher for the ten (10) days required past the regular school term.

(7) Each participating teacher will be evaluated three (3) times per year by a local committee consisting of the teacher's principal, a state employed full-time evaluator and a trained evaluator assigned by the department of education. Each participating teacher will also be evaluated three (3) times by an independent committee consisting of three (3) state employed full-time evaluators. The conclusions of the two (2) committees shall be compared to assess the consistency and validity of the evaluation process. All committee members shall be trained and certified.

(8) The independent committee shall have access to all data and information considered by the local committee but shall not receive or be knowledgeable of the conclusions or recommendations of the local committee.

(9) All information which relates to individual teachers and specific school districts will remain confidential forever and known only to the research staff to be used solely for the defined purposes of the study.

(10) The commission shall complete its work by September 1, 1988, and shall submit its report to the governor, state board of education, legislative research commission, and the interim joint committee on education for review and revision. The interim joint committee on education shall present the final report to the general assembly for approval in 1988. A career ladder shall not be implemented until approved by the general assembly."

Floor Title Amendment to SB 88, by Representative White:

Amend printed copy of GA copy of SB 88:

On page 1, amend the TITLE to read as follows: "AN ACT relating to state government".

Floor Amendment No. 4 to SB 88, by Representative White:

Amend printed copy of GA copy of SB 88:

On page 9, below line 24, by inserting the following:

"SECTION 4. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

(1) The division of arson investigation is created within the department of state police.

(2) The commissioner, department of state police,may designate officers and employes of the department of state police to investigate and enforce the provisions against arson and arson related offenses occurring within the state and such officers when duly authorized by the commissioner, department of state police, shall have the general powers of a peace officer for the prevention of other offenses against the Commonwealth. Each

arson investigator so appointed shall, before entering upon the discharge of his various duties, take an oath before a person authorized to administer oaths to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the records of the department.

(3) Each of said persons shall give such bond as the commissioner, department of state police, may designate and with such surety as required by the commissioner, department of state police, conditioned upon faithful performance of his duties.

(4) Arson investigators of the department shall have full access for the purpose of arson investigation to:

(a) Records of the department;

(b) Records of the justice cabinet;

(c) Records of the department of housing, buildings, and construction; and

(d) Records of the department of insurance.

(5) Arson investigators of the department shall have full access, for the purpose of arson investigation, to the facilities and services of:

(a) The department and the state police laboratory; and

(b) The department of housing, buildings, and construction, office of the state fire marshal, and the department of insurance.

(6) The department of state police shall cooperate with the justice cabinet, department of housing, buildings, and construction, and the department of insurance with regard to arson investigation.

SECTION 5. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

If, after an investigation or examination, the commissioner, department of state police, believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the commonwealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

SECTION 6. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The cabinet shall cooperate with the department of state police, department of housing, buildings, and construction, and the department of insurance with regard to arson investigation.

SECTION 7. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

The department shall cooperate with the department of state police, justice cabinet, and department of insurance with regard to arson investigation.

SECTION 8. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO READ AS FOLLOWS:

The state fire marshal shall cooperate with the department of state police, justice cabinet, and department of insurance with regard to arson investigation.

SECTION 9. A NEW SECTION OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The department shall cooperate with the justice cabinet, department of housing, buildings and construction, and the department of state police with regard to arson investigation.

Section 10. KRS 227.275, Arson investigators, and 227.990, Commissioner, department of state police, to furnish data, are repealed.

Section 11. The commissioner of state police shall report to the Legislative Research Commission on the need for additional arson investigators and costs associated therewith no later than January 1, 1987."

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions and Report of Committees. Agreed.

Introduction of Resolutions

HR 189, by Representative P. Clark: A RESOLUTION designating Law Enforcement Officer Week and Law Enforcement Officer Memorial Day.

HR 191, by Representatives Cline, Holbrook and Cyrus: A RESOLUTION urging action to protect Ashland Oil, Inc. from a hostile takeover by Canadian interests.

HR 192, by Representatives Seum, Kerr and Priddy: A RESOLUTION commending the Legislative Services Support Staff of the Legislative Research Commission.

HR 193, by Representative White: A RESOLUTION relating to small coal mine operators.

Report of Committees

The Committee on Rules reported HCR 141, SB 290, SB 331, SB 339, SB 353, SB 389, SCR 91, SCR 97, SB 42, SB 88, SB 117, SB 119, SB 227, SB 241, SB 267, SB 269 and SB 377 have been posted for passage in Orders of the Day, March 28, 1986.

The Committee on Rules reported the following have been recommitted:

Banking and Insurance: SB 280.

State Government: SCR 87.

Representative Cline moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Cline moved the adoption of the following HR 191:

HR 191, A RESOLUTION urging actions to protect Ashland Oil, Inc. from a hostile takeover by Canadian interests.

WHEREAS, Ashland Oil, Inc., Kentucky's largest corporation, is threathened with a takeover, against its will, by Canadian investors; and

WHEREAS, at best such a takeover would wrest control of the corporation from a board deeply committed to the well-being of Kentucky and make it subservient to international interests, and at worst could dismantle the corporation for quick profits; and

WHEREAS, such takeovers often destroy a local economy with plant closings, layoffs and forced restrictions in wages while lining the pockets of a few investors; and

WHEREAS, concern over these effects has prompted legislative action in other states, most recently in New York and Minnesota, to curb hostile takeovers in those states;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor of Kentucky and the leadership of this General Assembly are urged to take action quickly to protect Ashland Oil, Inc. from hostile takeover, and to protect other Kentucky corporations and employers from similar threats in the future.

Section 2. That a copy of this resolution be sent to the Governor, to John R. Hall, Chairman of Ashland Oil and to Vice Chairman Robert T. McCowan and Vice President Harry M. Zachem, to the union representatives and their memberships at Ashland Oil, to the Ashland Chamber of Commerce of Greenup and Boyd Counties, and to the Russell Board of Education.

HR 191 was adopted by voice vote.

Representative Noe moved the adoption of the following Legislative Citations Nos. 68 through 76. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Nick Sanford, a senior on the James A. Cawood High School Boys' Basketball Team, son of Owen and Mary Sanford. Your accomplishments and achievements of setting a school record as the all time percentage field goal shooter for four years, 59%; all time percentage free-throws for four years, 89%; all time rebounds for four years, 93%, are most impressive and noteworthy. Your 1985-86 season records of: 64% from the field set a school record, your 84% free throws, your average of 12.2 rebounds per game, your average of 26.8 points per game and your highest points scored in one game of 56 is exemplary of your competitive spirit and ambitious goals. This prestigious body salutes and applauds you as you were nominated to the McDonald's All American Basketball Team; and we extend our best wishes to you in your future endeavors. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky cites and recognizes Alan Wagers, husband of Kim Wagers, a father, and County Attorney of Harlan County, Kentucky. Your degrees from the University of Kentucky and your law degree from the University of Louisville is exemplary of your high standards of professionalism and your ambitious goals. Your tenure with the Smith & Carter Law Firm has afforded you the opportunity to gain the experience and wisdom to successfully perform the duties deemed to the office of County Attorney. It is most noteworthy that you served as President of the Harlan County Bar Association and we commend you for your leadership. This prestigious body applauds and salutes you for the great honor and pride you have bestowed on your family, community and the Commonwealth of Kentucky. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Ms. Carolyn Sundy, Special Programs Coordinator at the Southeast Community College, mother of two sons, Trevor and Terry, Lynch, Kentucky, for your outstanding accomplishments and achievements at the college and in your community. You were instrumental as you headed up and organized the "Martin Luther King Day" activities which were a great tribute to a born leader and humanitarian. Your concern and interest for the disadvantaged students is reflected in your tireless and self-sacrificing efforts in holding workshops and clinics. It is most noteworthy that you spend your weekends and summers working with the Upward Bound Students. We commend you for continuing your training and education as you have recently received your Masters Degree from the University of Kentucky. This prestigious body applauds and salutes you for the great honor and pride you have bestowed on your college, community and the Commonwealth of Kentucky. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and honors, Vernon Cole, President of the Harlan National Bank, husband of Sarah Cole, and father of four wonderful children. You are recognized as a distinguished banker and an outstanding philanthropist. It is most noteworthy that your leadership as Chairman of the Southeast Community College Advisory Board, member of the Federal Reserve Board, past President of the Kentucky Bankers Association, and on the Appalachian Regional Hospital Board is exemplary of your professionalism as well as your humanitarian and benevolent spirit. It has been said that you will help the Southeast Community College in "any manner" which they deem important, and that you can always be counted on for assistance for any task. Your tenure on the Board of Southeast Community College has surpased all your colleagues, which is most profound and remarkable. You are a devoted and active member of the Harlan Baptist Church serving as deacon and in other roles of ministry. This prestigious body applauds and salutes you for the great honor and pride you have bestowed on your family, community and the Commonwealth of Kentucky. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Harvey Napier, President of the Bon Trucking Company, Inc., Evarts, Kentucky. You are to be commended for your notable service and involvement in your community to enhance its surroundings. It is most noteworthy that you are a member of the Harlan County Airport Board and have been instrumental in preparing the grounds and baseball fields for Harlan County summer programs. Your accomplishments and achievements are exemplary of your interest and concern for the betterment of your community. Your leadership in business has been most beneficial to the progress made in the trucking industry as well as being a leader and an invigorating nucleus of the American work force. This prestigious body applauds and salutes you for the great pride and honor you have bestowed on your family, your community and the Commonwealth of Kentucky. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Judge Delzinna Belcher, wife of Dale Belcher lovely mother of two children, and County Judge Executive, Harlan County, Kentucky. You have distinguished yourself by receiving numerous recognitions and awards. You were named Outstanding in Career Women by the Business and Professional Womens Club and won 1st place as the Outstanding Young Woman in Kentucky which is exemplary of your high standards of professionalism and your ambitious goals. Your background as a teacher, and in the administrative field, has afforded your community to be the beneficiaries of great achievements and progress under your leadership. It is most noteworthy that you graduate from Union College as Summa Cum Laude. This prestigious body applauds and salutes you for the great honor and pride you have bestowed on your family, community and the Commonwealth of Kentucky. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Jeff Miller, Senior basketball player on the Harlan County High School "Green Dragons" Basketball Team. You are to be commended for your outstanding academic achievement of a 3.6 grade point average and for your notable leadership in school activities as President of the National Honor Society and Beta Club member. You have been honored with numerous titles and awards such as: All Conference, All District, All Region, All State; you were named the "Mabel Collins" Most Valuable Player, the Class "A" Classic MVP, and named to the Who's Who in American High School Basketball. It is most noteworthy that you averaged 22.1 points per game over your four year high school career. We applaud you as you hold the Harlan County High School career scoring record of 2,397 points. Your superb athletic talents and abilities have thrilled Kentucky basketball supporters and fans everywhere. This prestigious body salutes you for the great pride and honor you have bestowed on your family, school and community; and we extend our best wishes to you in your future endeavors. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Dr. J. D. Miller, M.D., on staff at Clover Fork Clinic, Evarts, Kentucky, as a most distinguished physician and citizen. Your achievements and accomplishments as you serve on the Evarts Community Center Board of Directors, on the Board of the Community Action Agency, active with the Clover Fork Committee for the Protection of the Environment and your involvement in the Kentucky Fair Tax Coalition is exemplary of your high standards of professionalism and concern for the welfare of your community. It is most noteworthy that you are a "Fellow" in the American College of Physicians, Board Certified in Internal Medicines, and Chief of Internal Medicine at the Harlan Appalachian Regional Hospital. Your tireless efforts to serve your community merit our highest esteem and we applaud you for the great pride and honor you have bestowed on your family, community and the Commonwealth of Kentucky. Your dedication, devotion and active service in the Mennonite Church reflects your compassion and your genuine caring nature. This prestigious body congratulates you as you have attained the respect and love of all those who have been the beneficiaries of your philanthropic deeds. (Sponsored by Representative Noe)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Dr. Charles T. Wethington, Jr., Chief Academic and Administrative Officer of the Community College Systems. You are to be commended for excellent contributions in providing educational opportunities for the youth of our Great State. It is most noteworthy that you are serving as: Chancellor for the University of Kentucky Community College System, member of the Board of Directors of the Bluegrass State Skills Corporation, on the Governors' Commission on Vocational—Technical Education, Chairman of a National Council of State Directors of Community and Junior Colleges, member of the KET Advisory Committee, and member of the Board of Trustees of the Southern Association of Colleges and Schools. The role of the community colleges play an important part in molding character, providing higher levels of education and varied vocational aptitudes that lend themselves to improve the status of economic uncertainties. The outstanding leadership of our schools and colleges, the accomplishments of goals, objectives and achievements, enhance the great American tradition of a sound educational program for all Americans and we salute you for your role in its success. (Sponsored by Representative Noe)

Representative P. Clark moved that the rules be suspended to act upon a Resolution. Agreed.

Representative P. Clark moved the adoption of the following HR 189:

HR 189, A RESOLUTION designating Law Enforcement Officer Week and Law Enforcement Officer Memorial Day.

WHEREAS, the administration of criminal justice is a major public concern of fundamental importance to the everyday lives of all our citizens in the Commonwealth of Kentucky; and

WHEREAS, the increasing complexity of law enforcement requires concerted, coordinated action by all social agencies, individual citizens, business and civic groups, school and religious institutions, as well as state government, in the effort to strengthen law enforcement and reduce criminal opportunities; and

WHEREAS, the most visible front line of the criminal justice system, our law enforcement officers, from the newest recruit to the oldest veteran, carry the awesome responsibility of making often instantaneous and irrevocable decisions affecting human life and safety, property rights and personal liberty; and

WHEREAS, the Commonwealth of Kentucky is blessed with professional law enforcement officers, highly qualified men and women, who, by temperament and training, are fully prepared to meet the challenge of changing social conditions; and

WHEREAS, it is fitting and proper that we give special recognition to and remember those law enforcement officers who have given their lives in the line of duty, throughout the Commonwealth and our nation, as well as those who courageously and conscientiously continue to maintain a delicate balance between the liberty of the individual and a high degree of social protection; and

WHEREAS, special commemorative memorial services honoring our deceased law enforcement officers and those officers who have made the supreme sacrifice will be conducted by the Kentucky State Lodge, Fraternal Order of Police, and the Grand Lodge of the Fraternal Order of Police;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the week of May 11-17, 1986, be designated Law Enforcement Officer Week throughout the Commonwealth.

Section 2. That May 15, 1986, be designated Law Enforcement Officer Memorial Day throughout the Commonwealth and that citizens and institutions alike be urged to fly flags at half staff on that day in tribute to all deceased law enforcement officers.

Section 3. That copies of this resolution be sent to the Kentucky State Lodge, Fraternal Order of Police, and the Grand Lodge of the Fraternal Order of Police.

HR 189 was adopted by voice vote.

Representative P. Clark moved that a call of the roll be taken to show co-sponsors of HR 189. Agreed.

The following members requested that their names be added as co-sponsors of HR 189: Allen, Arnold, Bendl, Blandford, Blevins, F. Brown, M. Brown, Burch, Caldwell, L. Clark, P. Clark, Cline, Cowan, Cyrus, Ellington, Ford, Gedling, Gray, Gregory, J. Harper, Head, Jensen, Keith, Kerr, Layman, Lefevers, Little, Long, Lyne, Mack, McBee, McNutt, Meyer, Napier, Noland, Priddy, Pritchett, Richards, P. Richardson, Riner, Seum, Siler, Stewart, Strong, Stumbo, Todd, White, Yates.

The following members requested that the rules be suspended for the purpose of recording votes. All requests were agreed to.

Representative Kerr, "yea" on SB 273; Representative Hines, "yea" on SB 337; Representative Todd, change from "nay" to "yea" on SB 317; Representative Long, "nay" on SB 37.

The following members requested that the rules be suspended to be allowed to record a vote of "nay" on HB 894. All requests were agreed to.

Representatives Allen, Arnold, Brinkley, Bruce, Burnette, Deskins, Ford, Freibert, J. Harper, K. Harper, Head, Jensen, Lefevers, Lyne, Morris, Napier, Noe, Overstreet, Reinhardt, Richards, P. Richardson, Riner, Siler, Stewart, Stone, and Williams requested that their votes be recorded as "nay" on HB 894.

Adjournment

Representative Stumbo moved that the House adjourn until 10:00 a.m., Friday, March 28, 1986.

On the roll call the vote was yeas 74—Allen, Arnold, Bendl, Bennett, Blevins, F. Brown, M. Brown, Burch, Caldwell, L. Clark, P. Clark, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Gedling, Gray, Gregory, Hancock, Handy, J. Harper, K. Harper, Hines, Holbrook, Holloway, R. Jones, T. Jones, Kerr, Layman, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, P. Richardson, Riner, Rose, Seum, Siler, Smith, Stewart, Strong, Stumbo, Thomas, Todd, White, Williams, Yates. Nays 5—Bronger, Jensen, Keith, LeMaster, B. Richardson.

The motion to adjourn was adopted.

FRIDAY, MARCH 28, 1986

FIFTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend Robert Wood, First United Methodist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 27, 1986, be dispensed with and the same approved. Agreed.

Senate Message

Announcing passage of HB 222 with Senate Amendment, HB 311 with Senate Amendment, HB 372 with Senate Committee Substitute and Senate Amendment, HB 419 with Senate Amendment, HB 543 with Senate Amendment, HB 546 with Senate Amendment, HB 585 with Senate Amendment, HB 606 with Senate Amendment, HB 783 with Senate Amendment, HB 810 with Senate Amendments, HB 843 with Senate Amendments, HB 897 with Senate Amendment, HB 946 with Senate Amendment, HB 964 with Senate Amendment, SB 279, HB 17, HB 64, HB 76, HB 119, HB 170, HB 284, HB 400, HB 406, HB 422, HB 441, HB 468, HB 512, HB 520, HB 552, HB 567, HB 600, HB 642, HB 662, HB 695, HB 699, HB 704, HB 727, HB 731, HB 748, HB 741, HB 733, HB 775, HB 798, HB 807, HB 815, HB 816, HB 818, HB 837, HB 839, HB 854, HB 867, HB 869, HB 888, HB 919, HCR 117, HCR 131 and HCR 145.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 70, HB 148, HB 325, HB 447, HB 454, HB 255, HB 682, HB 693, HB 698, HB 774,** and **HB 176** had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate (Time—10:05 a.m.)

HB 70, HB 148, HB 325, HB 447, HB 454, HB 255, HB 682, HB 693, HB 698, HB 774, and **HB 176** delivered to the Senate, signed by President. Ordered delivered to the Governor.

The Conference Committee Report was filed on **HB 37.**

Calendar

SB 371 taken from the Calendar and ordered read at length for the second time. Representative Stumbo moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules

Report on Enrolled Bills

The Committee on Enrollment reported **SB 12, SB 37, SB 370, SB 273, SB 291, SB 306, SB 319, SB 370, SCR 30, SCR 38,** and **SJR 78** had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—10:09 a.m.)

Orders of the Day

SB 311, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Committee Amendment No. 1 to SB 311. Agreed.

Representative Cowen moved the adoption of the Committee Amendment No. 2 to SB 311. Agreed.

Representative Cowen moved the adoption of the Committee Amendment No. 3 to SB 311. Agreed.

Representative Cowan moved that SB 311, as amended, be passed.

On the roll call the vote was: Yeas 60, Nays 27. (See March 28, 1986, roll call on SB 311—Appendix A.)

SB 311, as amended, was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 311, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the rules be suspended to allow action on a Legislative Citation. Agreed.

Representative Noland moved the adoption of the following Legislative Citation No. 77:

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, Joe Bowen, the "Stilt Walker" of Kentucky. You have received fame and notoriety all over America as the "Uncle Sam on Stilts." You are to be commended for your fund raising efforts that raised $100,000 when you walked from California to Bowen, Kentucky, in Powell County, for Muscular Dystrophy. It is most noteworthy that you recently were awarded the Kentucky Jaycee International Senate Award, and you also nobly serve on the Board of Directors of the St. Jude Foundation, on the Governors Task Force on Drugs, and as a member of the Toastmasters International. Your humanitarian acts and benevolent spirit have been rewarding to your beneficiaries; and we support and encourage you in your upcoming walk from Louisville to the Statute of Liberty, in New York, for its rededication ceremony.

This prestigious body applauds and salutes you for the great honor and pride you have bestowed on your community and this Great State. (Sponsored by Representative Noland)

Agreed.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Seum moved the adoption of the following HR 192:

HR 192, A RESOLUTION commending the Legislative Services Support Staff of the Legislative Research Commission.

WHEREAS, the Legislative Research Commission is responsible for staffing the Legislative Offices and Legislative Lounge area of the Kentucky General Assembly; and

WHEREAS, the staff employed to work in the office and lounge area is assigned to the Legislative Services Support Staff; and

WHEREAS, the duties and responsibilities of the Legislative Services Support Staff must be performed twelve months a year; however, the work load is dramatically increased during a legislative session; and

WHEREAS, the members of the Legislative Services Support Staff are required to unselfishly give of their time and talents in the service of the General Assembly from the break of dawn until the late hours of the evening; and

WHEREAS, the diligence and devotion of the Legislative Services Support Staff are far too often taken for granted, not only by the members of this august body, but by fellow co-workers and the general public; and

WHEREAS, invaluable assistance in the daily operation of the General Assembly is provided by the Legislative Services Support Staff which includes the Secretaries of the Legislative Lounge Area who supply clerical and secretarial support for legislative members; the Couriers who supply an immeasurable service by performing unlimited errands for legislative members, as well as assisting in the staffing of the Legislative Lounge and telephones until eleven p.m. each evening; the Legislative Office Receptionists who take messages and make appointments for members of the General Assembly and cordially greet the public waiting to meet with their legislators; the Committee Room Aides who ensure that committee meeting rooms are set up with writing materials and are supplied with fresh water and coffee; and the Telephone Receptionists who staff the

Message Center and the Bill Status Line who have cheerfully answered as of March 21st, 186,975 calls coming into the Message Center and 12,053 requests coming into the Bill Status Line; and

WHEREAS, the perseverance and dedication of the Legislative Services Support Staff are unheralded and deserve recognition and praise from the recipients of their superlative work;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House is proud to commend the exemplary work of the Legislative Services Support Staff.

Section 2. That the members of this honorable body praise and hail the Legislative Services Support Staff as outstanding individuals and citizens, as well as good-will ambassadors of the Commonwealth.

Section 3. That the House extends its sincerest gratitude to the Legislative Services Support Staff for its unselfish dedication and immeasurable contribution to the General Assembly and the entire state of Kentucky.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to Mr. Vic Hellard, Director of the Legislative Research Commission, Ms. Naomi Kitchen, Legislative Lounge and Offices, and the members of her staff, the Legislative Services Support Staff located in the Capitol Annex.

HR 192 was adopted by voice vote.

Representative Seum moved that a call of the roll be taken to show co-sponsors of HR 192. Agreed.

The following members requested that their names be added as co-sponsors of HR 192:

On the roll call the vote was yeas 100—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 0.

Representative P. Clark moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 195, by Representatives P. Clark, Hines and Handy: A RESOLUTION honoring the University of Louisville Cardinal basketball team and wishing them success in the 1986 NCAA Basketball "Final Four."

Representative P.Clark moved the adoption of the following HR 195:

HR 195, A RESOLUTION honoring the University of Louisville Cardinal basketball team and wishing them success in the 1986 NCAA Basketball "Final Four."

WHEREAS, the U of L Cardinals, for the fourth time in seven years, have earned a coveted berth in the "final four" of the NCAA tournament to be played in Dallas, Texas; and

WHEREAS, in reaching that lofty position, the Cardinals won the Midwest Regional tournament by soundly beating four worthy opponents, Drexel College, Bradley University, the University of North Carolina and Auburn University; and

WHEREAS, U of L was both the regular season champion of the Metro Conference and winner of the Metro Conference tournament, compiling a record to date of 30 victories against only seven losses and currently is on a fifteen game winning streak; and

WHEREAS, while it is difficult to single out any one player as the reason for the Cardinals' success this season, because it is the tremendous team play which has characterized this team, special note must be taken of the "starting five": seniors Billy Thompson, Milt Wagner and Jeff Hall, sophomore Herbert Crook, and freshman phenom Pervis Ellison; and

WHEREAS, Coach Denny Crum, "Mr. March", is in line for plaudits for his prodigious skills as a basketball mentor, having guided and molded this team into the finest basketball team in the nation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body whole-heartedly extends its congratulations for a successful season so far and offers its total support and best wishes for the Cardinals' semi-final game against Louisiana State University, and for the final game after the Cardinals have dispatched LSU. So to Coach Denny Crum and players Billy Thompson, Milt Wagner, Jeff Hall, Herbert Crook, Pervis Ellison, Mike Abrams, Mark McSwain, Will Olliges, Robbie Valentine, Chris West, Tony Kimbro, Kenny Payne, Kevin Walls, Keith Williams and Avery Marshall this body takes up the full-throated chant "GO CARDS!"

Section 2. That the Clerk of the House be directed to deliver a copy of this resolution to the University of Louisville basketball team.

HR 195 was adopted by voice vote.

Representative P. Clark moved that the vote by which HR 195 was adopted be reconsidered and said motion be placed on the table. Agreed.

Representative P. Clark moved that a call of the roll be taken to show co-sponsors of HR 195. Agreed.

The following members requested that their names be added as co-sponsors of HR 195:

On the roll call the vote was yeas 100—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 0.

SB 352, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that SB 352 be passed.

Representative Gedling moved the adoption of the Floor Amendment No. 1 to SB 352.

Representative Rapier inquired whether Floor Amendment No. 1 was germane to SB 352.

The Chair ruled Floor Amendment No. 1 was germane to SB 352.

Representative Gedling moved that SB 352 be laid on the Clerk's desk.

On the roll call the vote was yeas 48—Allen, Bendl, Bronger, Brown, Burch, Burnette, Caldwell, L. Clark, P. Clark, Cline, Cowan, Crupper, Cyrus, Deskins, Ellington, Farrow, Ford, Gedling, Gray, Gregory, Handy, Head, Jensen, Johnson, Keith, Kerr, Layman, Lile, Little, Lyne, Mack, Maggard, Napier, Pearman, Preston, Pritchett, Rattliff, Reinhardt, Riner, Rose, Siler, Stewart, Stone, Stumbo, Todd, Turner, Williams, Worthington. Nays 24—Barrows, J. Clarke, Curd, Donnermeyer, Freibert, Hancock, J. Harper, K. Harper, Hines, Holbrook, Holloway, R. Jones, T. Jones, Lear, Long, McBee, McElroy, McNutt, Meyer, Moberly, Noe, Overstreet, Priddy, Rapier.

The motion that SB 352 be laid on the Clerk's desk was adopted.

SCR 91 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clark moved that SCR 91 be passed.

On the roll call the vote was: Yeas 82, Nays 0. (See March 28, 1986, roll call on SCR 91—Appendix A.)

SCR 91 was passed and the title agreed to.

Representative Clarke moved that the vote by which SCR 91 was passed be reconsidered and said motion be placed on he table. Agreed.

SB 117, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that SB 117 be passed.

Representative Long moved the adoption of the Floor Amendment No. 1 to SB 117.

Representative Burch inquired whether Floor Amendment No. 1 was germane to SB 117.

The Chair ruled Floor Amendment No. 1 was not germane to SB 117.

On the roll call the vote was: Yeas 88, Nays 1. (See March 28, 1986, roll call on SB 117—Appendix A.)

SB 117 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which SB 117 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 234, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 1 to SB 234. Rejected.

Representative Burnette moved that SB 234 be passed.

On the roll call the vote was: Yeas 87, Nays 1. (See March 28, 1986, roll call on SB 234—Appendix A.)

SB 234 was passed and the title agreed to.

Representative Burnette moved that the vote by which SB 234 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 290, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved the adoption of the Committee Amendment No. 1 to SB 290. Agreed.

Representative Cowan moved that SB 290, as amended, be passed.

On the roll call the vote was: Yeas 64, Nays 16. (See March 28, 1986, roll call on SB 290—Appendix A.)

SB 290, as amended, was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 290, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 268, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Floor Amendment No. 1 to SB 268. Agreed.

Representative Hancock moved that the adoption of the Floor Amendment No. 2 to SB 268. Agreed.

Representative Morris moved that SB 268, as amended, be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 28, 1986, roll call on SB 268—Appendix A.)

SB 268, as amended, was passed.

Representative Morris moved the adoption of the Floor Title Amendment to SB 268. Agreed, and the title was agreed to.

Representative Morris moved that the vote by which SB 268, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 589, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 589 is as follows:

HB 589, AN ACT relating to abortion.

WHEREAS, it is in the interest of the people of the Commonwealth of Kentucky to protect minors against their own immaturity, foster the family structure and preserve it as a viable social unit, and protect the rights of parents to rear children who are members of their household; and

WHEREAS, immature minors often lack the ability to make fully informed choices that take account of both immediate and long range consequences; and

WHEREAS, the medical, emotional and psychological consequences of abortion are serious and can be lasting, particularly when the patient is immature; and

WHEREAS, the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related; and

WHEREAS, parents ordinarily possess information essential to a physician's exercise of best medical judgment concerning the child; and

WHEREAS, parents who are aware their minor daughter has had an abortion may better ensure that she receives adequate medical attention after her abortion; and

WHEREAS, parental consultation is usually desirable and in the best interests of the minor;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 311.732 is amended to read as follows:

(1) *For purposes of this section the following definitions shall apply:*

(a) "Minor" means any person under the age of eighteen (18);

(b) "Emancipated minor" means any minor who is or has been married or has by court order or otherwise been freed from the care, custody, and control of her parents; and

(c) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(2) No person shall perform an abortion upon a minor unless:

(a) The attending physician or his agent secured the informed written consent, signed and notarized, of the minor and both parents, if available, or legal guardian; or

(b) If both parents are not available, the attending physician or his agent has secured such written consent from the minor and the available parent or guardian; or

(c) The minor is emancipated and the attending physician or his agent has received the informed written consent, signed and notarized, of the minor; or

(d) The minor elects to petition any circuit or district court of the Commonwealth pursuant to subsection (3) of this section and obtain an order pursuant to subsection (4) of this section granting consent to the abortion and the attending physician or his agent has received the informed written consent, signed and notarized, of the minor.

(3) Every minor shall have the right to petition any circuit or district court of the Commonwealth for an order granting the right to self-consent to an abortion pursuant to the following procedures:

(a) The minor or her next friend may prepare and file a petition setting forth the request of the minor for an order of consent to an abortion.

(b) The court shall insure that the minor prepare or her next friend is given assistance in preparing and filing the petition and shall insure that the minor's identity is kept anonymous.

(c) The minor may participate in proceedings in the court on her own behalf or through her next friend and the court shall appoint a guardian ad litem for her. The court shall advise her that she has a right to court appointed counsel and shall provide her with such counsel upon her request.

(d) All proceedings under this section shall be anonymous and shall be given preference over other matters to insure that the court may reach a decision promptly, but in no case shall the court fail to rule within seventy-two (72) hours of the time of application, provided that the seventy-two (72) hour limitation may be extended at the request of the minor.

(e) The court shall hold a hearing on the merits of the petition before reaching a decision. The court shall hear evidence at the hearing relating to the emotional development, maturity, intellect and understanding of the minor; the nature, possible consequences and alternatives to the abortion; and any other evidence that the court may find useful in determining whether the minor should be granted majority rights for the purpose of consenting to the abortion or whether the abortion is in the best interest of the minor.

(4) The court shall enter a written order, making specific factual findings and legal conclusions supporting its decision as follows:

(a) Granting the petition for an abortion if the court finds that the minor is mature and well-informed enough to make the abortion decision on her own; or

(b) Granting consent to the abortion if the court finds that the performance of the abortion would be in the minor's best interest; or

(c) Deny the petition, if the court finds that the minor is immature and that performance of the abortion would not be in the minor's best interest.

(5) Any minor shall have the right of anonymous and expedited appeal to the Court of Appeals, and that court shall give precedence over other pending matters.

(6) No fees shall be required of any minor who declares she has no sufficient funds to pursue the procedures provided by this section.

(7) The Supreme Court is respectfully requested to promulgate any rules and regulations it feels are necessary to ensure that proceedings under this section are handled in an expeditious and anonymous manner.

(8) The requirements of subsections (2), (3), and (4) of this section shall not apply when, in the best medical judgment of the physician based on the facts of the case before him, a medical emergency exists that so complicates the pregnancy as to require an immediate abortion. A physician who does not comply with subsection (2), (3), or (4) of this section due to the utilization of this exception shall certify in writing the medical indications upon which his judgment was based.

(9) A report indicating the basis for any medical judgment that warrants failure to obtain consent pursuant to this section shall be filed with the cabinet for human resources on a form supplied by the cabinet. This report shall be confidential.

(10) Failure to obtain consent pursuant to the requirements of this section is prima facie evidence of failure to obtain informed consent and of interference with family relations in appropriate civil actions. The law of this state shall not be construed to preclude the award of exemplary damages in any appropriate civil action relevant to violations of this section. Nothing in this section shall be construed to limit the common law rights of parents [~~If a pregnant woman is less than eighteen (18) years of age and not emancipated, or if she has been adjudged an incompetent under KRS Chapter 387, a physician shall not perform an abortion upon her unless he first obtains the consent of both the pregnant woman and that of her parents, if she is less than eighteen (18), or of her guardian, if she is an incompetent, except as hereinafter provided. In deciding whether to grant consent, a pregnant woman's parents or guardian shall consider only the child's or ward's best interests.~~

~~(2) If one of the pregnant woman's parents has died or is unavailable to the physician within a reasonable time and in a reasonable manner, consent of the remaining parent shall be sufficient. If both parents have died or are otherwise unavailable to the physician within a reasonable time and in a reasonable manner, consent of the pregnant woman's guardian or guardians shall be sufficient. If the pregnant woman's parents are divorced, consent of the parent having custody shall be sufficient. If neither a parent nor a legal guardian is available to the physician within a reasonable time and in a reasonable manner, consent of any adult person standing in loco parentis shall be sufficient.~~

~~(3) If one (1) or both of the parents or guardians of the pregnant woman refuse to consent to the performance of an abortion, or if she elects not to seek the consent of one (1) or both of her parents or guardians, the appropriate circuit court in the county in which the applicant resides or in which the abortion is sought shall upon petition or motion, after an appropriate hearing, authorize a physician to perform the abortion if the court determines that the pregnant woman is sufficiently mature or competent to give informed consent to the proposed abortion.~~

~~(4) If the court determines that the pregnant woman is not sufficiently mature or competent to give informed consent or if the pregnant woman does not claim to be sufficiently mature or competent to give informed consent to the proposed abortion, the court shall determine whether the performance of an abortion would be in her best interests. The court shall not decide until after parental consultation in which the court may participate, if consultation is possible within a reasonable time and in a reasonable manner, unless the court concludes the pregnant woman's best interests would not be served by its participation in the consultation. Whether or not there has been parental consultation, the court shall deny the abortion if it decides that the pregnant woman's best interests would be served by denial, or shall authorize a physician to perform the abortion if it concludes that the pregnant woman's best interests would be served by authorization.~~

~~(5) The pregnant woman may participate in court proceedings on her own behalf, and the court may appoint a guardian ad litem for her. The court shall advise her that she has a right to court-appointed counsel, and shall, upon her request, appoint counsel.~~

~~(6) Court proceedings under this section shall be confidential and shall be given precedence over other pending matters to ensure a prompt decision to serve the best interests of the pregnant woman. The court shall make specific factual findings and legal conclusions supporting its decision and shall order a record of the evidence to be maintained which shall include its findings and conclusions.~~

~~(7) The requirements of subsection (1) of this section shall not apply when, in the medical judgment of the attending physician based on the particular facts of the case before him, there exists a medical emergency. In~~

~~such a case, the physician who is to perform the abortion shall describe the basis of his medical judgment that such an emergency exists on a form prescribed by the department as required by KRS 213.055, and the physician or his agent shall provide each parent or guardian with the following information within seven (7) days of the time the abortion is performed, either in person or by sending it by certified mail to the last known address of each parent or guardian:~~

~~(a) That an abortion has been performed upon his daughter or ward, and the medical indications for the physician's judgment that a medical emergency exists or existed;~~

~~(b) The name of the physician who performed the abortion or is to perform the abortion; and~~

~~(c) The particular medical risks associated with the particular abortion procedure employed, the symptoms of which might become manifest in the future.~~

~~(8) If the woman elects not to have her parents informed by the physician or his agent as provided in subsection (7) of this section, she shall inform the physician and the physician and his agents shall postpone giving notification until thirty (30) days after the first day in which the woman is, in the medical judgment of the attending physician, medically capable of filing a petition or motion for an order authorizing a physician and his agents to refrain from making the notification required by this section. The appropriate circuit court in the county in which the woman resides or in which the abortion was performed shall, upon petition or motion, after an appropriate hearing, authorize a physician and his agents to refrain from making the notification required by subsection (7) of this section if the court determines that the woman is mature and capable of giving informed consent or if it determines the woman's best interests would not be served by the notification. If the court makes neither determination, it shall issue an order specifying the date by which the physician or his agent shall provide the information prescribed by subsection (7) of this section. If the court does not reach a determination before the time by which the physician and his agents otherwise would be required to make notification, the court shall order that notification be withheld until it rules.~~

~~(9) No filing fees shall be required of any woman availing herself of the procedures provided by this section. An expedited confidential appeal shall be granted any woman to whom the court denies an order authorizing an abortion or an order authorizing a physician and his agents to refrain from making notification required by this section.~~

~~(10) The Supreme Court of Kentucky is respectfully requested, in the exercise of its powers under the Constitution of the Commonwealth, to issue promptly rules necessary to assure that proceedings under this section, and any appeals or other proceedings which may be related to this section, are confidential and prompt. The Supreme Court is further respectfully requested to issue promptly any rules or orders consistent with this chapter necessary to eliminate any undue burdens on a minor's or incompetent's opportunity for an abortion with sufficient expedition.~~

~~(11) Failure to comply with the requirements of this section, other than subsection (10), is prima facie evidence of failure to obtain informed consent and of interference with family relations in appropriate civil actions. The law of this Commonwealth shall not be construed to preclude the award of punitive damages or damages for emotional distress, even if unaccompanied by physical complications in any civil action brought pursuant to violations of this section. Nothing in this section shall be construed to limit the common law rights of parents~~].

Section 2. KRS 311.990 is amended to read as follows:

(1) Any person who violates KRS 311.250 shall be fined fifty dollars ($50.00) for the first offense and one hundred dollars ($100) for each subsequent offense.

(2) Any college or professor thereof violating the provisions of KRS 311.300 to 311.350 shall be civilly liable on his bond for a sum not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each violation, which may be recovered by an action in the name of the Commonwealth.

(3) Any person who presents to the county clerk for the purpose of registration any license which has been fraudulently obtained, or obtains any license under KRS 311.380 to 311.510 by false or fraudulent statement or representation, or practices podiatry under a false or assumed name or falsely impersonates another practitioner or former practitioner of a like or different name, or aids and abets any person in the practice of podiatry within the state without conforming to the requirements of KRS 311.380 to 311.510, or otherwise

violates or neglects to comply with any of the provisions of KRS 311.380 to 311.510, shall be fined not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000) or imprisoned in the county jail for not less than three (3) months nor more than twelve (12) months, or both so fined and imprisoned. Each case of practicing podiatry in violation of the provisions of KRS 311.380 to 311.510 shall be considered a separate offense.

(4) Each first violation of KRS 311.560 shall be punishable by a fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000) or by imprisonment for not less than one (1) month nor more than twelve (12) months, or both. Each subsequent violation of KRS 311.560 shall constitute a felony and be punishable by a fine of not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) or by imprisonment in a penitentiary for not less than one (1) nor more than three (3) years, or both.

(5) Each violation of KRS 311.590 shall constitute a felony and shall be punishable by a fine of not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) or by imprisonment in a penitentiary for not less than one (1) nor more than three (3) years. Conviction, under this subsection, of a holder of a license or permit, shall result automatically in permanent revocation of such license or permit.

(6) Conviction of wilfully resisting, preventing, impeding, obstructing, threatening or interfering with the board or any of its members, or of any officer, agent, inspector or investigator of the board or the department for human resources, in the administration of any of the provisions of KRS 311.550 to 311.620 shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months, or both.

(7) Each violation of subsection (1) of KRS 311.375 shall, for the first offense, be punishable by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300) or by imprisonment for not more than thirty (30) days or both, and, for each subsequent offense, by a fine of not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000) or by imprisonment for not more than one (1) year, or both.

(8) Each violation of subsection (2) of KRS 311.375 shall, for the first offense, be punishable by a fine of not more than one hundred dollars ($100) or by imprisonment for not more than thirty (30) days, or both, and, for each subsequent offense, by a fine of not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250) or by imprisonment for not more than ninety (90) days or both.

(9) Each day of violation of either subsection of KRS 311.375 shall constitute a separate offense.

(10) (a) Any person who intentionally or knowingly performs an abortion contrary to the requirements of KRS 311.723(1) shall be guilty of a Class D felony;

(b) Any person who intentionally, knowingly or recklessly violates the requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.

(11) Any person who intentionally, knowingly or recklessly violates the requirements of KRS 311.726 shall be guilty of a Class A misdemeanor.

(12) Any person who *intentionally performs an abortion with knowledge that, or with reckless disregard as to whether the person upon whom the abortion is to be performed is an unemancipated minor, and who intentionally or knowingly, fails to conform to any requirement of KRS 311.732 is guilty of a Class A misdemeanor* [~~performs an abortion upon an unemancipated minor or incompetent woman either with knowledge or in reckless disregard of her minority or incompetency and who intentionally, knowingly or recklessly fails to conform to any requirement of KRS 311.732 shall be guilty of a Class D felony~~].

(13) *Any person who negligently releases information or documents which are confidential under this Act is guilty of a Class B misdemeanor.*

(14) Any person who performs an abortion upon a married woman either with knowledge or in reckless disregard of whether KRS 311.735 applies to her and who intentionally, knowingly or recklessly fails to conform to the requirements of KRS 311.735 shall be guilty of a Class D felony.

(15)[~~(14)~~] Any person convicted of violating KRS 311.750 shall be imprisoned in the penitentiary for a term of not less than ten (10) nor more than twenty (20) years.

(16)[~~(15)~~] Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.

(17)[~~(16)~~] Any person who violates KRS 311.770 or 311.780 shall be imprisoned for a term not to exceed two (2) years or fined not more than five thousand dollars ($5,000), or both.

(18)[~~(17)~~] A person convicted of violating KRS 311.780 shall be imprisoned in the penitentiary for not less than two (2) nor more than twenty-one (21) years.

(19)[~~(18)~~] Any person who violates KRS 311.810 shall be imprisoned in the county jail for a term not to exceed twelve (12) months or fined a sum not to exceed one thousand dollars ($1,000), or both.

(20)[~~(19)~~] Any professional medical association or society, licensed physician, or hospital or hospital medical staff who shall have violated the provisions of KRS 311.606, shall be fined not less than one hundred dollars ($100), nor more than five hundred dollars ($500) for each failure to so report as described in KRS 311.606.

(21)[~~(20)~~] Any person who violates KRS 311.652 or any rule or regulation of the board of medical licensure adopted pursuant to KRS 311.654 shall be guilty of a Class A misdemeanor.

(22)[~~(21)~~] Any administrator, officer or employe of a publicly owned hospital or publicly owned health care facility who performs or permits the performance of abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.

(23)[~~(22)~~] Any person who violates KRS 311.914 shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200).

(24)[~~(23)~~] Any person who violates the provisions of KRS 311.820 is guilty of a Class A misdemeanor.

SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

If any provision, word, phrase, or clause of this section or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions, words, phrases, clauses, or application of this section which can be given effect without the invalid provision, word, phrase, clause, or application and to this end, the provisions, words, phrases, and clauses of this section are declared to be severable.

Representative Donnermeyer moved that the House concur in the Senate Committee Substitute to HB 589. Agreed.

Representative Donnermeyer moved that HB 589, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: Yeas 78, Nays 6. (See March 28, 1986, roll call on HB 589—Appendix A.)

HB 589, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 589, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table.

SB 377 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hines moved that SB 377 be passed.

On the roll call the vote was: Yeas 43, Nays 43. (See March 28, 1986, roll call on SB 377—Appendix A.)

SB 377 was defeated.

SB 17 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that SB 17 be passed.

On the roll call the vote was: Yeas 73, Nays 0. (See March 28, 1986, roll call on SB 17—Appendix A.)

SB 17 was passed and the title agreed to.

Representative Little moved that the vote by which SB 17 was passed be reconsidered and said motion be placed on the table. Agreed.

HCR 141 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stumbo moved that HCR 141 be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 28, 1986, roll call on HCR 141—Appendix A.)

HCR 141 was passed and the title agreed to.

Representative Stumbo moved that the vote by which HCR 141 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 339 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Smith moved that SB 339 be passed.

On the roll call the vote was: Yeas 90, Nays 0. (See March 28, 1986, roll call on SB 339—Appendix A.)

SB 339 was passed and the title agreed.

Representative Smith moved that the vote by which SB 339 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 331 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cowan moved that SB 331 be passed.

On the roll call the vote was: Yeas 69, Nays 13. (See March 28, 1986, roll call on SB 331—Appendix A.)

SB 331 was passed and the title agreed to.

Representative Cowan moved that the vote by which SB 331 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 389, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that SB 389 be passed.

Representative Farrow moved the adoption of the Floor Amendment No. 2 to SB 389. Agreed.

Representative Morris moved the adoption of the Floor Amendment No. 1 to SB 389. Agreed.

Representative Mann moved that SB 389, as amended, be passed.

On the roll call the vote was: Yeas 79, Nays 6. (See March 18, 1986, roll call on SB 389—Appendix A.)

SB 389, as amended, was passed.

Representative Farrow moved the adoption of the Committee Title Amendment to SB 389. Agreed, and the title was agreed to.

Representative Morris moved the adoption of the Floor Title Amendment to SB 389. Agreed, and the title was agreed to.

SB 344, with Committee Amendments and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gregory moved the adoption of the Committee Amendment No. 1 to SB 344. Agreed.

Representative Williams moved the adoption of the Floor Amendment No. 1 to SB 344. Agreed.

Representative Gregory moved that SB 344, as amended, be passed.

On the roll call the vote was: Yeas 80, Nays 1. (See March 28, 1986, roll call on SB 344—Appendix A.)

SB 344, as amended, was passed.

Representative Gregory moved the adoption of the Committee Title Amendment to SB 344. Agreed, and the title was agreed to.

Representative Gregory moved that the vote by which SB 344, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Recess

Representative Stumbo moved that the House recess until 1:15 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

SCR 97 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that SCR 97 be passed.

On the roll call the vote was: Yeas 56, Nays 0. (See March 28, 1986, roll call on SCR 97—Appendix A.)

SCR 97 was passed and the title agreed to.

Representative Bruce moved that the vote by which SCR 97 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 353 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that SB 353 be passed

On the roll call the vote was: Yeas 65,Nays 0. (See March 28, 1986, roll call on SB 353—Appendix A.)

SB 353 was passed and the title agreed to.

Representative Richards moved that the vote by which SB 353 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 42 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that SB 42 be passed.

On the roll call the vote was: Yeas 60, Nays 4. (See March 28, 1986, roll call on SB 42—Appendix A.)

SB 42 was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported HB 815, HB 816, HB 741, HB 748, HB 818, HB 837, HB 839, HB 854, HB 867, HB 869, HB 888, HB 919, HCR 117, HCR 131, HCR 145, HB 17, HB 64, HB 76, HB 119, HB 170, HB 284, HB 400, HB 406, HB 422, HB 441, HB 468, HB 512, HB 552, HB 520, HB 567, HB 589, HB 600, HB 642, HB 662, HB 695, HB 699, HB 704, HB 727, HB 731, HB 733, HB 775, HB 798, and HB 807 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—1:20 p.m.)

HB 815, HB 816, HB 741, HB 748, HB 818, HB 837, HB 839, HB 854, HB 867, HB 869, HB 888, HB 919, HCR 117, HCR 131, HCR 145, HB 17, HB 64, HB 76, HB 119, HB 170, HB 284, HB 400, HB 406, HB 422, HB 441, HB 468, HB 512, HB 552, HB 520, HB 567, HB 589, HB 600, HB 642, HB 662, HB 695, HB 699, HB 704, HB 727, HB 731, HB 733, HB 775, HB 798, and HB 807 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

SB 95 returned with the following message: The Senate has refused to concur in the House Amendments to SB 95 and respectfully returns it with the request that this Honorable Body recede from the Amendment.

HB 765 returned with the following message: The Senate has refused to recede from its Amendment No. 2 to HB 765 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed.

The Senate has appointed the following members to serve on a Conference Committee to HB 765: Senators LeMaster, Meyer, Rose.

HB 677 returned with the following message: The Senate has refused to recede from its Amendments No. 2 and 3 to HB 677 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed.

The Senate has appointed the following members to serve on a Conference Committee on HB 677: Senators Gibson, Karem, Travis.

HB 323: The Senate has appointed the following members to serve on a Conference Committee on HB 323: Senators Allen, O'Daniel, Huff.

SB 346: The Senate has appointed the following members to serve on a Conference Committee on SB 346: Senators LeMaster, Middleton, Lackey.

HB 37: The Senate has appointed the following members to serve on a Free Conference Committee on HB 37: Senators Yocom, Ford, Higdon.

Orders of the Day (continued)

SB 88, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Gray moved the adoption of the Committee Amendment No. 1 to SB 88. Agreed.

Representative Hancock moved the adoption of the Floor Amendment No. 1 to SB 88. Agreed.

Representative Morris moved the adoption of the Floor Amendment No. 2 to SB 88. Agreed.

Representative Farrow moved the adoption of the Floor Amendment No. 3 to SB 88. Agreed.

Representative L. Clark inquired whether Floor Amendment No. 3 was germane to SB 88.

The Chair ruled Floor Amendment No. 3 was not germane to SB 88.

Representative Gray moved that SB 88, as amended, be passed.

Representative moved the adoption of the Floor Amendment No. 4 to SB 88.

Representative Farrow inquired whether Floor Amendment No. 4 was germane to SB 88.

The Chair ruled Floor Amendment No. 4 was not germane to SB 88.

On the roll call the vote was: Yeas 78, Nays 5. (See March 28, 1986, roll call on SB 88—Appendix A.)

SB 88, as amended, was passed and the title agreed to.

Representative Gray moved that the vote by which SB 88, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 337, SB 379, SB 17, SB 117, SB 234, and SCR 91 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—1:43 p.m.)

Orders of the Day (continued)

The Conference Committee Report on HB 124 requesting the appointment of a Free Conference Committee was filed.

SB 267 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Harper moved that SB 267 be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 28, 1986, roll call on SB 267—Appendix A.)

SB 267 was passed and the title agreed to.

Representative J. Harper moved that the vote by which SB 267 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 119 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Head moved that SB 119 be passed.

On the roll call the vote was: Yeas 83, Nays 0. (See March 28, 1986, roll call on SB 119—Appendix A.)

SB 119 was passed and the title agreed to.

Representative Head moved that the vote by which SB 119 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 227 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved that SB 227 be passed.

Representative White moved that SB 227 be placed on the Clerk's desk. Rejected.

On the roll call the vote was: Yeas 73, Nays 6. (See March 18, 1986, roll call on SB 227—Appendix A.)

SB 227 was passed and the title agreed to.

Representative O'Brien moved that the vote by which SB 227 was passed be reconsidered and said motion be placed on the table. Agreed.

SB 241, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved that SB 241 be passed.

Representative Holbrook moved the adoption of the Floor Amendment No. 1 to SB 241. Agreed.

Representative Lear moved the adoption of the Floor Amendment No. 3 to SB 241. Agreed.

Representative O'Brien moved that SB 241, as amended, be passed.

On the roll call the vote was: Yeas 81, Nays 4. (See March 28, 1986, roll call on SB 241—Appendix A.)

SB 241, as amended, was passed and the title agreed to.

Representative O'Brien moved that the vote by which SB 241, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 269 taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that SB 269 be passed.

On the roll call the vote was: Yeas 88, Nays 0. (See March 28, 1986, roll call on SB 269—Appendix A.)

SB 269 was passed and the title agreed to.

Representative Morris moved that the vote by which SB 269 was passed be reconsidered and said motion be placed on the table. Agreed.

HB 286, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 286 is as follows:

Amend printed copy of HB 286:

On page 1, by deleting lines 1 through 21; and

on page 2, lines 1 through 8, by deleting same; and

on page 2, line 9, by deleting "*(7)*"; and

on page 2, after line 8, by inserting the following:

"SECTION 1. A NEW SECTION OF KRS CHAPTER 371 IS CREATED TO READ AS FOLLOWS:"; and

on page 2, line 17, by changing "*(a)*" to "*(1)*" and

on page 2, line 19, by changing "*(b)*" to "*(2)*"

Representative Lyne moved that the House concur in the Senate Amendment No. 1 to HB 286. Agreed.

Representative Lyne moved that HB 286, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 83, Nays 1. (See March 28, 1986, roll call on HB 286—Appendix A.)

HB 286, as amended, was passed and the title agreed to.

Representative Lyne moved that the vote by which HB 286, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 462, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 462 are as follows:

Senate Amendment No. 1 to HB 462, amend printed copy of HB 462:

On page 1, after the enacting clause, by inserting the following:

"Section 1. KRS 164.130 is amended to read as follows:

(1) The government of the University of Kentucky is vested in a board of trustees consisting of sixteen (16) competent citizens of Kentucky appointed by the governor, two (2) members of the faculty of the University of Kentucky, one (1) member of the teaching faculty of the community college system, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairman annually. The initial terms of the appointed members shall be for four (4) years and until their successors are appointed and qualified. Whenever a term expires after July 15, 1980, the member appointed by the governor to fill the vacancy shall be appointed for a six (6) year term. Four (4) of the sixteen (16) appointed members shall be appointed each year. Three (3) of the appointed members shall be representative of agricultural interests, three (3) shall be alumni of the university, and ten (10) shall be other distinguished citizens of the state representative of the learned professions. The governor shall so make the appointments as to divide the representation on the board as equally as possible between the two (2) leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(2) The two (2) University of Kentucky faculty members shall be of the rank of assistant professor, or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor and above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualify. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the faculty of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(3) The faculty member representing the community college system shall be a teaching or research member at one of the community colleges. The community college faculty member shall be elected by secret ballot by members of the community college faculties. The community college faculty member shall serve for a three (3) year term and until a successor is elected and qualified. No community college shall have a faculty representative on the board of trustees for more than one (1) term in succession. The community college faculty member shall be ineligible to continue to serve as a member of the board of trustees if he ceases to be a member of the faculty at one of the community colleges. Election to fill a vacancy shall be made for the unexpired term in the same manner as provided for original election.

(4) The student member shall be the president of the student body of the university during the appropriate academic year. If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year or does not maintain his permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(5) The faculty member and the student member shall be eligible to vote on all matters except personnel matters.

(6)[~~(5)~~] No member of the administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment or services, with exception of compensation to the three (3) faculty members.

(7)[~~(6)~~] The number of student and employe trustees of the University of Kentucky elected to the board shall not exceed four (4)."; and

On page 1, line 1, by renumbering "Section 1." to read "Section 2."; and

On page 2, after line 3, by inserting the following:

"*(3) The governor shall make the appointments after the effective date of this Act so as to divide the representation on the board as equally as possible between the two (2) leading political parties of this state.*"; and

On page 2, line 4, by bracketing and striking through the subsection number "(3)" and inserting in lieu thereof the number "*(4)*"; and

On page 2, line 11, after the word "county" by inserting an opening bracket before the semi-colon and striking through the words "; nor more than four (4) of"; and

On page 2, line 12, by striking through the line in its entirety; and

On page 2, line 13, by striking through the words "same political party" and placing a closing bracket after the word "party" and before the period; and

On page 2, line 15, by bracketing and striking through the subsection number "(4)" and inserting in lieu thereof the number "*(5)*"; and

On page 2, line 20, by bracketing and striking through the subsection number "(5)" and inserting in lieu thereof the number "*(6)*"; and

On page 2, line 23, by bracketing and striking through the subsection number "(6)" and inserting in lieu thereof the number "*(7)*"; and

On page 2, line 26, by bracketing and striking through the subsection number "(7)" and inserting in lieu thereof the number "*(8)*"; and

On page 3, line 14, by bracketing and striking through the subsection number "(8)" and inserting in lieu thereof the number "*(9)*".

On page 3, after line 25, by adding the following:

"*(10) The faculty member and the student member shall be eligible to vote on all matters except personnel matters.*

Section 3. KRS 164.820 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees consisting of seventeen (17) competent citizens of Kentucky appointed by the governor; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and a student member who shall be the president of the student body during the appropriate academic year. If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year or does not maintain his permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year. The faculty member, staff member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. *The faculty member, staff member, and student member shall be eligible to vote on all matters except personnel matters.* The seventeen (17) citizen members of the board shall annually elect one of their number to serve as chairman of the board.

(2) To facilitate transition of the University of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the governor according to the following schedule:

(a) Two (2) for one (1) year terms;

(b) Two (2) for two (2) year terms, one (1) of which shall be an alumnus or alumna of the university, selected from a list of three (3) names submitted by the alumni of the university in such manner and according to rules prescribed by the board of trustees;

(c) Three (3) for three (3) year terms;

(d) Eight (8) for four (4) year terms, one (1) of whom shall be an alumnus or alumna of the university, selected as under subsection (2)(b) of this section.

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the governor for terms of four (4) years each, except that whenever a term expires after July 15, 1980, the member appointed by the governor to fill the vacancy shall be appointed for a six (6) year term, and in making such appointments the governor shall observe the requirements relating to nominations by the alumni members. Subject to such requirements the governor shall make his appointments from the state at large so as to divide the citizen representation upon the board as nearly equal as possible between the two (2) leading political parties in this state.

(4) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the Commonwealth or any other cause shall be filled by appointments made by the governor for the expiration of the term, subject to the qualifications set forth in subsection (3) of this section.

(5) No member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff and student members.

(6) Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville."

Senate Amendment No. 2 to HB 462, amend printed copy of HB 462:

By amending the title to read as follows:

"AN ACT relating to university governing bodies."

Representative Blevins moved that the House refuse to concur in the Senate Amendment No. 1 to HB 462. Agreed.

Representative Blevins moved that the House refuse to concur in the Senate Amendment No. 2 to HB 462. Agreed.

HB 607, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 2 to HB 607 is as follows:

Amend printed copy of HB 607:

on page 2, after line 4, by adding the following:

"Section 5. KRS 18A.225 is amended to read as follows:

(1) (a) The term "health maintenance organization" for the purposes of this section means a health maintenance organization as defined in KRS 304.38-030 or as a nonprofit hospital, medical-surgical, dental and health service corporation, which has been licensed by the Kentucky health facilities and health services certificate of need and licensure board and issued a certificate of authority by the department of insurance as a health maintenance organization or as a nonprofit hospital, medical-surgical, dental and health service corporation and which is qualified under the requirements of the United States department of health, education and welfare except as provided in subsection (2) of this section.

(b) The term "state employe" for purposes of this section shall mean a person, including an elected public official, who is regularly employed by any department, board, agency or branch of state government, and who is a contributing member to any one of the retirement systems administered by the state, provided, however, that any federally funded time-limited employe may receive insurance coverage. It shall also include a person who must fulfill the requirements established by the state board of education for eligibility and a person who is a present or future recipient of a retirement allowance from any of the Kentucky retirement systems who either satisfies the requirements of KRS 61.559 or who is board authorized under KRS 61.702(1), including a beneficiary of a retired employe as defined in KRS 61.542 who is receiving a retirement allowance from any of the Kentucky retirement systems.

(2) The secretary of the finance and administration cabinet, upon the recommendation of the commissioner of personnel, may procure, in compliance with the provisions of KRS 45A.080, 45A.085 and 45A.090, from one (1) or more health, hospitalization, medical, major medical and dental insurance companies or from one (1) or more health maintenance organizations authorized to do business in this state, a policy or policies of group health, hospitalization, medical, major medical and dental insurance or health maintenance organization coverage encompassing all or any class or classes of state employes. All state employes for whom such insurance or health maintenance organization coverage is provided shall annually be given an option to elect either standard insurance coverage or coverage by a health maintenance organization; except that if a qualified health maintenance organization is not engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside, the state employes may annually be given the option to elect either standard insurance coverage or coverage by a health maintenance organization which has been licensed by the Kentucky health facilities and health services certificate of need and licensure board and issued a certificate of authority by the department of insurance as a health maintenance organization or as a nonprofit hospital, medical-surgical, dental and health service corporation and which is engaged in providing basic health services in a health maintenance service area in which at least twenty-five (25) of such employes reside. The policy or policies shall be approved by the commissioner of insurance and may contain such provisions as he approves whether or not otherwise permitted by the insurance laws. It is intended that either insurance or health maintenance organization coverage may be made available for state employes, except that the procuring of each is permissive.

(3) The premiums may be paid by the policyholder:

(a) Wholly from funds contributed by the insured employe, by payroll deduction or otherwise;

(b) Wholly from funds contributed by the state or department, board or agency; or

(c) Partly from each, except that any premium due for health maintenance organization coverage over the premium amount contributed by the state or department, board or agency for any other insurance coverage shall be paid by the employe.

(4) If an employe moves his place of residence or employment out of the service area of a health maintenance organization, under which he has elected coverage, into either the service area of another health maintenance organization or into an area of the state not within a health maintenance organization service area, such employe shall be given an option, at the time of the move or transfer, to elect coverage either by the health maintenance organization into which service area he moves or is transferred or to elect standard insurance coverage offered by the employer.

(5) No payment of premium by the state or department, board or agency shall constitute compensation to an insured employe for the purposes of any statute fixing or limiting the compensation of such an employe. Any premium or other expense incurred by the state or department, board or agency shall be considered a proper cost of administration.

(6) The policy or policies may contain such provisions with respect to the class or classes of employes covered, amounts of insurance or coverage for designated classes or groups of employes, policy options, terms of eligibility, continuation of insurance or coverage after retirement, and such other provisions as the commissioner of insurance may approve.

(7) The secretary of the finance and administration cabinet is authorized to perform all acts necessary or advisable for the purpose of contracting for and maintaining insurance and health maintenance organization coverage under the provisions of this section.

(8) The health insurance contract or contracts for state employes shall be entered into for a period of not less than two (2) years, *and there shall be a reopening period once each year during the month of September, beginning in September 1986 for the contract period effective November 1, 1986, and thereafter an open enrollment period every September. State employes for whom such coverage is provided shall be given the option to elect either standard insurance coverage or coverage by health maintenance organizations* [~~except the contract awarded October 1, 1984 shall be awarded for the period between October 1, 1984 and June 30, 1986~~].

Representative O'Brien moved that the House refuse to concur in the Senate Amendment No. 2 to HB 607. Agreed.

HB 225, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 225 is as follows:

Amend printed copy of HB 225:

On line 10, following "*minor*" to add "*in the first degree*"

Representative Guenthner moved that the House concur in the Senate Amendment No. 1 to HB 225. Agreed.

Representative Guenthner moved that HB 225, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 80, Nays 7. (See March 28, 1986, roll call on HB 225—Appendix A.)

HB 225, as amended by the Senate, was passed and the title agreed to.

Representative Guenthner moved that the vote by which HB 225, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 631, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments Nos. 1, 2, and 3 to HB 631 are as follows:

Senate Amendment No. 1 to HB 631, amend printed copy of HB 631:

On page 37, line 15, after "*shall*" by inserting "*only*"; and

On page 37, line 15, after "*to*" by inserting "*life and health*".

Senate Amendment No. 2 to HB 631, amend printed copy of HB 631:

On page 64, after line 7, by inserting the following:

"SECTION 35. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) There is created in the state treasury a trust fund designated the "insurance regulatory trust fund" to which shall be credited all payments received under KRS 304.4-010.

(2) The monies so received and deposited in the insurance regulatory trust fund shall be appropriated for use only by the department to defray the expenses of the department in discharge of its administrative and regulatory powers and duties as prescribed by law subject to the applicable laws relating to the appropriation of state funds and to the deposit and expenditure of state monies. The department shall be responsible for the proper expenditure of these monies as provided by law.

(3) Any cash balance in excess of five hundred thousand dollars ($500,000) in the insurance regulatory trust fund after all current fiscal year expenditures are met shall lapse to the general fund.

SECTION 36. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) It is the responsibility of the department, which is charged with the administration of the insurance regulatory trust fund, to make such monies available for investment as fully as is consistent with the cash requirements of the fund and to authorize investment of such monies by the agency or agencies of the Commonwealth of Kentucky authorized to make investments and reinvestments for and on behalf of any agency of the Commonwealth of Kentucky.

(2) Monthly, and more often as circumstances require, the department shall notify the investing authority of the amount available for investment, and the monies shall be invested by the investing authority according to the laws relating to state investments. Such notification shall include the name and number of the fund for which the investments are to be made and the life of the investment if the principal sum is to be required for meeting obligations.

(3) All earnings derived from such investments shall be paid into the general fund.

SECTION 37. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

When there exists in the insurance regulatory trust fund a deficiency which would render such fund insufficient to meet the department's funding requirements, the secretary of the finance and administration cabinet may order a transfer of monies from another fund in the state treasury to the insurance regulatory trust fund in order to meet the deficiency without resorting to the necessity of borrowing money and paying interest thereon. The fund from which any monies are transferred shall be repaid the amount transferred from it not later than the end of the biennium in which such transfer is made, the date of repayment to be specified in the order of the secretary of the finance and administration cabinet.

SECTION 38. A NEW SECTION OF SUBTITLE 2 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Nothing in this Act shall prevent continuing the practice of paying any of the direct or indirect expenses incurred by the department, including, but not limited to, those involving salaries, retirement, and social security of officers, employes, or representatives of the department, or any other expenses by appropriations from the general fund. However, the general fund shall be reimbursed for any such payments made on or after the effective date of this Act, as well as any money transferred to the insurance regulatory trust fund in connection with the initial funding of the insurance regulatory trust fund, and shall be repaid by transfer from the insurance regulatory trust fund to the general fund no later than the end of the next biennium."; and

On page 64, line 8, by deleting "35" and inserting "39" in lieu thereof; and

On page 65, line 4, by deleting "36" and inserting "40" in lieu thereof; and

On page 65, after line 4, by inserting the following:

"304.2-390 Insurance administration improvement fund."

Senate Amendment No. 3 to HB 631, amend printed copy of HB 631:

On page 6, by deleting lines 6 through 14 in their entirety; and

On page 6, line 15, by deleting "*2*" and inserting "*1*" in lieu thereof; and

On page 6, line 23, by deleting "*3*" and inserting "*2*" in lieu thereof.

Representative Smith moved that the House concur in the Senate Amendment No. 1 to HB 631. Agreed.

Representative Smith moved that the House concur in the Senate Amendment No. 2 to HB 631. Agreed.

Representative Smith moved that the House concur in the Senate Amendment No. 3 to HB 631. Agreed.

Representative Smith moved that HB 631, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 87, Nays 0. (See March 28, 1986, roll call on HB 631—Appendix A.)

HB 631, as amended by the Senate, was passed and the title agreed to.

Representative Smith moved that the vote by which HB 631, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 684, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 684 are as follows:

Senate Amendment No. 1 to HB 684, amend printed copy of HB 684:

On page 3, after line 23, by inserting the following:

Section 2. KRS Chapter 156.101 is amended to read as follows:

(1) The purpose of this section is to encourage and require the maintenance and development of effective instructional leadership in the public schools of the Commonwealth and to recognize that principals with the assistance of assistant principals, supervisors of instruction, guidance counselors, and directors of special education have the primary responsibility for instructional leadership in the schools to which they are assigned.

(2) For the purpose of this section, instructional leader shall be defined as an employe of the public schools of the Commonwealth holding a valid certificate as a principal, assistant principal, supervisor of instruction, guidance counselor or director of special education.

(3) In order to carry out the purpose of this section, the state board of education shall establish a statewide program to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth.

(4) The instructional leader improvement program shall contain the following provisions:

(a) Effective July 14, 1984, each instructional leader employed by the public schools of the Commonwealth shall participate in a continuing intensive training program designed especially for instructional leaders;

(b) Every two (2) years each instructional leader shall complete an intensive training program approved by the state board of education to include no less than forty-two (42) participant hours of instruction;

(c) The state board of education shall prescribe specific criteria for the training program and may contract for the training with qualified agencies or institutions; and

(d) Completion of the required participant hours shall be reported to the state department of education and to the local school district. If an instructional leader fails to complete the required hours of training, he shall be placed on probation for one (1) year and, if the training is not completed during the probationary period, his certificate will be revoked.

(5) As a means of improving the educational productivity of Kentucky's public schools, of providing a method by which the citizens of the Commonwealth can be assured of measures of accountability of the performance of certified school employes, and of providing encouragement and incentives for certified school employes to improve their performance, the state board of education shall establish a statewide program for improving the performance of all certified school personnel, including instructional leaders.

(6) The certified employe evaluation programs shall contain the following provisions:

(a) Effective January 1, 1985, each certified school employe, including the superintendent, shall be evaluated by a system developed by the local school district and approved by the state board of education;

(b) The local school district shall annually review the evaluation plan to insure compliance with this section. Revisions to the evaluation plan shall be approved by the state board of education; and

(c) The state board of education shall develop written guidelines for local school districts to follow in developing and implementing an evaluation system and shall require the following:

1. All evaluations *of certified employes below the level of the district superintendent* shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;

2. The immediate supervisor of the certified school employe shall be designated as the primary evaluator;

3. All monitoring or observation of performance of a certified school employe shall be conducted openly and with full knowledge of the employe;

4. Evaluation shall include a conference between the evaluator and the person evaluated;

5. Evaluators shall be trained, tested, and certified in accordance with regulations adopted by the state board of education in the proper techniques for effectively evaluating certified school employes and in the use of the school district evaluation system; and

6. The evaluation system shall include a plan whereby the person evaluated is given assistance for becoming more proficient as a teacher or administrator[.]*; and*

7. The training requirement for evaluators contained in subsection (6)(c)(5) shall not apply to district board of education members.

(7) The state department of education shall regularly, and at least yearly, visit every school district within the Commonwealth to review and insure implementation of the evaluation system by the local school district. The department shall establish an appeals procedure for certified school employes who feel that the local school district failed to properly implement the approved evaluation system. The appeals procedure shall not involve requests from individual certified school employes for review of the judgmental conclusions of their personal evaluations.

(8) The state department of education shall select and train evaluators from outside each local school district to conduct annual evaluations of a sample of certified school employes within each district in order to validate the effectiveness and accuracy of the local school districts' evaluators.

(9) Local school districts with an enrollment of sixty-five thousand (65,000) or more students shall be exempt from the requirements of this section except for subsections (10) and (11) of this section provided they meet the standards established by the state board of education for local school district evaluation systems.

(10) During the 1987-88 school year the sum of three hundred dollars ($300) shall be paid to each non-administrative certified person with a demonstrated record of effectiveness determined by successfully completing the evaluation process. Successful completion means an evaluation which is not unsatisfactory.

(11) The local board of education shall establish an evaluation appeals panel for certified personnel which shall consist of two (2) members elected by the certified employes of the district and one (1) member appointed by the board of education who is a certified employe of the board. Certified employes who feel that they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation.

(12) This section shall be known as the "Effective Instructional Leadership Act."

Senate Amendment No. 2 to HB 684, amend printed copy of HB 684:

By changing the title to "AN ACT relating to education.".

Representative Little moved that the House concur in the Senate Amendment No. 1 to HB 684. Agreed.

Representative Little moved that the House concur in the Senate Amendment No. 2 to HB 684. Agreed.

Representative Little moved that HB 684, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 83, Nays 0. (See March 28, 1986, roll call on HB 684—Appendix A.)

HB 684, as amended by the Senate, was passed and the title agreed to.

Representative Little moved that the vote by which HB 684, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 747, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 747 are as follows:

Senate Amendment No. 1 to HB 747, amend printed copy of HB 747:

On page 4, line 3,

By inserting a new Section 2 to read as follows:

"Section 2. KRS 214.155 is amended to read as follows:

(1) The administrative officer or other person in charge of each institution caring for infants twenty-eight (28) days or less of age and the person required in pursuance of the provisions of KRS 213.050(1) shall register the birth of a child, and cause to have administered to every such infant or child in its or his care tests for inborn errors of metabolism, including but not limited to phenylketonuria (PKU), in accordance with rules or regulations prescribed by the secretary of the cabinet for human resources. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the secretary of the cabinet for human resources or his designee; provided that, positive results of tests for inborn errors of metabolism as set forth in regulation by the secretary shall be reported to the department for health services no later than two (2) *working days* [~~weeks~~] after the date of testing. The secretary of the cabinet for human resources shall by regulation establish and collect fees to cover the cost of analyzing the testing samples for inborn errors of metabolism*; provided that if such tests for inborn errors of metabolism are performed by a laboratory other than the institution caring for the infant, the two (2) day working requirement shall be considered to be met if the specimen is submitted to the laboratory for testing within two (2) working days of the birth of the child.*

(2) Nothing in this section shall be construed to require the testing of any child whose parents are members of a nationally recognized and established church or religious denomination, the teachings of which are opposed to medical tests, and who object in writing to the testing of such child on that ground."

And on page 4, line 3,

By renumbering Section 2 as Section 3.

Senate Amendment No. 2 to HB 747, amend printed copy of HB 747:

TITLE

By amending the title to read as follows:

"AN ACT relating to health."

Representative Burch moved that the House concur in the Senate Amendment No. 1 to HB 747. Agreed.

Representative Burch moved that the House concur in the Senate Amendment No. 2 to HB 747. Agreed.

Representative Burch moved that HB 747, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 82, Nays 0. (See March 28, 1986, roll call on HB 747—Appendix A.)

HB 747, as amended by the Senate, was passed and the title agreed to.

Representative Burch moved that the vote by which HB 747, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 222, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 222 is as follows:

Amend printed copy of HB 222:

On page 1, after line 6, by inserting the following:

"Section 2. KRS 12.020 is amended to read as follows:

Departments, program cabinets (and their departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order, provided, however, in the case of the personnel board, and where the attached department or administrative body is headed by a constitutionally elected officer such attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of such department or administrative body.

I. Cabinet for general government—Departments headed by elected officers:

1. The governor.

2. Lieutenant governor.

3. Department of state.

(a) Secretary of state.

(b) Board of elections.

4. Department of law.

(a) Attorney general.

5. Department of the treasury.

(a) Treasurer.

6. Department of agriculture.

(a) Commissioner of agriculture.

(b) Kentucky council on agriculture.

7. Department of education.

(a) Superintendent of public instruction.

(b) State board of education.

8. Auditor of public accounts.

9. Railroad commission.

II. Program cabinets headed by appointed officers:

1. Justice cabinet:

(a) Department of state police.

(b) Department of training.

(c) Office of administration.

2. Education and humanities cabinet:

(a) Department for the blind.

(b) Department of education.

(c) Department for libraries and archives.

(d) State advisory council for vocational education.

(e) Kentucky industries for the blind.

(f) Kentucky educational television.

(g) Kentucky historical society.

(h) Kentucky teachers retirement system board of trustees.

(i) Kentucky school building authority.

3. Natural resources and environmental protection cabinet:

(a) Environmental quality commission.

(b) Kentucky nature preserves commission.

(c) Department for environmental protection.

(d) Department for natural resources.

(e) Department for surface mining reclamation and enforcement.

(f) Office of general counsel.

(g) Office of communications and community affairs.

4. Transportation cabinet:

(a) Department of highways.

(b) Department of vehicle regulation.

(c) Department of administrative services.

(d) Department of fiscal management.

(e) Department of rural and municipal aid.

(f) Office of aeronautics.

(g) Office of general counsel.

(h) Office of public relations.

(i) Office of personnel management.

(j) Office of minority affairs.

5. Commerce cabinet:

(a) Department of economic development.

(b) Department of the arts.

(c) Tobacco research board.

(e) Kentucky development finance authority.

6. Public protection and regulation cabinet:

(a) Public service commission.

(b) Department of insurance.

(i) Custodian of insurance securities.

(c) Department of housing, buildings, and construction.

(d) Department of financial institutions.

(e) Department for mines and minerals.

(f) Department of public advocacy.

(g) Department for alcoholic beverage control.

(h) Kentucky harness racing commission.

(i) Kentucky state racing commission.

(j) Registry of election finance.

(k) Board of claims.

(l) Crime victims compensation board.

(m) Kentucky board of tax appeals.

(n) Backside improvement commission.

7. Cabinet for human resources:

(a) Department for health services.

(b) Department for employment services.

(c) Department for social insurance.

(d) Department for social services.

(e) Department of medicaid services

(f)[~~(e)~~] Unemployment insurance commission.

(g)[~~(f)~~] Public assistance appeals board.

(h)[~~(g)~~] Office of administrative services.

(i)[~~(h)~~] Office of communications and council affairs.

(j)[~~(i)~~] Office of general counsel.

(k)[~~(j)~~] Office of inspector general.

(l)[~~(k)~~] Office of policy and budget.

(m)[~~(l)~~] Office of the ombudsman.

8. Finance and administration cabinet:

(a) Office of legal and legislative services.

(b) Office of management services.

(c) Office of historic properties.

(d) Department for administration.

(e) Department of facilities management.

(f) Department of information systems.

(g) State property and buildings commission.

(h) Kentucky pollution abatement authority.

(i) Kentucky savings bond authority.

(j) Deferred compensation systems.

(k) Office of equal employment opportunity contract compliance.

(l) Capital plaza authority.

(m) County officials compensation board.

(n) Financial disclosure review commission.

(o) Kentucky employes retirement systems.

(p) Commonwealth credit union.

(q) State investment commission.

(r) Kentucky housing corporation.

(s) Governmental services center.

(t) Kentucky local correctional facilities construction authority.

(u) Kentucky turnpike authority.

(v) Historic properties advisory commission.

9. Energy cabinet:

(a) Department of energy production and utilization.

(b) Department of energy research and development.

(c) Office of administration.

(d) Office of energy policy and evaluation.

10. Corrections cabinet:

(a) Parole board.

(b) Commission on corrections and community services.

(c) Department of adult correctional institutions.

(d) Department of community services and facilities.

(e) Office of administrative services.

(f) Office of corrections training.

(g) Office of general counsel.

11. Labor cabinet:

(a) Department of workplace standards.

(b) Department of workers' claims.

(c) Kentucky labor-management advisory council.

(d) Occupational safety and health standards board.

(e) Prevailing wage review board.

(f) Workers' compensation board.

(g) Kentucky employes insurance association.

(h) Apprenticeship and training council.

(i) State labor relations board.

(j) Kentucky occupational safety and health review commission.

(k) Office of administrative services.

(l) Office of labor management relations.

(m) Office of general counsel.

12. Revenue cabinet:

(a) Department of property taxation.

(b) Department of processing and enforcement.

(c) Department of professional and support services.

(d) Office of revenue estimating and economic analysis.

13. Tourism cabinet:

(a) Department of travel development.

(b) Department of parks.

(c) Department of fish and wildlife resources.

(d) Kentucky horse park.

(e) State fair board.

(f) Office of administrative services.

(g) Office of general counsel.

III. Other departments headed by appointed officers:

1. Department of military affairs.

2. Department of personnel.

3. Council on higher education.

4 Department of local government.

5. Kentucky commission on human rights.

6. Kentucky commission on women."

Representative Lyne moved that the House concur in the Senate Amendment No. 1 to HB 222. Agreed.

Representative Lyne moved that HB 222, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 75, Nays 4. (See March 28, 1986, roll call on HB 222—Appendix A.)

HB 222, as amended by the Senate, was passed and the title agreed to.

Representative Lyne moved that the vote by which HB 222, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 311, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 311 is as follows:

Amend printed copy of HB 311:

On page 1, line 19, by adding, after "*Chapter 403*" the following: "*and they are living apart*".

Representative Brinkley moved that the House concur in the Senate Amendment No. 1 to HB 311. Agreed.

Representative Brinkley moved that HB 311, as amended by the Senate, be passed.

Representative Farrow moved that the vote by which Senate Amendment No. 1 to HB 311 was adopted be reconsidered. Agreed.

Representative Farrow moved that the House refuse to concur in the Senate Amendment No. 1 to HB 311. Agreed.

HB 372, with Senate Committee Substitute and Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 372 is as follows:

HB 372, AN ACT providing for a state fossil.

WHEREAS, it being common practice for other states to adopt state fossils; and

WHEREAS, Kentucky is blessed with abundant paleontological and archaeological material, of which the brachiopod constitutes a portion; and

WHEREAS, the brachiopod is of an extremely ancient race; and

WHEREAS, brachiopods are an abundant fossil throughout all regions of Kentucky, other fossils being less abundant or less wide-spread; and

WHEREAS, it being common practice for other states to designate state gemstones; and

WHEREAS, American fresh-water pearls have been treasured by persons of culture for many centuries; and

WHEREAS, the Commonwealth of Kentucky is blessed with a great abundance of the treasured fresh-water pearl; and

WHEREAS, the crown jewels of many countries are adorned with Kentucky fresh-water pearls; and

WHEREAS, this valued gemstone has carried Kentucky's name around the globe;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

The brachiopod is named and designated as the state fossil of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

The fresh-water pearl is named and designated the state gemstone of Kentucky.

The Senate Amendment No. 1 to the Committee Substitute to HB 372 is as follows:

Amend printed copy of HB 372 by way of Committee Substitute:

Amend title to read as follows:

"AN ACT relating to state symbols."

Representative O'Brien moved that the House concur in the Senate Committee Substitute to HB 372. Agreed.

Representative O'Brien moved that the House concur in the Senate Title Amendment No. 1 to HB 372. Agreed.

Representative O'Brien moved that HB 372, by way of Committee Substitute as amended, be passed.

On the roll call the vote was: Yeas 65, Nays 9. (See March 28, 1986, roll call on HB 372—Appendix A.)

HB 372, by way of Senate Committee Substitute as amended, was passed and the title agreed to.

Representative O'Brien moved that the vote by which HB 372, by way of Senate Committee Substitute with Title Amendment, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 419, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 419 is as follows:

Amend printed copy of HB 419:

On page 2, line 18, after the comma, by inserting the following:

"not to exceed one (1) year, or with additional approval of one (1) additional year, and not to exceed two (2) years within a five (5) year period,".

Representative Barrows moved that the House concur in the Senate Amendment No. 1 to HB 419. Agreed.

Representative Barrows moved that HB 419, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 83, Nays 0. (See March 28, 1986, roll call on HB 419—Appendix A.)

HB 419, as amended by the Senate, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 419, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Rose moved that SB 352 be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

HB 543, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 543 is as follows:

Amend printed copy of HB 543:

on page l, by deleting the first two clauses beginning with the word "Whereas,"

Representative Pearman moved that the House concur in the Senate No. 1 to HB 543. Agreed.

Representative Pearman moved that HB 543, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 84, Nays 0. (See March 28, 1986, roll call on HB 543—Appendix A.)

HB 543, as amended by the Senate, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 543, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 546, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 546 is as follows:

Amend printed copy of HB 546:

On page 3, line 9, after the word "law" by inserting the phrase "or his successor";

and on line 12, following the word "attorney" by deleting the phrase "during his term of office".

Representative Deskins moved that the House concur in the Senate Amendment No. 1 to HB 546. Agreed.

Representative Deskins moved that HB 546, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 74, Nays 0. (See March 28, 1986, roll call on HB 546—Appendix A.)

HB 546, as amended by the Senate, was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 546, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 843, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 843 are as follows:

Senate Amendment No. 1 to HB 843, amend printed copy of HB 843:

On page 37, after line 13, by adding the following:

Section 24. KRS 243.720 is amended to read as follows:

(1)*(a)* There is levied upon the use, sale or distribution by sale or gift of distilled spirits a tax of one dollar and ninety-two cents ($1.92) on each wine gallon of distilled spirits, and a proportional rate per gallon on all distilled spirits used, sold or distributed in any container of more or less than one (1) gallon, but the rate of the excise tax on spirits in retail containers of one-half (1/2) pint shall be twelve (12) cents.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, distilled spirits placed in containers for sale at retail, where the distilled spirits represent six percent (6%) or less of the total volume of the contents of such containers, shall be taxed at the rate of twenty-five (25) cents per gallon.

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of fifty (50) cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one (1) gallon, but in no event shall the tax be less than four (4) cents on the sale or distribution of any retail container of wine.

Senate Amendment No. 2 to HB 843, amend printed copy of HB 843:

By amending the title to read AN ACT relating to revenue and taxation.

Representative Rapier moved that the House concur in the Senate Amendment No. 1 to HB 843. Agreed.

Representative Rapier moved that the House concur in the Senate Amendment (title) No. 2 to HB 843. Agreed.

Representative Rapier moved that HB 843, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 49, Nays 23. (See March 28, 1986, roll call on HB 843—Appendix A.)

HB 843, as amended by the Senate, was passed and the title agreed to.

Representative Rapier moved that the vote by which HB 843, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 585, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 585 is as follows:

Amend printed copy of HB 585:

On page 1, lines 7 and 8, by deleting "*June 30, 1986*" and inserting "*January 1, 1987*" in lieu thereof; and

On page 2, lines 5 and 6, by deleting "*June 30, 1986*" and inserting "*January 1, 1987*" in lieu thereof; and

On page 2, lines 25 and 26, by deleting "*June 30, 1986*" and inserting "*January 1, 1987*" in lieu thereof; and

On page 3, line 20, by deleting "*June 30, 1986*" and inserting "*January 1, 1987*" in lieu thereof.

Representative Handy moved that the House concur in the Senate Amendment No. 1 to HB 585. Agreed.

Representative Handy moved that HB 585, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 71, Nays 6. (See March 28, 1986, roll call on HB 585—Appendix A.)

HB 585, as amended by the Senate, was passed and the title agreed to.

Representative Handy moved that the vote by which HB 585, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 606, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 606 is as follows:

Amend printed copy of HB 606:

On page 2, line 25, delete the word "*diagnosing,*";

On page 6, line 26, delete the word "*or*" and on page 7, line 1, delete the word "*audiologist*";

On page 14, line 10, replace the word "*seven (7)*" with the word "*eight (8)*";

And on page 14, lines 14 and 15, remove the brackets around the words "one (1) shall be otolaryngologist".

Representative Richards moved that the House concur in the Senate Amendment No. 1 to HB 606. Agreed.

Representative Richards moved that HB 606, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 78, Nays 3. (See March 28, 1986, roll call on HB 606—Appendix A.)

HB 606, as amended by the Senate, was passed and the title agreed to.

Representative Richards moved that the vote by which HB 606, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 783, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 783 is as follows:

Amend printed copy of HB 783:

On page 3, after line 22 by adding:

"Section 2. KRS 247.942 is amended to read as follows:

As used in KRS 247.940 to 247.978, the following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Applicant" means any person, partnership, [~~or~~] corporation *or any entity* engaged in *an* agricultural *endeavor or an agriculturally* [~~endeavors and~~] related *business. To be considered an "applicant" under this definition, it is necessary that the prospective applicant derive* [~~businesses and deriving~~] at least one-half (1/2) of its annual gross income from said endeavor or business, for three (3) years after the loan is approved. Furthermore, under this definition the prospective applicant shall not derive [~~therefrom and not~~] more than one-hundred thousand dollars ($100,000) annual net income from all *its* sources *during the fiscal year preceding the year in which the loan application is made*;

(2) "Board" means the board of directors of the corporation;

(3) "Bond resolution" or "resolution" means the formal document of the corporation authorizing its obligations;

(4) "Bonds" or "notes" means the bonds or bond anticipation notes authorized to be issued by the corporation under KRS 247.940 to 247.978;

(5) "Commissioner" means the commissioner of agriculture;

(6) "Commonwealth" means the Commonwealth of Kentucky;

(7) "Corporation" means the Kentucky agricultural finance corporation created by KRS 247.944;

(8) "Department" means the department of agriculture;

(9) "Governmental agency" means any city, county or other political subdivision of the Commonwealth and any department, division or public agency thereof, the federal government or any political subdivision of any other state and any nonprofit corporation or other entity legally empowered to act on behalf of any of the foregoing in the area of assistance to agriculture;

(10) "Issuing agency capacity" means the action of the corporation in authorizing revenue bonds for a qualified project in accordance with the provisions of KRS 103.200 through 103.285 in which the corporation's liability is limited primarily to fiduciary duties;

(11) "Lending agency capacity" means the action of the corporation in participating directly or indirectly in the making of loans to or the purchasing of loans of qualified applicants;

(12) "Obligations" means any bonds or notes authorized to be issued by the corporation under the provisions of this Act;

(13) "Project" means any undertaking to provide for the financing of the acquisition, *construction, renovation or improvement* of land, buildings, machinery, equipment, and livestock in the area of agricultural enterprise; including growing, storing, processing, warehousing, marketing and distribution facilities in respect thereof or to provide for refinancing existing agricultural facilities;

(14) "Trust agreement" means an indenture by and between the corporation and the corporate trustee setting forth the rights and duties of each relating to the authorization, sale, issuance, delivery and payment of the corporation's obligations; and

(15) "Umbrella obligation" means bonds or notes issued by the corporation in its issuing agency capacity or its lending agency capacity under the provisions of KRS 247.940 to 247.978, the proceeds of which may be used in the financing of multiple projects for two (2) or more applicants."

Representative Hancock moved that the House concur in the Senate Amendment No. 1 to HB 783. Agreed.

Representative Hancock moved that HB 783, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 89, Nays 1. (See March 28, 1986, roll call on HB 783—Appendix A.)

HB 783, as amended by the Senate, was passed and the title agreed to.

Representative Hancock moved that the vote by which HB 783, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 810, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 2 and No. 3 to HB 810 are as follows:

Senate Amendment No. 2 to HB 810, amend printed copy of HB 810:

on page 2, after line 4 by inserting the following:

"SECTION 3. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Countywide local exchange telephone service" or "countywide service" means that no toll or distance charges are made for telephone calls which both originate and terminate within the geographical area of a county. A local exchange may embrace an area larger than a single county.

(b) "Major telephone company" means a telephone company with annual gross operating revenues of one hundred million dollars ($100,000,000) or more.

(2) If a major telephone company serves all subscribers in a county but does not provide countywide service, and if at least two thousand (2,000) subscribers are not able to telephone the county seat of the county without paying toll charges, then the public service commission shall by order require provision of countywide local exchange telephone service within the county no later than October 1, 1987."

Senate Amendment No. 3 to HB 810, amend printed copy of HB 810:

On page 1, line 12, after "*supplier*" by adding the following:

"*without prior approval by the commission. Within twenty (20) days after any such increase in rates, the association shall file its revised tariffs with the commission, together with a copy of the notice from its wholesale supplier showing the increase in the rate charged to the utility, and a statement of the volume of purchased water used to calculate the increase in rates. The commission shall approve the filing or establish revised rates by order no later than thirty (30) days after the above documents are filed with it. Prior to or at the time of the first billing of the new rates, the district shall give notice to its customers of the increase.*"; and

On page 2, line 4, after "*supplier*" by adding the following:

"*without prior approval by the commission. Within twenty (20) days after any such increase in rates, the district shall file its revised tariffs with the commission, together with a copy of the notice from its wholesale supplier showing the increase in the rate charged to the utility, and a statement of the volume of purchased water used to calculate the increase in rates. The commission shall approve the filing or establish revised rates by order no later than thirty (30) days after the above documents are filed with it. Prior to or at the time of the first billing of the new rates, the district shall give notice to its customers of the increase.*"

Representative McElroy moved that the House concur in the Senate Amendment No. 2 to HB 810. Agreed.

Representative McElroy moved that the House concur in the Senate Amendment No. 3 to HB 810. Agreed.

Representative McElroy moved that HB 810, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 55, Nays 26. (See March 28, 1986, roll call on HB 810—Appendix A.)

HB 810, as amended by the Senate, was passed and the title agreed to.

Representative McElroy moved that the vote by which HB 810, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

Announcing passage of HB 53, HB 269, HB 518, HB 664, HB 680, HB 709, HB 764, HB 799, HB 886, HB 894, HJR 126, HCR 147, HB 34 with Senate Amendment, HB 40 with Senate Amendment, HB 197 with Senate Amendments, HB 716 with Senate Committee Substitute, HB 878 with Senate Amendment, HB 938 with Senate Amendments.

HB 897, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 897 is as follows:

Amend printed copy of HB 897:

on page 1, lines 6 and 7, by deleting after the word "*property,*" the following: "*in conjunction with*" and by inserting the following: "*with approval of*"; and

on page 1, line 13, by deleting after the word "*shall,*" the following: "*in conjunction with*" and by inserting the following: "*with approval of*"

Representative Burnette moved that the House refuse to concur in the Senate Amendment No. 1 to HB 897. Agreed.

HB 946, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 946 is as follows:

Amend printed copy of HB 946:

On page 3, after line 13 by inserting:

Richardson & Associates, Inc.
Fifth Street Center
Suite 315
Covington, Kentucky 41011 .... 4,651.00

Representative Stumbo moved that the House refuse to concur in the Senate Amendment No. 1 to HB 946. Agreed.

HB 964, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 964 is as follows:

Amend printed copy of HB 964:

On page 2, line 14, by deleting "*forty-four thousand (44,000)*" and by inserting in lieu thereof "*forty-seven thousand and seventy-two (47,072)*"; and

on line 17, by deleting "*forty-four thousand (44,000)*" and by inserting in lieu thereof "*forty-seven thousand and seventy-two (47,072)*"; and

on line 25, by deleting "*and*"; and

on page 3, line 2, by deleting the period "." and by inserting in lieu thereof "*and the approximately three thousand and seventy-two (3,072) square foot space now occupied by the division of contracting and administration and the auditor of public accounts in the south central section of the first floor.*".

Representative Donnermeyer moved that the House concur in the Senate Amendment No. 1 to HB 964. Agreed.

Representative Donnermeyer moved that HB 964, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 86, Nays 2. (See March 28, 1986, roll call on HB 964—Appendix A.)

HB 964, as amended by the Senate, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 964, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 352, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rapier moved that SB 352 be passed.

Representative Gedling moved the adoption of the Floor Amendment No. 1 to SB 352.

On the roll call the vote was yeas 65—Arnold, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, L. Clark, P. Clark, Cline, Crupper, Cyrus, Dawahare, Deskins, Ellington, Farrow, Ford, Gedling, Gray, Gregory, Hancock, Handy, J. Harper, Head, Hines, Jensen, Keith, Layman, Lefevers, Lile, Little, Lyne, Mack, Maggard, Mann, McElroy, Moberly, Morris, Napier, Nett, Noe, Noland, Pearman, Preston, Priddy, Pritchett, Rattliff, Richards, P. Richardson, Rose, Scorsone, Seum, Siler, Smith, Stone, Strong, Stumbo, Todd, White, Worthington, Yates. Nays 18—Barrows, Caldwell, J. Clarke, Curd, Freibert, Guenthner, K. Harper, R. Jones, T. Jones, Kerr, Lear, Long, McBee, McNutt, Meyer, Rapier, Stewart, Turner.

Floor Amendment No. 1 to SB 352 was adopted.

Representative Gedling moved that SB 352, as amended, be passed.

On the roll call the vote was: Yeas 74, Nays 13. (See March 28, 1986, roll call on SB 352—Appendix A.)

SB 352, as amended, was passed.

Representative Gedling moved the adoption of the Floor Title Amendment to SB 352. Agreed, and the title was agreed to.

Representative Gedling moved that the vote by which SB 352, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 67, with Committee Amendment and Floor Amendments attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved that SB 67 be passed.

Representative Siler moved the adoption of the Floor Amendment No. 3 to SB 67.

Representative Richards inquired whether Floor Amendment No. 3 was germane to SB 67.

The Chair ruled Floor Amendment No. 3 was not germane to SB 67.

Representative Maggard moved the adoption of the Floor Amendment No. 1 to SB 67.

Representative Richards inquired whether Floor Amendment No. 1 was germane to SB 67.

The Chair ruled Floor Amendment No. 1 was not germane to SB 67.

On the roll call the vote was: Yeas 78, Nays 3. (See March 28, 1986, roll call on SB 67—Appendix A.)

SB 67 was passed and the title agreed to.

Representative Richards moved that the vote by which SB 67 as passed be reconsidered and said motion be placed on the table. Agreed.

Recess

Representative Stumbo moved that the House recess until 3:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

The Speaker appointed the following Representatives to serve on Conference Committees:

HB 765: Representatives Meyer, Chairman; Holbrook, Moberly.

HB 677: Representatives Barrows, Chairman; Curd, Williams.

SB 346: Representatives Burch, Chairman; Mack, Overstreet.

SB 95: Representatives Clarke, Chairman; Rapier, Donnermeyer, Worthington, Turner (same as members appointed to HB 398).

HB 40, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 40 is as follows:

Amend printed copy of HB 40:

On page 2, line 2, delete "*fifteen*" and insert "*eighteen*" in lieu thereof;

On page 2, line 3, delete "*(15,000)*" and insert "*(18,000)*" in lieu thereof;

On page 2, line 5, delete "*fifteen*" and insert "*eighteen*" in lieu thereof;

On page 2, line 6, delete "*(15,001)*" and insert "*(18,001)*" in lieu thereof;

On page 2, line 6, delete "*thirty-five thousand (35,000)*" and insert "*thirty thousand (30,000)*" in lieu thereof;

On page 2, line 7, after "*thousand*" insert "*five hundred*" and change "*($4,000)*" to "*($4,500)*";

On page 2, line 8, delete "*thirty-five*" and insert "*thirty*" in lieu thereof;

On page 2, line 9, delete "*(35,001)*" and insert "*(30,001)*" in lieu thereof;

On page 2, line 10, delete "*two thousand five hundred dollars ($2,500)*" and insert "*four thousand dollars ($4,000)*" in lieu thereof;

On page 2, line 12, change "*one*" to "*three*";

On page 2, line 13, change "*($1,500)*" to "*($3,500)*";

On page 2, lines 16 and 17, delete "*twenty-two and seventy-five hundredths (22.75) cents*" and insert "*eleven and twenty-eight hundredths (11.28) cents*" in lieu thereof;

On page 2, lines 17-19, delete "*and fifty-two and seventy-five hundredths (52.75) cents per capita in 1987-88*";

On page 3, line 5, after the word "*the*" insert "*foundation grant and*".

Representative T. Jones moved that the House refuse to concur in the Senate Amendment No. 1 to HB 40. Agreed.

HB 197, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 3 to HB 197 are as follows:

Senate Amendment No. 1 to HB 197, amend printed copy of HB 197:

On page 2, line 4, after the punctuation mark (;) by inserting the following: "*colostomy supplies,*"

Senate Amendment No. 3 to HB 197, amend printed copy of HB 197:

On page 1, line 20, by inserting after the words "artificial eyes" the words "*, artificial organs*"; and

On page 2, line 7, by inserting after the words "*use by diabetics*" the following: "*; and medical supplies incorporated in the human body during surgical treatment*"

Representative Hines moved that the House concur in the Senate Amendment No. 1 to HB 197. Agreed.

Representative Hines moved that the House refuse to concur in the Senate Amendment No. 3 to HB 197. Agreed.

HB 878, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 4 to HB 878 is as follows:

Amend printed copy of HB 878:

On page 7, line 1, delete the language "*fourteen (14)*", and insert in lieu thereof the following: "*thirty (30)*";

And on page 7, line 9, delete "*two (2) weeks*", and insert in lieu thereof the following: "*thirty (30) days*";

And on page 8, line 8, insert after the comma and before the word "*and*", the following: "*and the charges or rates for such services,*";

And on page 8, line 12, delete the following language: "*the charges or rates for such services, and*";

And on page 9, lines 8 and 9, delete the language "*fourteen (14)*", and insert in lieu thereof the following: "*thirty (30)*";

And on page 9, lines 16 and 17, delete "*two (2) weeks*" and insert in lieu thereof, the following: "*thirty (30) days*";

And on page 9, beginning on line 20, delete all text beginning with "*(1)*" and continuing through the period on line 26, and insert in lieu thereof the following: "*Any ordinance creating a privatization project pursuant to this Act, which provides for the transfer of ownership of an existing publicly-owned facility to a private owner or private owner/operator, shall be subject to being recalled pursuant to the public question procedure set out in KRS 83A.120, except that such recall procedure shall not apply to an expansion of an existing facility. Upon the receipt of a petition requesting recall, the ordinance shall be suspended from going into effect pending the result of the election. If a majority of the votes cast upon the question is in the negative the ordinance shall not go into effect. If a majority of the votes cast upon the question is in the affirmative, the ordinance shall go into effect in accordance with its terms.*"

Representative Lear moved that the House concur in the Senate Amendment No. 4 to HB 878. Agreed.

Representative Lear moved that HB 878, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 67, Nays 15. (See March 28, 1986, roll call on HB 878—Appendix A.)

HB 878, as amended by the Senate, was passed and the title agreed to.

Representative Lear moved that the vote by which HB 878, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 372, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Stumbo moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that SB 372 be passed.

Representative Farrow moved the adoption of the Floor Amendment No. 1 to SB 372.

On the roll call the vote was yeas 57—Allen, Arnold, Blandford, Blevins, Bronger, M. Brown, Burnette, Caldwell, Clapp, Cline, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Gedling, Gray, Gregory, Guenthner, J. Harper, K. Harper, Head, Heleringer, Jensen, Keith, Kerr, Layman, lear, Lefevers, Lile, Lyne, Mann, McBee, McElroy, McNutt, Moberly, Napier, Noland, Preston, Rattliff, Reinhardt, Richards, Riner, Seum, Siler, Smith, Stewart, Stone, Stumbo, Todd, Williams, Worthington, Yates. Nays 17—Barrows, Bendl, L. Clark, P. Clark, Cowan, Handy, R. Jones, Little, Long, Mack, Meyer, Nett, Rose, Scorsone, Strong, Turner, White.

Floor Amendment No. 1 to SB 372 was adopted.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to SB 372. Agreed.

Representative Clarke moved that SB 372, as amended, be passed.

On the roll call the vote was: Yeas 60, Nays 19. (See March 28, 1986, roll call on SB 372—Appendix A.)

SB 372, as amended, was passed and the title agreed to.

Representative Clarke moved that the vote by which SB 372, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Noe moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 197, by Representatives Noe, Jensen, Keith and Siler: A RESOLUTION honoring the men's basketball team of Cumberland College.

Representative Noe moved the adoption of the following HR 197:

HR 197, A RESOLUTION honoring the men's basketball team of Cumberland College.

WHEREAS, the men's basketball team of Cumberland College, the Indians, have had a very successful and gratifying 32-3 season this year; and

WHEREAS, the Indians were ranked No. 1 for three consecutive weeks of this season in the NAIA poll; and

WHEREAS, the Indians won the Kentucky Intercollegiate Athletic Conference this year, as well as the KIAC tournament; and

WHEREAS, as District 32 champions, the Indians went on to the NAIA competition in Kansas City, and won the first round;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the Indians of Cumberland College for an excellent season.

Section 2. That copies of this resolution be sent to team members and coaching staff in care of Coach Randy Vernon.

HR 197 was adopted by voice vote.

Representative Smith moved that HB 297 be withdrawn. Agreed.

The Conference Committee Report requesting a Free Conference was filed on HJR 78.

The following members requested that the rules be suspended for the purpose of recording votes. All requests were agreed to.

Representative Bronger, change from "nay" to "yea" on SB 234, change from "yea" to "nay" on SB 377; Representative Cowan, "yea" on HB 938; Representative L. Clark, change from "nay" to "yea" on HB 843;

Representative Farrow, change from "yea" to "nay" on HB 894; Representative Long, "yea" on SB 117; Representative Lyne, change from "nay" to "yea" on SB 331; Representative McNutt, change from "nay" to "yea" on HB 225; Representative Pritchett, change from "nay" to "yea" on HB 938; Representative Stewart, change from "nay" to "yea" on SB 352, change from "yea" to "nay" on HB 843; Representative White, "yea" on SB 227; Representative Worthington, change from "yea" to "nay" on HB 603, change from "nay" to "yea" on SB 117; Representative Donnermeyer, "yea" on SB 17, HCR 141, SB 339, SB 331, SB 389, SB 344, SCR 97, SB 353, SB 42, SB 88, SB 267, SB 119, SB 227, SB 241, SB 269, HB 286, HB 225, HB 631, HB 684, HB 747, HB 222, HB 543, HB 546, SB 317, SB 319, SB 340, SB 370, SB 379, HR 186, SCR 30, SCR 38, SJR 78, SCR 98, SJR 44, and HB 176.

HB 938, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 5 and No. 6 to HB 938 are as follows:

Senate Amendment No. 5 to HB 938, amend printed copy of HB 938:

Page 6, after line 7, by adding the following:

Section 8. KRS 42.450 is amended to read as follows:

(1) There is hereby established in the state treasury a fund entitled "local government economic assistance fund." The fund may receive state appropriations, gifts, grants and federal funds and shall be disbursed by the state treasurer upon the warrant of the secretary of the finance and administration cabinet. Any unallotted or unencumbered balances in the fund shall be invested in United States government securities maturing not later than one (1) year from the date of investment and the income earned from such investment shall be prorated for expenditure in coal producing and coal impact counties according to each such county's allocable part in the fund.

(2) Effective July 1, 1981, an amount equal to one-half (1/2) of the tax collected annually on the sale of minerals, exclusive of coal, shall be transferred from the general fund into this fund. Such transfers shall be made quarterly.

(3) Effective July 1, 1981, an amount equal to one-half (1/2) of the severance and processing taxes on coal collected annually, in excess of $177.6 million, shall be transferred from the general fund into this fund. *However, in no event shall the amount transferred from the general fund into this fund for fiscal year 1986-87 be less than ten percent (10%) of the total severance and processing taxes on coal collected in fiscal year 1986-87, and in no event shall the amount transferred from the general fund into this fund for fiscal year 1987-88 and all subsequent fiscal years be less than twelve percent (12%) of the total severance and processing taxes on coal collected in fiscal year 1987-88 and in each respective subsequent fiscal year.* Such transfers shall be made quarterly, based upon the revenue estimates prevailing at the time each quarterly transfer is due, except that the last quarterly transfer shall be made after the close of the fiscal year accounting records, and shall be adjusted to provide the balance of the annual transfer required by this subsection.

Senate Amendment No. 6 to HB 938, amend printed copy of HB 938:

By amending the title to read, AN ACT relating to financial matters.

Representative Worthington moved that the House concur in the Senate Amendment No. 5 to HB 938.

On the roll call the vote was yeas 55—Allen, Arnold, Bendl, Blandford, Blevins, Brinkley, Bronger, M. Brown, Burch, L. Clark, Cline, Cowan, Crupper, Dawahare, Deskins, Donnermeyer, Ford, Gedling, Gray, Handy, Head, Heleringer, Holbrook, Jensen, T. Jones, Kerr, Layman, Lefevers, Lile, Little, Lyne, Mack, Maggard, Moberly, Napier, Nett, Noe, Noland, O'Brien, Preston, Priddy, Pritchett, Riner, Rose, Seum, Siler, Stewart, Stone, Strong, Stumbo, Todd, Turner, White, Worthington, Yates. Nays 22—Bruce, Caldwell, Clapp, P. Clark, Clarke, Curd, Ellington, Farrow, Gregory, Hancock, K. Harper, R. Jones, Keith, Long, McBee, McNutt, Meyer, Rattliff, Reinhardt, B. Richardson, P. Richardson, Smith.

The motion that the House concur in the Senate Amendment No. 5 to HB 938 was adopted.

Representative Donnermeyer moved that the House concur in the Senate Amendment No. 6 (Title) to HB 938. Agreed.

Representative Donnermeyer moved that HB 938, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 53, Nays 29. (See March 28, 1986, roll call on HB 938—Appendix A.)

HB 938, as amended by the Senate, was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which HB 938, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

The Speaker announced Representative Holbrook would be replaced by Representative J. Harper on the Conference Committee on HB 765.

Motions, Petitions and Communications

The following Floor Amendments were filed to Bills and Resolutions:

Floor Amendment No. 5 to SB 88, by Representative Guenthner:

Amend printed copy of GA copy of SB 88:

On page 9, by inserting the following after line 24:

"SECTION 4. A NEW SECTION OF KRS CHAPTER 340 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of this chapter shall not apply to persons or organizations who provide employment information for a fee but do not make job referrals or placements, provided such persons or organizations do not call themselves employment agencies, advertise as employment agencies or use any term or description which implies that they are employment agencies. Any person or organization providing such a service to the public, shall advise any prospective client, prior to entering into contract for or collecting a fee for the services provided, that it is not an employment agency and that it only provides employment information and does not provide referral or placement services. No person or organization providing such a service to the public shall advertise or engage in any other activity which would misrepresent to prospective clients the nature of the service provided. Any violation of this section shall be considered a violation of the consumer protection act, KRS Chapter 367, and violators shall be subject to penalties provided therein.

(2) No persons or organizations who provide employment information for a fee but do not make job referrals or placements shall be allowed to operate in this state without a permit from the cabinet which also issues permits for employment agencies.

(3) The cabinet for human resources is hereby authorized to promulgate rules and regulations necessary to the proper administration of the provisions of this Act."

Floor Title Amendment No. 2 to SB 88, by Representative Guenthner:

Amend printed copy of GA Copy of SB 88:

On page 1, by changing the TITLE to read, "AN ACT relating to employment and related matters."

Floor Amendment No. 6 to SB 88, by Representative Brinkley:

Amend printed copy of GA Copy of SB 88:

On page 9, after line 24,

By inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

(1) Every pharmacy shall post a sign in a location easily seen by patrons at the counter where prescriptions are dispensed stating that: "This pharmacy is required to dispense the lowest priced generic drug in stock which is therapeutically equivalent to the one prescribed for you by your doctor unless you or your doctor do not approve. Ask your pharmacist." The printing on the sign shall be in letters not less than one (1) inch in height.

(2) This Act shall be cited as the Bob Hughes Act of 1986.

SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources may not prohibit reimbursement for any non-steroidal anti-inflammatory drug which is approved by the federal food and drug administration, and all such drugs shall be included in any formulary which the cabinet may adopt, except that the cabinet may restrict reimbursement for any such non-steroidal anti-inflammatory drug under the federal maximum allowable cost program.

SECTION 7. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources shall set forth a procedure for the addition and deletion of drug products to the Kentucky medical assistance program (KMAP) outpatient drug list, as follows:

(1) Whenever the cabinet for human resources receives an application to add a product to the KMAP outpatient drug list, the product shall be reviewed by the Kentucky medical assistance program advisory council and the formulary subcommittee.

(2) The advisory council and the formulary subcommittee shall meet in open sessions at least every three (3) months. The formulary subcommittee shall meet not more than fifteen (15) days prior to the advisory council meetings.

(3) Whenever the cabinet accepts a completed application to add a drug product to the KMAP outpatient drug list, it shall be scheduled for review at the next regularly scheduled formulary subcommittee meeting, unless the meeting is scheduled to occur within thirty (30) days, in which case the drug product may be scheduled for the following meeting. The formulary subcommittee must consider and make a recommendation on the drug product application at that meeting. Recommendations by the formulary subcommittee on the drug product application shall be reviewed by the advisory council at its next meeting and the advisory council recommendations on the application shall be transmitted to the secretary of the cabinet within ten (10) days of the advisory council meeting.

(4) Upon receipt of the recommendations from the KMAP advisory council, the secretary of the cabinet shall notify within fifteen (15) working days, all interested parties, including the pharmaceutical manufacturers, of all decisions by the secretary concerning the secretary's acceptance or rejection of the advisory council's recommendations. Within thirty (30) days from receipt of these recommendations, the cabinet shall make effective for reimbursement those products accepted by the secretary for additions to the outpatient drug list.

(5) Whenever the secretary rejects an application to add a drug product to the formulary, the secretary shall notify the applicant in writing indicating the reason and specifying the criteria and data utilized in reaching the decision. This notification shall be made within thirty (30) days.

(6) Following an adverse decision by the secretary of the KMAP advisory council or the formulary subcommittee, a manufacturer shall be afforded an opportunity to re-submit the denied product for reconsideration.

(7) Proposals to delete a drug product from the formulary shall be subject to review by the KMAP advisory council and the formulary subcommittee. The cabinet shall notify manufacturers of proposals to delete a drug product at least sixty (60) days prior to the next meeting of the formulary subcommittee and the advisory council. Interested parties shall have an opportunity to present oral and written comments to the advisory council and formulary subcommittee prior to any final action taken.

(8) Whenever the secretary deletes a drug product from the formulary, the secretary shall notify the applicant in writing indicating the reason and specifying the criteria and data utilized in reaching the decision.

(9) Following an adverse decision by the secretary or the KMAP advisory council or the formulary subcommittee, a manufacturer shall be afforded an opportunity to re-submit the deleted product for reconsideration.

(10) The dosage strengths and new forms of products currently included in the KMAP outpatient drug list shall be included in the outpatient drug list following U.S. FDA approval and request of the manufacturer unless otherwise designated by the secretary. Whenever the secretary does not add a new dosage strength or form to the outpatient drug list, the product shall be subject to the standard review process set out above."

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions. Agreed.

HR 194, by Representative Kerr: A RESOLUTION adjourning the House of Representatives in loving memory of Frank Le Fort.

HR 196, by Representatives Freibert, Turner, Siler, Jensen, Todd, Keith, Caldwell, Allen, Long, J. Harper, Noland, Lefevers, Ford and Napier: A RESOLUTION expressing the indignation of the House at the sales tax provisions of the Federal Food Security Act of 1985.

Representative P. Clark moved that the rules be suspended to act upon Legislative Citations. Agreed.

Representative P. Clark moved the adoption of the following Legislative Citations No. 78 and No. 79. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the University of Louisville Cardinal Basketball Team, your superb coach, Denny Crum for your winning season and for advancing to the NCAA Tournament in Dallas, Texas. Your excellent record of 30-7 reflects your hard work, competitive spirit and ambitious goals. We support you, your staff and team members as you will be representing the elite and pride of Kentucky in the quest for the coveted title as the NCAA Basketball Champions.

This prestigious body commends you for the accolades and laurels of distinction you have received and we extend our best wishes for success in the pursuit of your ultimate goal of winning the NCAA Championship. (Sponsored by Representative P. Clark)

The House of Representatives of the Commonwealth of Kentucky hereby recognizes May 11-17, 1986 as Law Enforcement Week and May 15, 1986 as Law Enforcement Officer Memorial Day throughout the Commonwealth of Kentucky. We commend the Law Enforcement and their distinguished record of commitment to the preservation of the Constitution and the laws of our Great State. The protection and defense of its citizens, their property and inalienable rights to life, liberty and the pursuit of happiness have been demonstrated most effectively in your unbiased opinions for all citizens. Your service to humanity encompassed intrepidity, integrity, and dedication. We owe each man and woman officer an everlasting debt of gratitude for their unswerving devotion even when faced with great personal danger. We cite and acknowledge those officers who have given their lives in the line of duty, as they have given the ultimate and supreme sacrifice—life itself.

This prestigious body wishes to express our highest esteem and regards to you for upholding and enforcing the laws as well as protecting and defending each citizen of this Great Commonwealth. (Sponsored by Representative P. Clark)

Representative Kerr moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Kerr moved the adoption of the following HR 194:

HR 194, A RESOLUTION adjourning the House of Representatives in loving memory of Frank Le Fort.

With heartfelt sorrow we pay tribute to the memory of our departed friend, Frank Le Fort.

WHEREAS, Frank Le Fort of Kenton County, Kentucky has slipped these earthly bounds and has crossed that final bourne from which no traveler returns; and

WHEREAS, a native of Nova Scotia, Canada, Frank Le Fort was a distinguished Kentuckian who adopted the United States of America as his home and unselfishly dedicated his life to helping the poor and those less fortunate than himself; and

WHEREAS, Frank Le Fort faithfully and diligently served his God and his community as a volunteer with the Catholic Social Service Bureau and the parish kitchen; and

WHERREAS, Frank Le Fort was a devoted member of the Holy Cross parish, the St. Vincent Depaul Society and the Holy Name Society, the Bishop Carrell Council, the Marydale Retreat League, the Knights of Columbus, the Optimist Club of Covington and the Northern Kentucky Chamber of Commerce; and

WHEREAS, Frank Le Fort will be deeply missed by his beloved wife and family, as well as by the members of the Holy Cross parish; and

WHEREAS, a loved and admired individual, Frank Le Fort's passing will be sorely grieved, and the entire Northern Kentucky community will mourn his passing;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House does hereby express its profound sense of bereavement and loss upon the death of Frank Le Fort and commends his family to the solace of the Almighty to soothe the pain of these dark moments.

Section 2. That the members of this honorable body honor the memory of an outstanding citizen and exemplary representative of the Commonwealth, Frank Le Fort.

Section 3. That when the House of Representatives does adjourn this day, Friday, March 28, 1986, it does so in memory and honor of Frank Le Fort.

Section 4. That the Clerk of the House is hereby directed to transmit a copy of this resolution to the family of Mr. Frank Le Fort.

HR 194 was adopted by voice vote.

Representative B. Richardson moved that the rules be suspended to act upon a Legislative Citation. Agreed.

Representative B. Richardson moved the adoption of the following Legislative Citation No. 67. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Barren River Rod and Gun Club, for your concern and interest for the conservation of fish, wildlife and natural resources. You are widely recognized and respected throughout Kentucky as a leader in safe hunting practices and environmental protection. It is most noteworthy that your club seeks to promote and protect wildlife through planting fruit and nut-bearing trees,and by providing nesting boxes and shelters for such wildlife as purple martins and swallows. Your club has gained National recognition, which is a great honor, as you were chosen to receive the 1985 National Wildlife Federation President's Award to Outstanding Member Clubs; and you have had four recipients of the Kentucky Sportsman of the Year awards which is exemplary of your determination and dedication to preserving our conservation or generations to come. This prestigious body applauds and salutes your laudable efforts and we are proud of you for the distinction you have bestowed on our Great State. (Sponsored by Representative B. Richardson)

Representative Farrow moved that the rules be suspended to allow him to withdraw as a co-sponsor of HB 126. Agreed.

Representative Stumbo moved that the rules be suspended to allow no further business other than Senate Messages, Conference Committee Reports, and Enrollment Committee Reports. Agreed.

Representative Stumbo moved that when the House adjourns it do so by voice vote. Agreed.

Representative Stumbo moved that when the House adjourns it do so until 10:00 a.m., Monday, March 31, 1986. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 110, SB 111, SB 153, SB 198, SB 224, SB 251, SB 244, SB 281, SB 310, and SB 360 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—4:40 p.m.)

Adjournment

Representative Stumbo moved that the House adjourn.

The House adjourned by voice vote.

MONDAY, MARCH 31, 1986

FIFTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend James Wagner, South Frankfort Presbyterian Church.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 28, 1986, be dispensed with and the same approved. Agreed.

A Free Conference Committee Report was filed on HB 262.

A Free Conference Committee Report was filed on HB 398.

A Conference Committee Report was filed on SB 95.

Senate Message

Announcing passage of HB 203, HB 234, HB 404, HB 476, HB 568, HB 613, HB 760, HB 742, HB 768, HB 806, HB 840, HB 842, HB 871, HB 881, HB 892, HB 924, HB 952, HB 984, HCR 74, HCR 121, HCR 132, HB 301 with Senate Amendments, HB 310 with Senate Amendments, HB 535 with Senate Amendment, HB 660 with Senate Amendment, HB 686 with Senate Amendment, HB 732 with Senate Amendments, HB 757 with Senate Amendment, HB 899 with Senate Amendments, HB 902 with Senate Committee Substitute and Senate Amendments, HB 978 with Senate Committee Substitute, HB 982 with Senate Amendment, and HCR 114 with Senate Amendment.

The following message received in regard to HB 124: The Senate has appointed Senators Stuart, May and Prather to serve on a Free Conference Committee on HB 124.

The following message received in regard to HJR 78: The Senate has appointed Senators Trevey, O'Daniel and Powers to serve on a Free Conference Committee on HJR 78.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

State Government: SB 279.

Orders of the Day

HB 716, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 716 is as follows:

HB 716, AN ACT relating to compensation for utility property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of any other law, rule, or regulation notwithstanding, if any city, county, public body corporate or politic or special district or subdistrict, other than an urban-county, furnishes, or proposes to furnish, sewage treatment utility services to customers of another sewage treatment utility by means of all or any part of the installations owned or paid for by such other sewage treatment utility, then such city, county, public body, district or subdistrict taking over or proposing to take over the customers, shall pay just

compensation for such installations prior to the time the customers are taken over. If an agreement for compensation is not reached, then just compensation for the installations shall be payable by said city, county, public body, district or subdistrict after condemnation as provided for in the eminent domain act of Kentucky.

(2) There is hereby granted to any city, county, public body corporate or politic or special district or subdistrict, the power of eminent domain with respect to sewage treatment plants, facilities and installations owned by sewage treatment utilities. Such power of eminent domain shall be exercisable in the manner prescribed by the eminent domain act of Kentucky.

(3) Any city, county, public body corporate or politic or special district or subdistrict shall be entitled to surcharge customers so as to recover the amount of compensation paid for installations acquired under this section by agreement or condemnation.

Representative Meyer moved that the House concur in the Senate Committee Substitute to HB 716. Agreed.

Representative Meyer moved that HB 716, by way of Senate Committee Substitute, be passed.

On the roll call the vote was: Yeas 69, Nays 11. (See March 31, 1986, roll call on HB 716—Appendix A.)

HB 716, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Meyer moved that the vote by which HB 716, by way of Senate Committee Substitute, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 34, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 2 to HB 34 is as follows:

On page 9, after line 11, by adding the following:

Section 7. KRS 243.050 is amended to read as follows:

(1) The department may issue a railroad system license to a railroad company upon the payment of a fee of one thousand dollars ($1,000). This license tax shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of alcoholic beverages.

(2) The department may issue a commercial airlines system license to a commercial airlines system or charter flight system upon the payment of a fee of $1,000. This license fee shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of alcoholic beverages and the license may be renewed annually for a fee of $1,000. The license shall authorize the licensee to sell distilled spirits and wine by the drink and by minature bottle, and malt beverages, upon regularly scheduled or charter flights of the licensee, into and out of the state of Kentucky. The license shall authorize the licensee to store alcoholic beverages for retail sale at a location or locations, if operating from more than one airport in Kentucky, as designated on the license application.

(3) The department may issue a transporter's license to a commercial airlines system, a charter flight system, or a commercial cargo system, upon the payment of $100. This license may be renewed annually for a fee of $100. The license shall authorize the licensee to transport distilled spirits and wine and malt beverages, into and out of the state of Kentucky, upon regularly scheduled or charter flights of the licensee. The license shall authorize, for the purpose of transportation, the storge of alcoholic beverages at a location or locations, if operating from more than one airport in Kentucky, as designated on the license application. This license shall authorize an airline to transport if both the consignor and consignee in each case are authorized by the laws of the states of their residence to sell, purchase, ship or receive the alcoholic beverages.

(4) Where it is determined by the department to be in the best interest of promoting tourism, conventions and the economic development of Kentucky or any part thereof, the department may issue a supplemental license for the retail sale of alcoholic beverages by the drink at convention centers, at horse racetracks licensed to conduct a race meeting under KRS Chapter 230, and at commercial airports through which more than five hundred thousand (500,000) passengers arrive or depart annually. Upon application by the holder of a retail alcoholic beverage license at a convention center, horse racetrack or commercial airport as provided above, the

department may establish the days when the supplemental license will be valid at the specific location, including Sundays after 1 p.m. The supplemental license fee shall be one thousand dollars ($1,000) per year and shall be in addition to all other licenses and fees due by the holder in connection with the retailing of alcoholic beverages. The department may by regulation or special conditions of the supplemental permit establish such restrictions on the use of the license as will insure that it will be primarily for the benefit of the convention center business, the horse racing industry, and passengers at large commercial airports. [~~Provided, however, that no provision of this subsection shall apply to any portion of a county containing an urban county government.~~]

Representative Thomas moved that the House refuse to concur in the Senate Amendment No. 2 to HB 34. Agreed.

Representative Brinkley moved that the Conference Committee Report on HB 124 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 124.

Representative Cyrus moved that the Conference Committee Report on HJR 78 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HJR 78.

Representative Mann moved that the Conference Committee Report on HB 37 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 37.

Representative Heleringer moved the adoption of the Majority Conference Committee Report recommending concurrence in House Floor Amendments No. 1 and No. 2 and House Floor Title Amendment to SB 86. Rejected.

Representative Heleringer requested that a Free Conference Committee be appointed on SB 86. Rejected.

Representative Clarke moved that the Conference Committee Report on SB 95 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on SB 95.

Recess

Representative Stumbo moved that the House recess until 11 a.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Free Conference Committee Report was filed on HB 124.

A Conference Committee Report was filed on HB 765.

A Free Conference Committee Report was filed on SB 95.

Report on Enrolled Bills

The Committee on Enrollment reported SB 42, SB 119, SB 227, SB 267, SB 269, SB 331, SB 339, SB 353, SCR 97, and SB 67 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—11:03 a.m.)

Report on Enrolled Bills

The Committee on Enrollment reported HB 53, HB 269, HB 518, HB 664, HB 680, HB 709, HB 764, HB 799, HB 886, HB 894, HJR 126, and HCR 147 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—11:06 a.m.)

HB 53, HB 269, HB 518, HB 664, HB 680, HB 709, HB 764, HB 799, HB 886, HB 894, HJR 126 and HCR 147 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

A Conference Committee Report was filed on SB 346.

A Conference Committee Report was filed on HB 677.

Recess

Representative Stumbo moved that the House recess until 1 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Conference Committee Report was filed on HB 323.

Senate Message

SB 327 returned with the following message: The Senate has refused to concur in the House Amendment to SB 327 and respectfully returns it with the request that this Honorable Body recede from the Amendment.

HB 627 returned with the following message: The Senate has receded from its Amendment No. 1 to HB 627 and is respectfully returning same to this Honorable Body for enrollment.

SB 47 returned with the following message: The Senate has concurred in House Floor Amendment No. 1 to SB 47 but refused to concur in House Floor Amendment No. 2 and respectfully returns it with the request that this Honorable Body recede from the Floor Amendment No. 2.

SB 343 returned with the following message: The Senate has refused to concur in the House Amendments to SB 343 and respectfully returns it with the request that this Honorable Body recede from the Amendments.

Message received on SB 95: The Senate has appointed Senators McCuiston, Prather and Moloney to serve on a Conference Committee on SB 95.

HB 202 returned with the following message: The Senate has refused to recede from its Amendment No. 2 to HB 202 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Miller, Berger and Ackerson to serve on a Conference Committee on HB 202.

HB 614 returned with the following message: The Senate has refused to recede from its Amendment No. 1 to HB 614 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Wright, Trevey and Allen to serve on a Conference Committee on HB 614.

Orders of the Day (continued)

Representative Burch moved the House adopt the Conference Committee Report on SB 346 recommending concurrence in House Committee Amendment No. 1 to SB 346. Agreed.

Representative Johnson moved that the Conference Committee Report on HB 323 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 323.

HB 301, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 301 are as follows:

Amend printed copy of HB 301 as follows:

On page 2, line 8, by deleting "*Class A misdemeanor*" and inserting "*violation.*"

On page 2, after line 8, insert the following:

"Section 3. KRS 436.420 is repealed."

Representative Blevins moved that the House refuse to concur in the Senate Amendment No. 1 to HB 301. Agreed.

Representative Blevins moved that the House refuse to concur in the Senate Amendment No. 2 to HB 301. Agreed.

A Free Conference Committee Report was filed on HB 323.

HB 310, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 310 are as follows:

Amend printed copy of HB 310 as follows:

On page 13, by inserting after line 23, the following:

"Section 8. KRS 13A.120 is amended to read as follows:

(1) An *administrative body may adopt administrative regulations to implement a statute only when the act of the general assembly creating or amending the statute specifically authorizes the adoption of such regulations or such regulations are required by federal law, in which case such regulations shall be no more stringent than the federal law or regulations, but an* administrative body shall not promulgate administrative regulations:

(a) When a statute prohibits the administrative body from promulgating administrative regulations;

(b) When the administrative body is not authorized by statute to promulgate administrative regulations;

(c) When a statute prohibits the administrative body from regulation of that particular matter;

(d) When the administrative body is not authorized by statute to regulate that particular matter;

(e) When a statute prescribes the same or similar procedure for the matter regulated;

(f) When a statute sets forth a comprehensive scheme of regulation of the particular matter;

(g) On any matter which is not clearly within the jurisdiction of the administrative body;

(h) On any matter which is beyond the statutory authorization of the administrative body to promulgate administrative regulations or which is not clearly authorized by statute; and

(i) Which modify or vitiate a statute or its intent.

(2) Any administrative regulation in violation of this section or the spirit thereof is null, void, and unenforceable.

(3) No administrative body, other than the court of justice shall issue rules.

(4) No administrative body shall issue standards or by any other name issue a document of any type where an administrative regulation is required or authorized by law.

SECTION 9. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

(1) All administrative regulations in effect on July 15, 1986, shall be effective only until the effective date for regular acts of the 1988 regular session of the general assembly, on which date they shall expire unless enacted into statute by the 1988 regular session of the general assembly.

(2) After the effective date of this Act, any administrative body may adopt administrative regulations in accordance with the provisions of KRS Chapter 13A; however, such regulations shall be in effect only until the effective date for regular acts of the next succeeding regular session of the general assembly on which date they shall expire, unless enacted into statute by the regular session of the general assembly following their adoption.

(3) Each administrative body which seeks to continue the effective date of any administrative regulation beyond the date on which it shall expire pursuant to the provision of this Act shall prepare legislation prosposing the enactment of such administrative regulations into statute by the next regular session of the general assembly. Such legislation may be introduced by any member of the general assembly, but shall be submitted to the interim committee of the legislative research commission of appropriate jurisdiction for its review and recommendation at least one hundred and eighty (180) days prior to the convening of the next regular session of the general assembly.

On page 1, by changing the TITLE to read "AN ACT relating to state agencies."

Representative Pearman moved that the House concur in the Senate Amendment No. 1 to HB 310. Agreed.

Representative Pearman moved that the House concur in the Senate Amendment No. 2 to HB 310. Agreed.

Representative Pearman moved that HB 310, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 82, Nays 8. (See March 31, 1986, roll call on HB 310—Appendix A.)

HB 310, as amended by the Senate, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 310, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 535, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 535 is as follows:

Amend printed copy of HB 535 as follows:

On page 6, below line 22, to add the following:

"SECTION 7. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet for human resources shall operate a pilot program for the treatment of juvenile sexual offenders, hereinafter referred to as the "program"

(2) The general purpose of the program is to provide early intervention and treatment for the juvenile sexual offender in an effort to impact the progression to adult criminal activity. Recognizing the significance of these offenses, the program will deter reoffenses through mandatory follow-up and serve to protect potential victims in the community.

SECTION 8. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) A "juvenile sexual offender" as used in this chapter is an individual under the age of eighteen (18) years who has committed an offense under KRS Chapter 510 or other offenses when, within the discretion of the juvenile court judge as based on case history, the judge deems the child in need of such treatment.

(2) A juvenile sexual offender becomes an "eligible sexual offender" when the juvenile court determines that the offender:

(a) Is at least five (5) years older than the victim; or

(b) Uses physical force or threat of force, express or implied; or

(c) Has a case history that provides documentation of a long-term pattern of sexually inappropriate behavior.

SECTION 9. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) Upon final adjudication by the juvenile court, the juvenile court judge or other authority designated by the juvenile court judge will initiate a referral to the program for evaluation and treatment as indicated.

(2) The program shall develop a written treatment agreement detailing the responsibilities of the juvenile sexual offender, family, and program to include but not be limited to: attendance, participation in education, participation in planning and completion of treatment goals, curfew, visits of appropriate staff to the home, participation in parenting groups and family counseling, continuing required contacts with the program, schools, and courts, ensuring legal rights, and discharge criteria.

(3) The written treatment agreement shall be presented to the court and the court shall include the agreement as part of its order except for good cause shown.

(4) The treatment shall be for a period of not less than two (2) years.

(5) The program shall be responsible for forwarding written reports every sixty (60) days to the juvenile court judge concerning the participation of the juvenile sexual offender and family in the treatment program. The written report shall include information about the treatment received by such offender and family, an assessment of the offender's current condition, and recommendations by the staff.

(6) The case may be called for review upon the recommendation of the staff by the juvenile court judge at any time during the course of treatment. The review may be called to consider documentation of noncompliance, absenteeism, or unwillingness to acknowledge responsibility for sexually inappropriate behavior.

(7) A discharge review shall be requested by the program sixty (60) days prior the recommended release date. The juvenile court judge shall schedule a hearing to formally consider the recommendation of release from the program.

SECTION 10. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources shall have the sole authority and responsibility for establishing the design of the specialized program created in this Act, but shall consult with the administrative office of the courts and the corrections cabinet.

SECTION 11. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources may enter into agreements with public or private agencies in order to implement and operate the program created by this Act.

SECTION 12. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The cabinet for human resources shall maintain complete and comprehensive data on each offender participating in the program along with an annual statistical report outlining program operation.

SECTION 13. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

A juvenile sex offender treatment board shall be created as an advisory body to the cabinet for human resources and its council on social services solely for the purpose of monitoring program operation and facilitating linkages with appropriate resources.

SECTION 14. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The board shall be composed of the following members:

(1) Members appointed by the governor for a term of four (4) years:

(a) Two (2) employes of the cabinet for human resources who deal with the problems of children or domestic violence;

(b) Two (2) employes of the corrections cabinet, one (1) of whom shall be a specialist dealing with sex offenders;

(c) A commonwealth's attorney;

(d) A county attorney;

(e) A district judge;

(f) A local police officer dealing with juvenile offenders or sex offenders;

(g) The juvenile justice supervisor of the justice cabinet; and

(h) Three (3) citizens at large.

(2) Members who serve as voting members on an ex officio basis:

(a) The commissioner of state police or his designee; and

(b) The attorney general or his designee.

SECTION 15. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The board shall carry out its duties and responsibilities under this Act until June 30, 1992, at which time the council for social services established by KRS 194.090 shall assume the duties and responsibilities of the board.

SECTION 16. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

The board shall do all of the following:

(1) Meet not less than four (4) times annually at the call of the secretary of the cabinet for human resources, who shall act as the chairperson;

(2) Issue an annual report which shall be transmitted to the legislative research commission and appropriate interim committees of the general assembly and to the governor. The annual report shall include the following:

(a) A review of the operation of the program, including statistical data concerning participation in the program;

(b) Recommendations for the coordination and exchange of information on the establishment and maintenance of the program;

(c) Proposals for statewide educational and public informational training seminars on the issue of treatment of the juvenile sex offender;

(d) Establishment of a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the program; and

(e) Recommendations to the governor and the general assembly for changes in state programs, statutes, policies, budgets, and standards which will reduce the problem of juvenile sexual offenders, improve communication and coordination among state agencies and improve the opportunity for juvenile sexual offenders and their families to receive treatment.

(3) Serve as board members without compensation, but be reimbursed for expenses.

SECTION 17. A NEW SECTION OF KRS CHAPTER 208 IS CREATED TO READ AS FOLLOWS:

(1) The cabinet for human resources shall maintain on file, for a period of fifteen (15) years following their participation in the program, the names and identities of the individuals who participated. Such names and identities shall not be disclosed except for the purposes allowed in his section.

(2) On a biannual basis, beginning in the 1988-90 biennium, the cabinet shall request from the administrative office of the courts and the corrections cabinet information concerning whether any of the individuals who participated in the program have been arrested, tried, convicted or incarcerated for any offense under KRS Chapter 510 or any other criminal offense.

(3) On or before January 1, 1990, and for each two (2) years thereafter, the cabinet for human resources shall compile the information obtained and present it to the general assembly and the governor as part of the juvenile sex offender treatment board's annual report. Such report shall not contain the names of any of the individuals who participated in the program, but shall contain such identifying information as shall be helpful in evaluation of the program and in determination of whether participants have engaged in criminal behavior as adults."

Representative Cowan moved that the House concur in the Senate Amendment No. 1 to HB 535. Agreed.

Representative Cowan moved that HB 535, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 73, Nays 12. (See March 31, 1986, roll call on HB 535—Appendix A.)

HB 535, as amended by the Senate, was passed and the title agreed to.

Representative Cowan moved that the vote by which HB 535, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 660, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 660 is as follows:

Amend printed copy of HB 660 as follows:

On page 4, after line 22, by adding the following:

"Section 2. This Act shall become effective July 1, 1987."

Representative Smith moved that the House concur in the Senate Amendment No. 1 to HB 660. Agreed.

Representative Smith moved that HB 660, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 83, Nays 3. (See March 31, 1986, roll call on HB 660—Appendix A.)

HB 660, as amended by the Senate, was passed and the title agreed to.

Representative Smith moved that the vote by which HB 660, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 686, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 1 and No. 2 to HB 686 are as follows:

Amend printed copy of HB 686 as follows:

on page 2, after line 26, to insert the following:

Section 3. KRS 186.560 is amended to read as follows:

(1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his conviction of any of the following offenses:

(a) Manslaughter resulting from the operation of a motor vehicle;

(b) Driving a vehicle which is not a motor vehicle while under the influence of alcohol or any other substance which may impair one's driving ability;

(c) Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways;

(d) Any felony in the commission of which a motor vehicle is used;

(e) Conviction or forfeiture of bail upon three (3) charges of reckless driving within the preceding twelve (12) months;

(f) Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident;

(g) Conviction of theft of a motor vehicle or any of its parts, including the conviction of any person under the age of eighteen (18) years; and

(h) Failure to have in full force and effect the security required by subtitle 39 of KRS Chapter 304.

(2) If the person convicted of any offense named in subsection (1) is not the holder of a license, the cabinet shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the cabinet shall forthwith cancel it.

(3) The cabinet upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation or withdrawal for an additional like period.

(4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six (6) months, except that, if the same person has had one (1) previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial or withdrawal shall be one (1) year; if the person has had more than one (1) previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial or withdrawal shall be for not less than two (2) years. Provided, however, the cabinet, upon receipt of the written recommendation of the court in which any person has been convicted of violating KRS 189.520(1), who has had no previous conviction of said offense, that said person's operator's license shall not be revoked, restricts said person's operator's license according to such terms and conditions as the secretary in his discretion may require, provided said person has enrolled in such driver's education program as the cabinet shall require. In the event said person fails to satisfactorily complete said driver's education program or violates the restrictions on his operator's license, the cabinet shall forthwith revoke said operator's license for a period of six (6) months.

(5) Persons convicted of a first offense violation of KRS 189A.010 may elect to attend the driver's education program established by this section, or (at the option of the defendant) a licensed comprehensive care center education program, and no other. Attendance at the school shall not permit the retention of the operator's license. Successful completion of the school shall reduce the period of operator's license suspension from six (6)

months to thirty (30) days as specified in KRS 189A.070(1)(a). *The cabinet shall permit driver's education programs approved by the cabinet to offer a nine (9) hour driver's education program which may be completed in one (1) day and which shall satisfy the provisions of this section.*

(6) License suspensions and revocations under KRS 189A.060, 189A.070, and 189A.080 shall be in addition to any other license revocation authorized by law or regulation. The powers of the transportation cabinet to revoke a license or lengthen the period of revocation shall not be affected by KRS Chapter 189A.

(7) In order to secure the reinstatement of a license to operate a motor vehicle or motorcycle restored following a period of suspension or revocation pursuant to KRS 189A.060, 189A.070, and 189A.080 the person whose license is suspended or revoked shall comply with the fees and other procedures of the transportation cabinet with regard to the reinstatement of suspended or revoked licenses.

(8) Any person or legal entity that seeks to offer, conduct or operate a driver's education program as provided in this section shall submit sufficient documentation to the cabinet in writing that such program is needed in the geographical area that is proposed to be served. The cabinet shall promulgate administrative regulations which specify what constitutes need for such programs in a given geographical area. The cabinet shall determine whether such need is shown to exist and shall establish by regulation an appeals procedure. The provisions of this subsection shall not apply to any driver's education program operating with the approval of the cabinet prior to the effective date of this Act.

On page 1, to delete the title and insert in lieu thereof: AN ACT relating to traffic safety.

Representative Pearman moved that the House concur in the Senate Amendment No. 1 to HB 686. Agreed.

Representative Pearman moved that the House concur in the Senate Amendment No. 2 to HB 686. Agreed.

Representative Pearman moved that HB 686, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 69, Nays 18. (See March 31, 1986, roll call on HB 686—Appendix A.)

HB 686, as amended by the Senate, was passed and the title agreed to.

Representative Pearman moved that the vote by which HB 686, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 899, with Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendments No. 2 and No. 3 to HB 899 are as follows:

Amend printed copy of HB 899 as follows:

By amending the title to read as follows:

"AN ACT relating to public utilities."

On page 5, after line 8 by inserting the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section "countywide local exchange telephone service" or "countywide service" means that no toll or distance charges are made for telephone calls which both originate and terminate within the geographical area of a county. A local exchange may embrace an area larger than a single county.

(2) If countywide service is not presently provided within a county, and if at least ten (10) telephone subscribers within the county petition the public service commission for such service, then the commission shall initiate a poll of all subscribers within the county, and shall inform such subscribers of estimated additional costs, if any, to initiate such service. If a majority of telephone subscribers within the county express a preference for countywide service, then the public service commission shall by order require provision of countywide local exchange telephone service within the county."

Representative Smith moved that the House concur in the Senate Amendment No. 3 to HB 899. Agreed.

Representative Smith moved that the House concur in the Senate Amendment No. 2 to HB 899. Agreed.

Representative Smith moved that HB 899, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 80, Nays 7. (See March 31, 1986, roll call on HB 899—Appendix A.)

HB 899, as amended by the Senate, was passed and the title agreed to.

Representative Smith moved that the vote by which HB 899, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 203, HB 234, HB 404, HB 476, HB 568, HB 716, HB 613, HB 742, HB 760, HB 768, HB 806, HB 840, HB 842, HB 871, HB 881, HB 892, HB 924, HB 952, HB 984, HCR 74, HCR 121 and HCR 132 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—1:20 p.m.)

HB 203, HB 234, HB 404, HB 476, HB 568, HB 716, HB 613, HB 742, HB 760, HB 768, HB 806, HB 840, HB 842, HB 871, HB 881, HB 892, HB 924, HB 952, HB 984, HCR 74, HCR 121 and HCR 132 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (Continued)

Representative Meyer moved that the Conference Committee Report on HB 765 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee, with the addition of Representative Holbrook, to the Free Conference Committee on HB 765.

HB 902, with Senate Committee Substitute and Senate Amendments attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 902 is as follows:

HB 902, AN ACT relating to mortgage loan companies and mortgage loan brokers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 294.010 is amended to read as follows:

Unless the context otherwise requires:

(1) "Affiliate" means any person who directly or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) *"Department" means the department of financial institutions.*

(3) "Commissioner" means the commissioner of financial institutions.

(4)[~~(3)~~] "Mortgage loan" means any loan secured by a mortgage on *residential* real property *or any loan secured by collateral which has a mortgage lien interest in residential real property.*

(5) "Residential real property" means any single family residence or multiple dwelling structure containing four (4) or less single dwelling units for four (4) or less family units, living independently of each other, or any single family condominium unit.

(6) [~~(4)~~] "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries is evidenced by a security, an unincorporated organization, a government, [~~or~~] a political subdivision of a government, *or any other group however organized.*

(7)[~~(5)~~] "Mortgage loan company" means any person who directly or indirectly:

(a) [~~Holds himself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien or mortgage on real property;~~

~~(b) Holds himself out for hire to serve as an agent for any person who has money to loan, which loan is or will be secured by a lien or mortgage on real property;~~

~~(c)~~] Holds himself out as being able to make, purchase[~~, place, sell or exchange~~] loans secured by [~~liens or~~] mortgages on *residential* real property;

(b)[~~(d)~~] Holds himself out as being able to service loans secured by [~~liens or~~] mortgages on *residential* real property; *and*

(c) Holds himself out as being able to buy or sell notes secured by mortgages on residential real property.

(8) "Mortgage loan broker" means any person who for compensation or gain, or in the expectation of compensation or gain, directly or indirectly:

(a) Holds himself out as being able to serve as an agent for any person in an attempt to obtain a loan which will be secured by a mortgage on residential real property; and

(b) Holds himself out as being able to serve as an agent for any person who has money to loan, which loan is or will be secured by a mortgage on residential real property.

[~~(e) Holds himself out to be a loan broker.~~

~~(6) "Loan broker" means any person who engages in the business of purchasing wages or salaries or who acts as a go-between, finder or agent of a lender or borrower of money for the purpose of procuring a loan of money, or who engages in the business of guaranteeing or endorsing notes and other evidences of indebtedness.~~]

Section 2. KRS 294.020 is amended to read as follows:

(1) The following shall be exempt from this chapter:

(a) Any person doing business under the laws of this state *or any other state* or the United States relating to banks, bank holding companies, [~~mutual savings banks,~~] trust companies, *credit unions,* savings and loan associations, service corporation subsidiaries of savings and loan associations, [~~common and~~] consumer finance companies, industrial loan companies, insurance companies or real estate investment trusts as defined in 26 U.S.C. Section 856 and the affiliates of such [~~banks or bank holding~~] companies;

(b) An attorney at law *licensed to practice law in Kentucky who is not principally engaged in the business of negotiating mortgage loans when such person renders* [~~rendering~~] services in the *course* [~~performance~~] of his *practice* [~~duties~~] as an attorney at law;

(c) Any person doing any act under order of any court;

(d) *Any natural person making a mortgage loan with his own funds for his own investment without intent to resell such mortgage loan* [~~Any one natural person, or husband or wife, who provides funds for investment in loans secured by a lien on real property, on his own account, who does not charge a fee or cause a fee to be paid for any service other than the normal and scheduled rates for escrow, title insurance and recording services, and who does not collect funds to be used for the payment of any taxes or insurance premiums on the property securing any such loans~~];

(e) Any person doing business under the laws of this state or the United States relating to any broker-dealer, agent or investment adviser duly registered with the Kentucky division of securities;

(f) The United States of America, the Commonwealth of Kentucky or any other state, and any Kentucky city, county or other political subdivision, and any agency, division or corporate instrumentality of any of the foregoing;

(g) *The federal national mortgage association (FNMA), the federal home loan mortgage corporation (FHLMC), and the government national mortgage association (GNMA);*

(h) Any person licensed in this state as a real estate broker or real estate sales associate, not actively engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as a real estate broker or real estate associate [~~A real estate agent rendering services in the performance of his duties as a real estate agent~~].

(2) [~~The following shall be exempt from the registration, net capital and bond requirements of KRS 294.030 to KRS 294.060, 294.080 and 294.090:~~

~~(a) A Kentucky licensed real estate broker, associate broker, or salesman rendering services in the performance of his duties as real estate broker who obtains financing for a real estate transaction, if the real estate broker does not act as a loan broker in more than five (5) transactions during any twelve (12) month period; and if he does not receive a fee for his activities as a loan broker until the proceeds of the loan are actually disbursed; and if he files with the commissioner within thirty (30) days of each transaction a disclosure statement describing the transaction, which statement shall contain such information as the commissioner by rule or order may require. A Kentucky licensed real estate broker rendering services in the performance of his duties as a real estate broker who acts as a loan broker and who is not exempt under this paragraph must register under this chapter but is exempt from the bond and net capital requirements herein;~~

~~(b) Any mortgage loan company which is subject to licensing, supervision or auditing by the federal national mortgage association, or the U. S. veterans administration, or the government national mortgage association or the U. S. department of housing and urban development as an approved seller or servicer; provided however, such mortgage loan company shall submit an annual audited financial statement of its books and records accompanied by an opinion of a certified public accountant to the commissioner. Said audit shall be filed with the commissioner within one hundred twenty (120) days of the close of its fiscal year.~~

~~(3)~~] Any person relying upon an exemption under *subsection* [~~subsections~~] (1) [~~or (2)~~] of this section shall file with the commissioner a claim of exemption. The commissioner shall thereafter determine the availability of the claimed exemption and he may not disallow an exemption that is validly claimed.

Section 3. KRS 294.030 is amended to read as follows:

(1) It is unlawful for any person to transact business in this state, either directly or indirectly, as a mortgage loan company or *mortgage* loan broker *if he is not licensed under this chapter, unless such person is exempt under KRS 294.020* [~~without first filing an application with the commissioner and obtaining a registration~~].

(2) Neither the fact that a *license* [~~registration certificate~~] has been issued nor the fact that any person, business or company is effectively registered, constitutes a finding by the commissioner that any document filed under this chapter is true, complete, and not misleading. Nor does such fact directly or indirectly imply approval of the registrant by the commissioner or the Commonwealth of Kentucky. It is unlawful to make or cause to be made to any prospective customer or client any representation inconsistent with this subsection.

SECTION 4. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) A license as a mortgage loan company or a mortgage loan broker may be obtained by filing a written application with the commissioner.

(2) The application shall:

(a) Be verified;

(b) State the name of the applicant and each of the applicant's affiliates engaged in business as a mortgage loan company or a mortgage loan broker;

(c) State the name under which the applicant will conduct business in Kentucky;

(d) State the location of the applicant's principal office and branch offices in Kentucky;

(e) List the name, residence, and business address of each person having an interest in the business as principal, partner, officer, trustee and director, specifying the capacity and title of each;

(f) Indicate the general plan and character of the business;

(g) Contain a corporate surety bond or other instrument as prescribed by KRS 294.060;

(h) Contain a verified financial statement of the applicant prepared by a certified public accountant or by a public accountant registered in this state;

(i) Require payment of the appropriate registration fees; and

(j) Require such other information as the commissioner determines necessary.

(3) No mortgage loan broker's license may be granted to a person unless he is a bona fide resident of this state for a period of at least six (6) months immediately preceding the date of licensing.

(4) No mortgage loan broker's license may be granted unless the applicant has and maintains a principal place of business in this state for the transaction of business.

(5) If a licensee is a person other than a natural person, the license issued to it shall entitle all officers and employes of the person, if a corporation, and all members, partners, trustees, and employes, if an association, partnership, or trust, to engage in the mortgage loan business licensed pursuant to this chapter.

SECTION 5. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) An applicant for a license under this chapter must provide the commissioner with separate checks payable to the Kentucky state treasurer for:

(a) An investigation fee of one hundred and fifty dollars ($150) for the principal office and forty dollars ($40) for each branch office; and

(b) A license fee of three hundred dollars ($300) for the principal office and two hundred dollars ($200) for each branch if the applicant applies for a license on or between July 1 and December 31 or of one hundred fifty dollars ($150) for the principal office and one hundred dollars ($100) for each branch if the applicant applies for a license on or between January 1 and June 30.

(2) A license under this chapter expires June 30 next after the date of issuance if it is not renewed.

(3) A license may be renewed by filing an application for renewal and paying the annual fee for renewing a license which is three hundred dollars ($300) for the main office and two hundred dollars ($200) for each branch office.

(4) The application and payment must be received by the commissioner on or before July 15 following the June 30 expiration date. If the application and payment are not received by July 15, the license is cancelled. The commissioner may reinstate the license if the licensee pays the filing fee and a reinstatement fee of one hundred dollars ($100).

(5) The department shall provide a licensee with a duplicate copy of any license upon a satisfactory showing of its loss and payment of a ten dollar ($10) replacement fee.

SECTION 6. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) Each license issued under this chapter shall state the address or addresses at which business is to be conducted, the name of the licensee, and the date and place of its incorporation, if applicable.

(2) A licensee shall post a copy of such license in a conspicuous place in the office to which it pertains.

(3) A license may not be transferred or assigned without the prior written approval of the commissioner.

(4) No licensee shall transact the business provided for by this chapter under any other name or maintain an office at any location other than that designated in the license.

Section 7. KRS 294.060 is amended to read as follows:

(1) *Except as otherwise provided in this section, at the time of filing an application for registration as a mortgage loan company or mortgage loan broker, the applicant* [~~Each mortgage loan company~~] shall post corporate surety bonds in an amount that the commissioner determines by *administrative regulation* [~~rule~~] to be necessary and appropriate under the circumstances but not less than twenty-five thousand dollars ($25,000) *for mortgage loan companies and not less than five thousand dollars ($5,000) for mortgage loan brokers.* [~~Any appropriate deposit of cash or securities issued by the federal government, the Commonwealth of Kentucky, or any political subdivision thereof shall be accepted in lieu of any corporate surety bond required. Such deposits of cash or securities shall not be withdrawn until five (5) years after the last effective date of the registration.~~] Every bond shall provide for suit thereon by any person who has a cause of action under this chapter. In no event shall the total liability of the surety, to all persons, cumulative or otherwise exceed the amount specified in the bond. Every bond shall provide that no suit shall be maintained to enforce any liability on the bond unless brought within *three (3)* [~~five (5)~~] years after the act upon which it is based.

(2) *In lieu of posting corporate surety bonds, the applicant may:*

(a) Deposit with the commissioner an irrevocable letter of credit for an amount equal to the required bond upon which the applicant is the obligor, issued by a bank approved by the commissioner, whose deposits are insured by the federal deposit insurance corporation;

(b) Establish an account payable to the commissioner in a federally insured financial institution in this state and deposit money of the United States in an amount equal to the amount of the required bond; or

(c) Deposit with the commissioner a savings certificate of a federally insured financial institution in this state for an amount payable which is equal to the amount of the required bond and which is not available for withdrawal except by direct order of the commissioner. Interest earned on the certificate accrues to the applicant [~~The bond of the mortgage loan company shall be in substantially the form as the commissioner by rule prescribes~~].

(3) If the commissioner shall at any time reasonably determine that the bond or securities aforesaid are insecure, deficient in amount, or exhausted in whole or part, he may by written order require the filing of a new or supplemental bond or the deposit of new or additional securities in order to secure compliance with this chapter, such order to be complied with within thirty (30) days following service thereof upon the registrant.

[~~(4) Each mortgage loan company shall have net capital of not less than twenty-five thousand dollars ($25,000). Computation of "net capital" shall be defined by the commissioner by rule pursuant to KRS 294.140.~~]

Section 8. KRS 294.070 is amended to read as follows:

(1) The use of the words "certified" or "registered" or any form thereof separately or in any combination thereof with other words or syllables, is prohibited as part of the name of a mortgage loan company. No registration certificate of a proposed mortgage loan company having the same name as a corporation authorized to do business under the laws of this state or a name so nearly resembling it as to be calculated to deceive shall be issued by the commissioner.

(2) No person, unless lawfully authorized to do business in this state under the provisions of this chapter, and actually engaged in carrying on a mortgage loan or loan broker business, shall do business under any name or title which contains the terms "mortgage company," "mortgage loan company," "mortgage loan broker," "loan broker," "financial broker," or any combination employing the words "mortgage," "loan," or "broker," with one or more of the words "association," "institution," "society," "company," "corporation," or words of similar import, or use any name or represent in any manner which indicates or reasonably implies that his or its business is that of a mortgage loan company *or mortgage loan broker* as defined by KRS 294.010.

SECTION 9. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage company; or

(b) A transfer of at least ten percent (10%) of the outstanding voting stock of a mortgage company.

(2) The commissioner must approve a transfer of voting stock of a mortgage company which constitutes a change of control.

(3) The owner, president, chief executive officer or a partner shall apply to the commissioner for approval of a transfer of voting stock in his mortgage company which constitutes a change in control. The application must contain information which shows that the requirements of this chapter for obtaining a license will be satisfied after the change of control.

Section 10. KRS 294.080 is amended to read as follows:

Upon receipt of the application the commissioner shall first determine whether or not it complies with the provisions of *this chapter* [~~KRS 294.040~~] and, if he so finds, he shall then inquire into the advisability of approving the application by determining whether the applicant demonstrates such financial responsibility, financial condition, and business expertise, character and general fitness to reasonably warrant the belief that the applicant's business will be conducted honestly, fairly and efficiently and in such a way as to justify public confidence. The commissioner may investigate and consider the qualifications of officers and directors or principals of an applicant in determining whether this qualification has been met. If the commissioner finds that the applicant meets all the above requirements, he shall approve the application.

Section 11. KRS 294.090 is amended to read as follows:

The commissioner may deny, suspend, or revoke any *license* [~~registration~~] when the applicant or *licensee* [~~registrant~~]:

(1) Does not meet *or has failed to comply with* the *requirements* [~~net capital requirement~~] of this chapter;

(2) Is unfit through lack of financial responsibility or experience[~~, as the commissioner shall define by rule~~] to conduct the business of a mortgage loan company or *mortgage* loan broker, as the case may be;

(3) Does not conduct his business in accordance with law or the method of business includes or would include activities which are illegal where performed, or has willfully violated any provision of this chapter or any *regulation* [~~rule or order~~] hereunder;

(4) Collects interest at a usurious rate;

(5) Is in such financial condition that he cannot continue in business with safety to his customers;

(6) Has been guilty of fraud in connection with any transaction governed by this chapter, or is the subject of an administrative cease and desist order or similar order, or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the registrant; but the commissioner may not institute a proceeding under this subsection more than one (1) year from the date of the order or injunction relied on, and he may not enter an order under this subsection on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for an order under this section;

(7) Has made any misrepresentations or false statements to, or concealed any essential or material fact from, any person in the course of *acting as a* [~~the~~] mortgage loan company *or mortgage loan broker* [~~business~~], or has engaged in a course of business which has worked or tended to work a fraud upon any person or would so operate;

(8) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the applicant or *licensee* [~~registrant~~] possesses, and which if submitted by him would have rendered the applicant or *licensee* [~~registrant~~] ineligible to be registered under this chapter;

(9) Has failed to account to persons *interest* [~~interested~~] for all funds received for the escrow account required under KRS 294.130;

(10) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner under the provisions of this chapter;

(11) Has been convicted of any misdemeanor of which an essential element is fraud or any felony, or has pending against him any felony charge.

Section 12. KRS 294.100 is amended to read as follows:

(1) No mortgage loan company *or mortgage loan broker* may establish or maintain a branch office without prior written approval of the commissioner.

(2) Each application for approval of the establishment and maintenance of a branch office shall state the proposed location, the functions to be performed and *such other information which the commissioner may require* the information required by KRS 294.040 if different from that contained in the original application for registration.

(3) Each application under this section shall be verified and accompanied by a non-refundable fee of *two* [~~one~~] hundred [~~fifty~~] dollars *($200)* [~~($150)~~].

(4) Upon the receipt by the commissioner of such an application and the required fee, if he finds that the applicant is otherwise in compliance with the provisions of this chapter, he shall approve the application.

[~~(5) Mortgage loan companies exempt under KRS 294.020(2)(b) shall advise the commissioner of the opening or closing of any branch office within thirty (30) days thereafter.~~].

Section 13. KRS 294.110 is amended to read as follows:

(1) Mortgage loan companies are *prohibited from making loans and mortgage loan brokers are prohibited from brokering loans* [~~authorized to make loans~~] at rate or rates [~~not~~] in excess of *those* [~~that~~] provided by KRS 360.010 and 360.025 *or other applicable usury statutes.*

(2) Every loan shall be evidenced by a note for the amount of the loan. Every note evidencing a loan under this subsection shall contain the following information and provisions: The original principal amount of the loan excluding any charge for the loan; a statement of the total charge for the loan; the terms of repayment including the amount and date of installments and penalty or charge for late payment; the date of final maturity; and may contain all other terms of the loan contract. The borrower shall be given a copy of the note, at the time the loan is made and shall thereafter be given a receipt for each cash payment.

(3) Every real estate loan shall be secured by a mortgage or other instrument constituting a lien, upon the real estate securing the loan, according to any lawful or well recognized practice which is best suited to the transaction. Any such instrument, constituting a lien, is herein termed a "mortgage." All such mortgages shall be recorded in accordance with the law of this Commonwealth.

(4) Delinquency charges may be made for each installment more than ten (10) days in arrears, and only one (1) delinquency charge shall be made on any one (1) installment. No delinquency charge shall be made unless disclosed as required under subsection (2). In addition to such delinquency charges, attorneys' fees not exceeding fifteen percent (15%) of the unpaid balance shall be taxed as cost and court costs may be collected, provided that the note is referred to an attorney not a salaried employe of the holder for collection.

(5) Any charges to be assessed against the borrower, in the event a loan is paid prior to maturity shall be *prominently* [~~promptly~~] displayed and made part of the note and the loan closing statement regarding the method of computation of any rebate.

SECTION 14. A NEW SECTION OF KRS CHAPTER 294 IS CREATED TO READ AS FOLLOWS:

Before any person signs a contract for the services of a mortgage loan broker, or the time of the receipt of *any consideration by the mortgage loan broker, whichever occurs first, the broker must provide to the party with whom he contracts a written document, the cover sheet of which is entitled in at least 10-point bold face capital letters "DISCLOSURES REQUIRED BY KENTUCKY LAW." Under this title shall appear the statement in at least 10-point type that "The state of Kentucky has not reviewed and does not approve, recommend or endorse any loan brokerage contract. The information contained in this disclosure has not been verified by the state. If you have any questions, see an attorney before you sign a contract or agreement." Nothing except the title and required statement shall appear on the cover sheet. The disclosure document shall contain the following information:*

(1) The name of the broker and each of the broker's affiliates, whether the broker is doing business as an individual, partnership, or corporation, and all names under which the broker is doing business in Kentucky;

(2) The name, address, and title of each person having an interest in the business as principal partner, officer, trustee, director and manager;

(3) A statement as to the length of time the applicant and its principals have operated a mortgage loan brokerage as defined in KRS 294.010;

(4) A full and detailed description of the services the broker undertakes to perform for the prospective borrower; and

(5) A specific statement of the circumstances in which the broker will be entitled to obtain or retain consideration from the party with whom he contracts.

(6) Such other information as the commissioner requires by regulation.

Section 15. KRS 294.120 is amended to read as follows:

(1) Every mortgage loan company may require borrowers to pay all necessary and reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting, or renewing of loans. Without limiting the generality of the foregoing, such expenses may include appraisal, attorneys' fees, abstract, recording and registration fees, title examination, title insurance, mortgage insurance, credit report, survey, drawing of papers, origination fees, loan closing costs, and taxes or charges imposed upon or in connection with the making and reporting of any mortgage.

(2) Every mortgage loan company also may require the borrowers to pay the cost of all other necessary and incidental services rendered by the mortgage loan company or by others in connection with loans in reasonable amounts. Without limiting the generality of the foregoing, such costs may include the cost of services of inspectors, engineers, and architects.

(3) Such initial charges as described in subsections (1) and (2) may be collected by the mortgage loan company from the borrower and paid to any person rendering such services, or paid directly by the borrower.

(4) In lieu of such initial charges to cover such expenses and costs as described in subsections (1) and (2), a mortgage loan company may make a reasonable charge, part or all of which may be retained by the mortgage loan company which renders such service, or part or all of which may be paid to others who render such services.

(5) The fees and charges authorized by this section shall be in addition to interest authorized by law, and shall not be deemed to be a part of the interest collected or agreed to be paid on such loans within the meaning of any law of this Commonwealth which limits the rate of interest which may be exacted in any transaction.

(6) No person shall receive any fee or other compensation of any kind in connection with procuring any loan, except for services actually rendered as above provided, and in no event shall a mortgage loan company require the payment of a fee greater than one hundred dollars ($100) as a condition to submitting a loan application unless the commissioner shall otherwise prescribe by rule.

(7) Upon receipt of a loan application, the mortgage loan company shall provide the applicant with a written explanation of the nature of all fees, expenses and other costs allowable under subsections (1) and (2) which, whether certain or uncertain, may be incurred or required of the borrower in connection with the approval, making, closing and disbursement of the loan.

(8) The mortgage loan company shall furnish a loan settlement statement to each borrower *upon request* one (1) business day prior to the settlement date in a form consistent with the provisions of the real estate settlement procedures act of 1974 *and any amendments thereto* [~~as amended~~], and in all other regards the mortgage loan company shall make the necessary and appropriate disclosures consistent with the provisions of that act *and any amendments thereto.* A copy of the loan settlement statement and any other disclosure documents shall be retained in the records of the mortgage loan company.

(9) All "letters of commitment," or any other contracts or agreements between prospective borrowers and a mortgage loan company or a loan broker, where the borrowers employ services, for a fee or commission, to obtain a loan commitment or funding from a lending institution shall indicate the terms and conditions thereof, including *a full and detailed description of the services the broker or company undertakes to perform, a specific statement of the circumstances in which the broker or company will be entitled to obtain or retain consideration and* the period that such agreement shall remain in effect.

(10) Failure on the part of any party, with the exception of the borrower, to fulfill the terms of any loan commitment, letter of commitment, agreement or contract for the loan of money within the time and on such terms specified therein, or the failure to make a bona fide effort to secure a loan after receiving a fee for such service, shall constitute default by the mortgage loan company and any other person so in default; and any person damaged by such default may sue at law or equity for damages, reasonable attorneys' fees and interest at *the legal rate of interest under KRS 360.010* [~~eight (8) percent~~]. Every cause of action for damages under this subsection survives the death of any person who might have been a plaintiff or defendant. No person may sue under this subsection more than five (5) years after any act constituting default.

(11) The failure to disclose a dual agency capacity or effecting transactions upon terms and conditions other than those stated in the letter of commitment, loan commitment or any other contract for the loan of money, or entering into an agreement which establishes unfair terms and conditions or compensation, as the commissioner shall define by rule; or any contract of loan in the making or collection of which any act shall have been done which constitutes a willful violation of any provision of this section or of KRS 294.110 shall be void, and the mortgage loan company or the lender, if not the mortgage loan company, shall have no right to collect, receive or retain any interest or charges whatsoever on such loan, but the unpaid principal of the loan shall be paid in full.

Section 16. KRS 294.140 is amended to read as follows:

The commissioner shall exercise general supervision and control over mortgage loan companies and *mortgage* loan brokers doing business in the Commonwealth of Kentucky. In addition to the other duties imposed upon him by law, the powers and duties of the commissioner are:

(1) To prescribe such rules, regulations and forms and to promulgate such orders as are deemed to be necessary and appropriate to accomplish the basic purposes of and the provisions contained within this chapter. The commissioner may from time to time make, amend, and rescind such rules, forms and orders, including rules and forms governing applications, registration, reports, and loan disclosure statements and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify loans, persons, and matters within his jurisdiction, and prescribe different requirements for different classes. No rule, form, or order may be made, amended, or rescinded unless the commissioner finds that the action is necessary or appropriate in the public interest and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the commissioner may cooperate with other state and federal agencies with a view to achieving maximum uniformity in the form and content of applications, reports and loan disclosure statements whenever practical;

(2) To conduct such investigations as may be necessary to determine whether any person has engaged in or is about to engage in any act, practice or course of conduct constituting a violation of any provision of this chapter;

(3) To conduct such examinations, investigations and hearings, in addition to those specifically provided for by law, as may be necessary and proper for the efficient administration of *this chapter* [~~the mortgage loan company laws of this state~~].

Section 17. KRS 294.160 is amended to read as follows:

Every mortgage loan company *and mortgage loan broker* shall make and keep such accounts, correspondence, memoranda, papers, books, data and other records as the *commissioner* [~~director by rule~~] prescribes. All records so required shall be preserved for *three (3)* [~~five (5)~~] years *from the date of collection of the last installment payment due under each agreement* unless the commissioner by rule prescribes otherwise for particular types of records. Every mortgage loan company *and mortgage loan broker* shall file such financial reports as the commissioner by *regulation* [~~rule~~] prescribes. If the information contained in any document filed with the commissioner is or becomes inaccurate or incomplete in any material respect, the registrant shall promptly file a correcting amendment.

Section 18. KRS 294.170 is amended to read as follows:

(1) Every mortgage loan company *and mortgage loan broker* shall keep at its principal office correct and complete books of accounts and minutes of proceedings of its directors, principals, or partners. Complete records of all business transactions at the principal office shall be maintained at the principal office. Each branch office shall keep detailed records of all transactions at such branch office and shall furnish full control records to the principal office.

(2) No mortgage loan company *or mortgage loan broker* by any system of accounting or any device of bookkeeping shall, either directly or indirectly, enter any of its assets upon its books in the name of any person, partnership, association, or corporation, or under any title, designation or value that is not thoroughly descriptive of any assets.

(3) The affairs of every mortgage loan company *and mortgage loan broker* and the records required to be maintained by KRS 294.160 are subject at any time or from time to time to such periodic, special, or other examinations by the commissioner or an examiner of the commissioner within or without this state and with or without notice to the mortgage loan company *and mortgage loan broker,* as the commissioner deems necessary or appropriate in the public interest. All books, papers, and records of assets of the mortgage loan company shall be subject to his inspection.

(4) The examiner shall make a thorough examination into the condition, workings and affairs of the association and report any violation of law or any unauthorized unsafe practices or any failure to keep and have correct any required books and records as he may find to the commissioner.

(5) A mortgage loan company *or mortgage loan broker* shall pay a fee for each such examination *based on fair compensation for time and actual expense* [~~not to exceed one hundred dollars ($100) per day, or fraction thereof, that any and all examiners are absent from the office of the commissioner for the purpose of making such examinations, and in addition thereto shall pay the actual travel, lodging and meal expenses of such authorized examiner or examiners.~~] For the purpose of avoiding unnecessary duplication of examinations, the commissioner, insofar as he deems it practicable in administering this section, may cooperate with any agency of the state or federal government, other states, or the federal national mortgage association and may accept such examinations in whole or in part in lieu of an examination by the commissioner.

(6) The commissioner or his examiners or designated representative shall have access to all books and papers of a mortgage loan company *and mortgage loan broker* which relate to *their* [~~its~~] business, and books and papers kept by any officers, agents, or employes, relating to or upon which any record of its business is kept.

Section 19. KRS 294.220 is amended to read as follows:

(1) It is unlawful for any person to make or cause to be made, in any document filed with the commissioner or in any proceeding under this chapter, any statement which is, at the time and in light of the circumstances under which it is made, false or misleading in any material respect.

(2) It is unlawful for any mortgage loan company *or mortgage loan broker,* in connection with the operation of a mortgage loan business or the management or servicing of mortgage contracts, directly of indirectly:

(a) To employ a device, scheme or artifice to defraud;

(b) To engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

(3) It is unlawful for any person to transact any mortgage business in this state unless it:

(a) Qualifies to do business in Kentucky as required by KRS Chapter 271A; and

(b) Complies with the provisions of this chapter unless exempted by KRS 294.020.

Section 20. KRS 294.240 is amended to read as follows:

KRS 294.010 to 294.230 shall be known and may be cited as the "mortgage loan company and *mortgage* loan broker act."

Section 21. KRS 100.277 is amended to read as follows:

All subdivision of land shall receive commission approval;

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.

(2) No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but *unless the subdivision plat subsequently receives final approval of the planning commission* all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

(3) Any street or other public ground which has been dedicated shall not be accepted by the legislative body until it has received recommendations from the planning commission.

Section 22. KRS 100.292 is amended to read as follows:

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations. *Except in counties containing cities of the first class, plats filed pursuant to this section may be filed by the last transferee in the chain of title including holders of deeds which may otherwise be void under KRS 100.277(2).*

Section 23. The following KRS sections are repealed:

294.040 Contents of verified application for registration.

294.050 Fee for registration or renewal—Statement of condition to be filed annually with commissioner.

The Senate Amendments No. 1, 2 and 3 to the Senate Committee Substitute to HB 902 are as follows:

SA No. 1—Amend printed copy of HB 902 by way of Committee Substitute as follows:

By changing the title to read "AN ACT relating to real property."

SA No. 2—On page 31, line 25, by deleting ", but"; and

On page 31, line 26, after "*commission,*" by inserting ", but"; and

On page 32, line 26, by deleting "*Except in*"; and

On page 33, line 1, by deleting "*counties containing cities of the first class,*"; and

On page 33, line 1, by deleting "*plats*" and inserting "*Plats*" in lieu thereof.

SA No. 3—On page 3, line 25 by inserting before ";" "*, or mortgage loan companies regulated by the department of housing and urban development.*"

Representative Holbrook moved that the House concur in the Senate Committee Substitute to HB 902. Agreed.

Representative Holbrook moved that the House concur in the Senate Amendment No. 1 to the Senate Committee Substitute to HB 902. Agreed.

Representative B. Richardson moved that the House refuse to concur in the Senate Amendment No. 2 to the Senate Committee Substitute to HB 902. Agreed.

Representative B. Richardson moved that the House refuse to concur in the Senate Amendment No. 3 to the Senate Committee Substitute to HB 902. Agreed.

HB 982, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 2 to HB 982 is as follows:

Amend printed copy of HB 982 as follows:

On page 5, line 5,

By adding the following new sections:

"SECTION 2. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of this chapter to the contrary, a licensed acute care hospital may, upon meeting appropriate standards as determined by the cabinet, whether or not a capital expenditure is required for the implementation and without certificate of need approval, obtain a dual license for twenty-five (25) licensed acute care beds or ten percent (10%) of the hospital's total licensed acute care bed capacity, whichever is greater, but not to exceed forty percent (40%) of the hospital's total licensed acute care bed capacity, to provide skilled nursing or intermediate care in such beds. No person shall be admitted to an acute care bed for the purpose of receiving intermediate care or skilled nursing care unless there is not a bed available in any intermediate care facility or skilled nursing facility within the county of residence of the patient or of the hospital or the patient has been refused admission to such intermediate care facility or skilled nursing facility. Dual licensure of acute care beds does not constitute either a substantial change in bed capacity or a substantial change in a health service.

SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) To prevent inappropriate placement and to contain costs related thereto, the secretary for human resources shall implement a statewide prescreening and admissions review system, including the imposition of a resource means test, for all long-term care facilities and beds, as defined under KRS Chapter 216, and any acute care hospital based skilled nursing or intermediate care beds participating under title XIX of the social security act, regardless of the payment status of the resident upon admission. Any person having resources sufficient to cover the cost of care for at least three hundred sixty-five (365) days following admission may be admitted to a long-term care bed or facility if such person so desires: Provided, however, that if a person:

(a) Is admitted to a long-term care facility or acute care hospital based skilled nursing or intermediate care bed without participating in the prescreening and admissions review system; or

(b) Participates in the prescreening and admissions review system and is not authorized for placement in a long-term care facility or acute care hospital based skilled nursing or intermediate care bed;

such person is not eligible for medical assistance payment for skilled nursing or intermediate care for one (1) year after the date of the person's admission to a skilled nursing or intermediate care facility or acute care hospital based skilled nursing or intermediate care bed unless the person subsequently participates in the prescreening and admissions review system and is authorized for admission to an intermediate care or skilled nursing facility or acute care hospital based skilled nursing or intermediate care bed.

(2) To implement the provisions of this section the cabinet shall establish preadmission screening teams composed of a nurse, social worker and physician.

(3) Before pre-authorization of any person for admission to an intermediate care facility or skilled care facility or acute care hospital based skilled nursing or intermediate care bed, the cabinet shall first make the following determinations:

(a) The health status and care needs of the person requires immediate institutionalization in an intermediate care facility or skilled nursing facility or acute care hospital based skilled nursing or intermediate care bed;

(b) The person and his family have been fully advised of

alternatives to institutional care and possible sources of reimbursement for such care;

(c) Alternatives to institutional care are not feasible; and

(d) Other such determinations as specified by administrative regulations promulgated by the cabinet under KRS Chapter 13A.

(4) Admission of a person to an intermediate care facility, or a skilled nursing facility without first obtaining prior authorization from the cabinet for human resources shall constitute a Class B violation.

(5) The secretary for the cabinet shall promulgate such administrative regulations, subject to KRS Chapter 13A, as necessary to implement this section."

Representative Turner moved that the House concur in the Senate Amendment No. 2 to HB 982. Agreed.

Representative Turner moved that HB 982, as amended by the Senate, be passed.

Representative Rose moved that HB 982 be laid on the table.

On the roll call the vote was Yeas: 10-M. Brown, Bruce, L. Clark, Cyrus, Dawahare, K. Harper, Rattliff, Reinhardt, Rose, White. Nays 65-Barrows, Bendl, Blandford, Blevins, Brinkley, Burch, Caldwell, Clapp, Clarke, Cline, Cowan, Crupper, Curd, Deskins Donnermeyer, Ellington, Farrow, Ford, Freibert, Gregory, Guenthner, Handy, Heleringer, Hines, Holbrook, Holloway, R. Jones, T. Jones, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, McBee, McElroy, McNutt, Meyer, Moberly, Napier, Nett, Noe, Noland, O'Brien, Pearman, Pritchett, Rapier, Richards, B. Richardson, Riner, Scorsone, Seum, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, Williams, Yates.

The motion that HB 982 be laid on the table was rejected.

On the roll call the vote was: Yeas 53, Nays 44. (See March 31, 1986, roll call on HB 982—Appendix A.)

HB 982, as amended by the Senate, was passed and the title agreed to.

Representative Turner moved that the vote by which HB 982, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 978, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Committee Substitute to HB 978 is as follows:

HB 978, AN ACT relating to coal haul roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

(1) The "extended weight coal haul road system" shall consist of public highways over which quantities of coal in excess of 50,000 tons were transported by motor vehicles during the period from January 1, 1985, through December 31, 1985 and shall be updated annually thereafter.

(2) The secretary of the transportation cabinet shall by official order on or before November 1, of each year, certify such public highways or portions thereof, as fulfill the criteria in subsection (1) of this section as the extended weight coal haul road system.

(3) The total tons of coal transported by motor vehicles over any public highway shall be determined from the official coal road system transportation report required pursuant to KRS 177.977.

(4) Any vehicle when registered with a declared gross weight of 80,000 pounds and when transporting coal over public highways which are part of the extended weight coal haul road system or portions thereof, may be operated at the weights as set forth below in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state or county maintained systems by entering into a cooperative agreement as provided in KRS 177.979 or by paying the corresponding decal fee as set forth below:

(a) A single unit truck having one (1) steering axle and two (2) axles in tandem shall be limited to a maximum gross weight of ninety thousand (90,000) pounds with a tolerance of five percent (5%), and pay a decal fee of one hundred sixty dollars ($160) annually;

(b) A single unit truck having one (1) steering axle and three (3) axles in tridem arrangement shall be limited to a maximum gross weight of one hundred thousand (100,000) pounds with a tolerance of five percent (5%), and pay a decal fee of two hundred sixty dollars ($260) annually;

(c) Tractor-semitrailer combinations with five (5) or more axles shall be limited to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a tolerance of five percent (5%), and pay a decal fee of three hundred sixty dollars ($360) annually;

(d) Any motor carrier involved in the transportation of coal which meets gross axle weights of twenty thousand (20,000) pounds per axle and twelve thousand (12,000) pounds for the steering axle may register in excess of eighty thousand (80,000) pounds by payment of eight hundred and forty dollars ($840) plus an additional decal fee of ten dollars ($10) per thousand (1,000) pounds of registered weight above eighty thousand (80,000) pounds;

(e) For purposes of this Act, and for purposes of the extended weight coal haul system, the dimensional requirements of motor vehicles shall conform to all appropriate federal laws and regulations;

(f) The payment of the decal fee shall be in addition to any state registration fee, user fee or other decal fee, including the registration fee as specified in KRS 186.050(3);

(g) Motor vehicles used in the transportation of coal under cooperative agreements pursuant to KRS 177.979 shall be exempt from the payment of the decal fee as set forth in this section and the registration fee as set forth in KRS 186.050(3) as long as the truck is driven over cooperative roads only while full. The transportation cabinet shall issue identifying license plates for those motor vehicles under cooperative agreements;

(h) All fees under this section shall be scheduled for payment and prorated pursuant to the provisions of KRS 186.051; and

(i) All revenues generated pursuant to this section shall be credited to a special account within the road fund called the "energy recovery road fund."

(5) Sixty percent (60%) of all energy recovery road funds shall be used by the department of highways for construction, maintenance, and repair of the state-maintained portion of the extended weight coal haul road system.

(6) Forty percent (40%) of all energy recovery road funds shall be distributed to the fiscal court of those counties in which coal is transported for the sole purpose of construction, maintenance and repair of the county-maintained portion of the extended weight coal haul system. The distribution of funds to the counties shall be proportioned based on the miles of county roads on the extended weight coal haul system in each county compared to the total mileage of county roads in the total extended weight coal haul road system and the tons of coal transported over county roads on the extended weight coal haul system in each county compared to the total tons of coal transported over county roads in the total extended weight coal haul road system.

(7) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes and the secretary of transportation shall not act in any manner which shall jeopardize federal highway funds or funds to be received by the Commonwealth. In no event shall this section be construed to authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222. Likewise, nothing in this section shall be construed to prohibit the department of highways from providing for the public safety and convenience of the traveling public on the highway.

(8) As soon as practical after the report is prepared and published pursuant to KRS 177.977 for any calendar year after 1985, the secretary shall add to or delete from the extended weight coal haul road system public highways or portions thereof based upon the criteria set out in this section. However, deletion of a public road or portion thereof from the extended weight coal haul road system shall not affect the eligibility of such roads for highway funds or programs applicable to the extended weight coal haul road system.

(9) A fiscal court or a governing body of a city of the first through fourth class or urban county government may by resolution, make recommendation to the secretary of the transportation cabinet that certain roads or road segments in the county or corporate city limits pose inherent and definite hazards or special conditions that the secretary shall take into consideration before adding to or deleting from the extended weight coal haul system.

(10) The secretary of the transportation cabinet is authorized to promulgate administrative regulations pursuant to KRS Chapter 13A as may be necessary to administer the provisions of this Act.

Section 2. KRS 177.978 is amended to read as follows:

(1) All revenues generated pursuant to KRS *177.990(4) and (5) and Section 1(4) of this Act and no other taxes or fees normally assessed on motor carriers* [~~177.979, 177.980, and 186.990(7) and (10)~~] shall be credited to a special account within the road fund called the "*energy* [~~coal~~] recovery road fund" and any additional funds obtained through state appropriation, gifts, grants and federal funds may be credited to the special account, and shall be used, in addition to those road funds normally used for said highways, exclusively by the transportation cabinet for those costs attendant to highway purposes for roads *designated as part of the extended weight coal haul road system* [~~covered by any cooperative agreements under KRS 177.976~~]. All funds in the account shall be carried forward at the end of each year.

(2) All funds credited to the "coal recovery road fund" shall be transferred to the "energy recovery road fund."

Section 3. KRS 177.979 is amended to read as follows:

(1) *Upon application* the department of *highways shall* [~~vehicle regulation is authorized to~~] enter into cooperative agreements with any person engaged in the mining, processing, transporting or sale of coal providing for the transportation of coal in vehicles exceeding the maximum weight limits on the state maintained system. Such cooperative agreements shall provide for an equitable apportionment of the incremental costs for design, maintenance, construction or reconstruction of those roads and bridges, except those roads and bridges which are part of the federal interstate highway system, resulting from the transportation of coal by trucks transporting coal in excess of the maximum weight limits on the state maintained system and covered by the cooperative agreement. Nothing contained herein shall effect the continuing validity of any existing agreement.

(2) [~~Any area of dispute arising under a cooperative road agreement, excluding the weight bearing capacity of a bridge, which cannot be resolved between the parties shall be submitted to an arbitration panel, which shall consist of one (1) arbitrator appointed by the commissioner of the department of highways, one (1) arbitrator~~

~~appointed by the aggrieved party or parties, with the third arbitrator being appointed by the commissioner of the department of vehicle regulation, from a list of persons agreed to jointly by the commissioner of the department of highways and the parties to the cooperative agreement. In the event the two (2) parties to the dispute cannot agree upon a joint list, the third arbitrator shall be chosen by the commissioner of the department of vehicle regulation. The administrative costs incurred by the transportation cabinet in the arbitration procedures as provided herein shall be paid out of those revenues deposited pursuant to KRS 177.978.~~

~~(3) In any dispute arising under a cooperative road agreement concerning the weight bearing capacity of a bridge, the aggrieved party or parties shall submit to the state highway engineer a certified opinion rendered by a qualified registered engineer duly licensed in the Commonwealth, setting forth his independent analysis of the weight bearing capacity of the bridge. Relying in fact upon said certified independent analysis, the state highway engineer may adjust the determination of weight bearing capacity of a bridge.~~

~~(4)~~] Notwithstanding KRS Chapter 143 the total tax contributions from any person entering into a cooperative agreement, as specified in this section, shall not exceed, in the aggregate, the sum of five thousand dollars ($5,000) per mile per year on those roads covered by the cooperative agreement, *but shall equal a minimum of one thousand two hundred dollars ($1200) per motor vehicle hauling coal over those cooperative road segments over three (3) miles in length,* but such contribution shall not exceed ten (10) cents per ton of coal hauled on cooperative roads per year from an individual coal operator unless otherwise agreed *to by the operator.* The transportation cabinet may allow any person, under the cooperative agreement, to provide for the design, approved maintenance, construction or reconstruction provided for in subsection (1) of this section in accordance with guidelines or standards prescribed by the cabinet. In the event any person exceeds his annual total tax contribution as authorized under a cooperative agreement, such person may petition the commissioner of vehicle regulation for a carry over for future years liability. *All funds collected pursuant to this section shall be expended on those roads covered by the cooperative agreement.*

(3)[~~(5)~~] Notwithstanding any provision of KRS 177.976 to 177.981 or 186.057, the Commonwealth shall not be relieved of expending its normal routine maintenance on all roads covered by the cooperative agreements.

Section 4. KRS 177.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 177.220 to 177.310 shall be guilty of a misdemeanor and upon arrest and conviction therefor, shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100) or by imprisonment in the city or county jail for not less than five (5) days nor more than ninety (90) days, or by both such fine and imprisonment.

(2) Any person who wilfully violates any of the provisions of KRS 177.830 to 177.890 shall, in addition to any other penalty herein provided, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(3) In addition to any other penalty provided by KRS 177.905 to 177.950, any person violating any order or provision of KRS 177.905 to 177.950 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000). Each day of violation of the provisions of KRS 177.905 to 177.950 shall constitute a separate offense.

(4) *Any person who violates the weight provisions of Section 1 of this Act shall, upon conviction, be fined in an amount equal to three (3) cents per pound when the excess is three thousand (3,000) pounds or less, five (5) cents per pound when the excess exceeds three thousand (3,000) pounds but is less than four thousand (4,000) pounds, seven (7) cents per pound when the excess exceeds four thousand (4,000) pounds but is less than five thousand (5,000) pounds, and nine (9) cents per pound when the excess exceeds five thousand (5,000) pounds. In no case shall the fine be less than sixty dollars ($60) nor more than five hundred dollars ($500)* [~~Any person who transports coal in violation of any provision of KRS 177.976 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense~~].

(5) *Any person who transports coal in violation of the weight provisions of KRS 189.221 and 189.222 and does not have a current decal or is not transporting coal under a valid cooperative agreement within Section 1(4)(f) of this Act, shall, in addition to any applicable penalty prescribed by law, be fined five hundred dollars ($500) and be required to purchase the decal described in Section 1(4) of this Act* [~~Any operator or processor which permits coal to be transported in violation of KRS 177.980 shall be fined not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000)~~].

Section 5. KRS 189.230 is amended to read as follows:

(1) The department, in respect to state and federal highways, and county judges/executive in respect to county highways, may prescribe, by notice as provided in subsection (2) of this section, load and speed limits lower than the limits prescribed in KRS 189.221 and subsection (3) of KRS 189.390, respectively, whenever in its judgment any highway may, by reason of its design, deterioration, rain or other natural causes, be damaged or destroyed by motor trucks or semitrailer trucks, if their gross weight or speed exceeds certain limits. The department or county judges/executive may, by like notice, regulate or prohibit the operation of motor trucks or semitrailer trucks on state highways or county roads for limited periods of specified days, or parts of days, if their load and speed exceed those limits, whenever, in its or their judgment, such regulations or prohibition is necessary, by reason of traffic density or intensive use by the traveling public, to provide for the public safety and convenience on the highway.

(2) *The department, in respect to bridges on the extended weight coal haul system defined in Section 1 of this Act, may prescribe, by notice, as provided in subsection (3) of this section, gross weight limits lower than the limits prescribed in Section 1 of this Act, when in its judgment any bridge on the extended weight coal haul road system may, by reason of its design or deterioration, be damaged or destroyed to the point of catastrophic failure by motor vehicles, if their gross weight exceeds certain limits. For the purposes of this Act, all bridges shall conform with Section 1(4)(a) through (d) of this Act.*

(3) The notice or the substance of it shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of the highway to which the notice applies. After such a notice has been posted, no person shall operate any motor truck or semitrailer truck contrary to its provisions.

Section 6. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045(5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than twenty dollars ($20.00) nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than twelve dollars ($12.00) nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the cabinet.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

(7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class A misdemeanor.

(8) Any person who makes a false affidavit to secure a license plate under KRS 186.172 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for a period of six (6) months.

[~~(9) Any person who transports coal in violation of any provision of KRS 186.057 shall be fined not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500) for each offense.~~]

SECTION 7. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

Any motor vehicle transporting coal in violation of the weight limits provided for by KRS 189.221 and 189.222 for which the extended weight users' tax has not been paid as evidenced by an affixed extended weight users' decal or which is not being operated in accordance with the provisions of a cooperative agreement shall be deemed in violation of Section 1 of this Act. The secretary of the transportation cabinet may impound said vehicle until such time as the extended weight users' tax and all costs incurred in the impoundment and storage of the vehicle have been paid.

Section 8. The following KRS sections are repealed:

177.976 Coal transporter—Use of roads to limit of vehicle registration license—Restrictions to promote public safety and convenience—Regulations.

177.980 Coal recovery road fund—Assessment.

186.057 Additional fee for trucks used to haul coal.

186.0571 Surtax exemption—Weight distance tax exemption.

Section 9. The effective date of this Act shall be April 1, 1987.

Representative Little moved that the House refuse to concur in the Senate Committee Substitute to HB 978. Agreed.

HCR 114, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HCR 114, is as follows:

Amend printed copy of HCR 114 as follows:

page 2, line 8, by deleting all material in Section 2 and renumbering the following sections.

and on page 2, line 1, by deleting the word "Commission" and inserting "Subcommittee" in lieu thereof

and on page 3, line 9, by deleting the word "commission" and inserting "subcommittee" in lieu thereof

Representative T. Jones moved that the House concur in the Senate Amendment No. 1 to HCR 114. Agreed.

Representative T. Jones moved that HCR 114, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See March 31, 1986, roll call on HCR 114—Appendix A.)

HCR 114, as amended by the Senate, was passed and the title agreed to.

Representative T. Jones moved that the vote by which HCR 114, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 757, with Senate Amendment attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

The Senate Amendment No. 1 to HB 757 is as follows:

Amend printed copy of HB 757 as follows:

on page 15, on lines 17 through 21, by removing all the brackets and strikethroughs except as follows:

on lines 17 and 18 place brackets around and strikethrough the words "[~~crushing, screening or~~]; and

Representative Deskins moved that the House concur in the Senate Amendment No. 1 to HB 757. Agreed.

Representative Deskins moved that HB 757, as amended by the Senate, be passed.

On the roll call the vote was: Yeas 86, Nays 1. (See March 31, 1986, roll call on HB 757—Appendix A.)

HB 757, as amended by the Senate, was passed and the title agreed to.

Representative Deskins moved that the vote by which HB 757, as amended by the Senate, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Burch moved that the vote by which the House failed to concur in the Conference Committee Report on SB 86 be reconsidered.

On the roll call the vote was YEAS: 43—Allen, Barrows, Bendl, Bennett, Blevins, Brinkley, M. Brown, Burch, L. Clark, Cowan, Cyrus, Dawahare, Donnermeyer, Gray, Guenthner, Handy, Heleringer, Hines, Jensen, T. Jones, Lefevers, Lile, Mack, Meyer, Moberly, Pearman, Preston, Priddy, Reinhardt, B. Richardson, Rose, Scorsone, Seum, Siler, Stewart, Stone, Strong, Stumbo, Todd, Turner, Williams, Worthington, Yates. NAYS 37—Arnold, F. Brown, Caldwell, Clapp, P. Clark, Clarke, Cline, Crupper, Curd, Ellington, Farrow, Ford, Freibert, Gregory, Hancock, Head, Holloway, Johnson, R. Jones, Kerr, Layman, Lear, LeMaster, Long, Lyne, McElroy, McNutt, Nett, O'Brien, Overstreet, Pritchett, Rapier, Rattliff, Richards, P. Richardson, Riner, Smith.

The motion that the vote by which the House failed to concur in the Conference Committee Report on SB 86 be reconsidered was adopted.

Representative Burch moved that the following Majority Conference Committee Report on SB 86 be adopted:

The conference committee recommends the following:

To concur with SB 86 with FA #1, #2 and Title Amendment.

Signed: Jon Ackerson, David K. Karem, Carl Hines and Bob Heleringer.

On the roll call the vote was YEAS: 43—Allen, Barrows, Bendl, Bennett, Blevins, Brinkley, M. Brown, Burch, L. Clark, Cowan, Cyrus, Dawahare, Deskins, Donnermeyer, Guenthner, Handy, J. Harper, Heleringer, Hines, Jensen, T. Jones, Lefevers, Lile, Little, Mack, Meyer, Napier, Noland, Pearman, Preston, Priddy, Reinhardt, B. Richardson, Rose, Scorsone, Seum, Stewart, Stone, Strong, Stumbo, White, Worthington, Yates. Nays 42—Arnold, Burnette, Caldwell, P. Clark, Clarke, Cline, Crupper, Curd, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Hancock, Head, Holloway, Johnson, R. Jones, Keith, Kerr, Layman, Lear, LeMaster, Long, Lyne, Maggard, McBee, McElroy, McNutt, Moberly, Nett, O'Brien, Overstreet, Pritchett, Rattliff, Richards, P. Richardson, Riner, Smith, Turner.

The Majority Conference Committee Report on SB 86 was adopted.

Representative Heleringer moved that SB 86, as amended by the Conference Committee Report, be passed.

On the roll call the vote was: Yeas 42, Nays 46. (See March 31, 1986, roll call on SB 86—Appendix A.)

SB 86, as amended by the Conference Committee Report, was defeated.

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions, action on Resolutions and Legislative Citations. Agreed.

HR 198, by Representative LeMaster: A RESOLUTION honoring former country singer Welby Toomey.

Representative LeMaster moved the adoption of the following HR 198:

HR 198, A RESOLUTION honoring former country singer Welby Toomey.

WHEREAS, Professor Charles K. Wolfe's history of country music, *Good Country*, identifies 89-year-old Welby Toomey as the first commercial country singer in Kentucky; and

WHEREAS, Mr. Toomey's first recording was made in 1925, in Richmond, Indiana;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House designate Welby Toomey the first Kentucky commercial country singer.

Section 2. That a copy of this resolution be sent to Mr. Toomey in care of his son Harold Toomey, 394 Bassett Avenue, Lexington, Kentucky 40502.

HR 198 was adopted by voice vote.

Representative Hancock moved the adoption of the following Legislative Citations No. 80 through No. 85. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Frankfort High School Girls' Basketball Team Members: JACKIE BEACH, JULIE DUTTON, LESLIE LINDSEY, KIM NEWTON, CAROLINE NOONAN, BETH GARLAND, SARA PETIT, SHELLEY SULLIVAN, JENNIFER VEST, LO DOWELL, SERENA WINKFIELD, and KAREN CRABTREE, your excellent coach, Albert Wall, and assistant coach, Robin Dossett, for your fine 1985-86 season, record of 8-13.

Your hard work, school loyalty, and competitive spirit have bestowed great honor and pride on your school, community, and the Commonwealth of Kentucky.

This prestigious body applauds and salutes the Frankfort High "LADY PANTHERS." (Sponsored by Representative Hancock)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Frankfort High School Boys' Basketball Team Members: TIMMY WILLIAMS, ERIC PERRY, JEFF BOWEN, BRYAN PIPPIN, EDDIE ROBERTS, GREG GRIMES, DUY LE, PHILLIP COMBS, CHRIS COOK, RUSSELL COTTON, TONY RUDOLPH, and EDDIE TILLMAN, your excellent coach, RUSSELL WALL, and assistant coach TOMMY YOUNG, for your fine 1985-86 season, record of 9-13.

Your hard work, school loyalty and competitive spirit have bestowed great honor and pride on your school, community and the Commonwealth of Kentucky.

This prestigious body applauds and salutes the Frankfort High "PANTHERS." (Sponsored by Representative Hancock)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Franklin County High School Girls' Basketball Team members: CLAUDIA SMITH, SHANA DUVALL, JANICE BLACKBURN, LAURA SCHNEIDER, LYNN STONE, JULIE BANTA, ASHLEY SHERRARD, KAREN GRASCH, SARAH HILLYER, ANNIE HINES, JULIE JOHNSON, and BETH McGURK, your excellent coach, SALLY GAINES, and assistant coaches JEFF STAMPER and BECKY SMITH, for your outstanding 1985-86 season record of 20-8.

Your hard work, school loyalty, and a competitive spirit reflects your high level of performance and your ambitious goals. You are to be commended on winning the 41st District Tournament and advancing to the semi-finals of the 11th Region Tournament as you have bestowed great honor and pride on your school, community and the Commonwealth of Kentucky.

This prestigious body applauds and salutes the "LADY FLYERS" and we extend best wishes for continued success in your future endeavors. (Sponsored by Representative Hancock)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Franklin County High School Boys' Basketball Team members: KEITH LEE, MARK HURT, ANDY CHAMBERS, RUSSELL MEYER, KEVIN WILKINS, ERIC COFFMAN, DOUG WILKINS, SCOTTY CRAIG, JAMES PURVIS, WILLIAM MORTON, CHRIS GRASCH, STEPHEN PERKINS, ROBBIE MANLEY, and BRUCE MARSHALL, your excellent coach, GARY MOORE, and assistant coaches, BOB COMLEY, ROSS BARKER, and JERRY BOWMAN, for your winning 1985-86 season, record 13-12.

Your hard work, school loyalty and competitive spirit have bestowed great honor and pride on your school, community and the Commonwealth of Kentucky. (Sponsored by Representative Hancock)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Western Hills High School Boys' Basketball Team Members: KENT WININGER, RICHARD NICKEL, BOBBY RIFFE, ROBBY DAY, MICHAEL CROWDUS, ROGER WRIGHT, PAT SELTSAM, PHILLIP WARD, TOMMY BARNES, BRAD MEFFORT, GORDON HIPPE, TODD ROSE, MICHAEL SULLIVAN, LINCOLN WASHINGTON, KELLY HODGES, TODD BARBER, and TROY HICKMAN, your excellent coach, JOE ROGERS, assistant coaches, STEVE WEIR, GARRY HUBBARD and STEVE WOOLDRIDGE, for your winning 1985-86 season, record of 17-12.

Your hard work, school loyalty and competitive spirit have bestowed great honor and pride on your school, community and the Commonwealth of Kentucky.

This prestigious body applauds and salutes you as runner-up of the 41st District Tournament and advancing to the semi-finals of the 11th Region Tournament. (Sponsored by Representative Hancock)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Western Hills High School Girls' Basketball Team Members: SONJA RITCHIE, TINA WIGGLESWORTH, JACKIE HOLLAR, MICHELLE JUDY, BECKY SMITH, MARGARET McCHESNEY, AMY CLEMONS, BETH CLEMONS, MELISSA MITCHELL, WHITNEY WATERFIELD, and VALERIE YAGEL, your excellent coach, HOMER CALVERT, assistant coaches, JIMMY RUSSELL, MIKE JACOBS and Marvin Wiley, for your winning 1985-86 season, record of 15-13.

Your hard work, school loyalty and competitive spirit have bestowed great honor and pride on your school, community and the Commonwealth of Kentucky.

This prestigious body applauds and salutes you as runner-up of the 41st District Tournament and advancing to the semi-finals of the 11th Region Tournament. (Sponsored by Representative Hancock)

Representative Barrows moved the adoption of the following Legislative Citation No. 89. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes members of the Woodford County High School Boys' Basketball Team, as the winners of your District and the 11th Regional Tournament. These victories entitled you to advance to the "Sweet Sixteen" Tournament at Rupp Arena, March 19-22, 1986. Your excellent record of 23-6 reflects hard work, school loyalty, a competitive spirit and a positive team effort. It is most noteworthy that this is a "First" in the history of the school to advance to the "Sweet 16." You have bestowed great honor and pride on your school, community, and the Commonwealth of Kentucky and we are very proud of your profound achievements and accomplishments.

This prestigious body salutes and applauds you for your leadership and the State recognition you have brought to the "Yellow Jackets." (Sponsored by Representative Barrows)

Representative Johnson moved the adoption of the following Legislative Citations Nos. 65, 66 and 86. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes KRIS MILLER, Senior and point guard on the Owensboro Catholic "Lady Aces" Basketball team. You have bestowed great honor and pride on your parents, Fred and Lottie Miller as you have set records, received awards and state recognition such as: All time school leading scorer, named to the 1st Team All State, you are a candidate for "Miss Basketball" of Kentucky, and you have been nominated for Converse All American. It is most profound that you averaged 25 points a game and set a school record of most steals. We applaud you for your hard work, school loyalty and competitive spirit that has afforded you the privilege to advance to the Girls "Sweet 16" State Tournament, March 26-29, 1986, in Bowling Green, Kentucky.

This prestigious body salutes you; and we extend best wishes to you and your team in the "Sweet 16" Tournament. (Sponsored by Representative Johnson)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the OWENSBORO CATHOLIC "LADY ACES" BASKETBALL TEAM, winners of the 9th District and 3rd

Regional Tournaments. These victories afforded you the privilege to advance to the renown Girls' "Sweet 16" Tournament, March 26-29, 1986 in Bowling Green, Kentucky. Your outstanding season record of 29-1 reflects hard work, team effort and a competitive spirit. You have thrilled basketball fans and supporters with your athletic talents and abilities; as well as bestowing great honor and pride on your school, community and the Commonwealth of Kentucky.

This prestigious body applauds and salutes your excellent coach, MIKE REEVES and assistant coach, BEN THOMPSON for their leadership and coaching knowledge that has captured two championships and now seeks the ultimate, the Girls' Sweet 16" title. (Sponsored by Representative Johnson)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the OWENSBORO HIGH SCHOOL BOYS' BASKETBALL team, your excellent coach RANDY EMBRY, assistant coaches, ADRIAN HAYES, TOMMY TURNER, Athletic Director, JACK HICKS and Principal, BILL VAN WINKLE, as winners of the 9th District and 3rd Regional Tournaments. These victories afforded you the privilege to proceed to the prestigious "Sweet 16" Tournament where you advanced to the semi-finals. Your superb season record of 32-5 reflects your hard work, school loyalty and competitive spirit.

This prestigious body applauds and salutes you for the great honor and pride you have bestowed on your school, community and the Commonwealth of Kentucky. (Sponsored by Representative Johnson)

Representative Keith moved the adoption of the following Legislative Citations Nos. 87 and 88. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby congratulates BURNETTE and RUBY HAMPTON on your blissful Golden Wedding Anniversary, March 14, 1986. Love and affection have cemented many tender ties of a beautiful and happy relationship for you. Sharing life's joys and sorrows for fifty years is the ultimate in living the good life. May God's eternal goodness crown you with lasting love, health and happiness. Sincere gratitude and appreciation to you, from your children; Henrietta, Wallace, Kathy, Jimmy, and Mike, as exemplary parents through the years.

This prestigious body extends to you, your family and your lovely grandchildren our very best wishes. (Sponsored by Representative Keith)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes, SQUIRE BAKER, the County Clerk of Clay County, husband of Evelyn Paine Baker. You have proudly served in public office for thirty-six years with dignity and a high regard for your fellowman.

We honor you, a Veteran of World War II, and express our highest esteem to you for your courageous and heroic commitment to serving and fighting for your country. It is most noteworthy that you were willing to give the ultimate gift—-your life as you were a prisoner of war for eighteen months.

Your interest and involvement in your community is reflected in that you serve as: Trustee for the Oneida Baptist Institute, and as a Director of the 1st National Bank of Manchester. Your accomplishments and achievements are exemplary of your high standards of professionalism and ambitious goals. We salute you as you celebrated your 75th birthday, March 18, 1986, and we extend best wishes and lasting health as you enjoy your family and your lovely grandchildren. (Sponsored by Representative Keith)

Representative Reinhardt moved the adoption of the following Legislative Citations Nos. 90 and 91. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes SCOTT DRAUD, a member of the Highlands High School Basketball Team, for your superb contributions to your team as you won the 9th Regional Tournament. You are to be commended for the distinguished titles and awards you have received. You have been named All State 1st Team (AP), All Regional 1984, 1985, 1986, all time leading scorer in the 9th Region, as you scored close to 3,000 points. These achievements and accomplishments afforded you the honor of touring Europe with the Kentucky All Stars. You and your team were the profound winners of your District and the 9th Region entitling you to advance to the "Sweet Sixteen" Tournament in Rupp Arena, March 19-22, 1986.

This prestigious body applauds and salutes you for your leadership and for the pride you have bestowed on your school, community and the Commonwealth of Kentucky. (Sponsored by Representative Reinhardt)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the

HIGHLANDS HIGH SCHOOL BOYS' BASKETBALL TEAM, your coach, KENNEY SHIELDS and your assistant coaches BILL PETTY and JOHN MESSMER, for winning your District and the 9th Regional Basketball Tournaments. These victories afforded you the prestigious honor to advance to the "Sweet Sixteen" Tournament held in Rupp Arena March 19-22, 1986. Your winning record of 20-10 reflects hard work, school loyalty, a competitive spirit and a positive team effort. Your accomplishment and achievement is an expressed manifestation of your high level of performance. We commend team members: Mike Schuett, Todd Dierig, Bob Cowie, Marvin Cox, Deron Blasingame, Kevin Hergott, Trevor Barth, Scott Walze, Glen Hood, Mike Bouldin, Joe Weyer, and Scott Draud.

We applaud and salute you for the honor and pride you have bestowed on your school, community and the Commonwealth of Kentucky. (Sponsored by Representative Reinhardt)

HR 199, by Representatives Cowan, Hines, Priddy, O'Brien, L. Clark, Blevins, Handy, Guenthner, Bendl, Smith, Holloway, Yates, P. Clark, Nett, Lile, Bennett, Burch, Heleringer, Barrows, Stumbo and Riner: A RESOLUTION wishing the U of L basketball team success in the final game of the NCAA basketball tournament.

Representative Cowan moved that a call of the roll be taken for co-sponsors of HR 199. Agreed.

The following members requested that their names be added as co-sponsors of HR 199 YEAS 100—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays—0

Representative Cowan moved the adoption of the following HR 199:

HR 199, A RESOLUTION wishing the U of L basketball team success in the final game of the NCAA basketball tournament.

WHEREAS, the University of Louisville Cardinal basketball team, by defeating the LSU Tigers Saturday afternoon in the semifinal game of the NCAA tournament, is now just one game away from being national champion; and

WHEREAS, that final game will be played tonight in Dallas, Texas against the Blue Devils of Duke University for the 1986 NCAA National Championship; and

WHEREAS, regardless of the outcome of the final game, coach Denny Crum and the Cardinals are to be congratulated for their successful season this year, having compiled a record of 31 wins and seven losses and reaching the final four of the NCAA tournament; and

WHEREAS, this body has little doubt that the Cardinals will defeat Duke as they already have defeated LSU, Auburn, North Carolina, Bradley and Drexel, and will be the national champion;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body stands whole-heartedly behind the Cardinals and wishes them success in the final game tonight against Duke.

Section 2. That the Clerk of the House is directed to send a telegram to Coach Denny Crum and the Cardinal team conveying to them this body's hope and support in the game tonight. The Clerk is instructed to insure that such telegram is communicated to Coach Crum prior to the tip-off of the final game tonight.

HR 199 was adopted by voice vote.

HR 200, by Representative Johnson: A RESOLUTION commending Carol Saylor and Dara Carlisle.

Representative Johnson moved that a call of the roll be taken to show co-sponsors of HR 200. Agreed.

The following members requested that their names be added as co-sponsors of HR 200 YEAS 92—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, K. Harper, Head, Hines, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Napier, Nett, Noe, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays—0

Representative Johnson moved the adoption of the following HR 200:

HR 200, A RESOLUTION commending Carol Saylor and Dara Carlisle.

WHEREAS, each legislative day brings numerous individuals, ranging in age from the very young to teenagers, traveling to Frankfort to serve a legislator as a page; and

WHEREAS, the young pages are unfamiliar with the Capitol Building and the duties involved with serving as a page; and

WHEREAS, it is the responsibility of the House Page Supervisor to instruct the pages daily and govern their activities while in attendance to the legislature; and

WHEREAS, Carol Saylor has diligently served as the Supervisor of the House Pages during the 1986 legislative session of the General Assembly; and

WHEREAS, Dara Carlisle has ably served as Assistant Supervisor for the House Pages;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House commends Carol Saylor and Dara Carlisle for their exemplary service to the 1986 General Assembly as House Page Supervisor and Assistant Supervisor.

Section 2. That the members of this honorable body praise and hail Carol Saylor and Dara Carlisle to be outstanding citizens and good-will ambassadors of the Commonwealth.

Section 3. That the Clerk of the House is hereby directed to transmit a copy of this resolution to Carol Saylor and Dara Carlisle in care of the House Clerk's Office.

HR 200 was adopted by voice vote.

HR 201, by Representatives Smith and Richards: A RESOLUTION honoring Warren East High School Boys' Basketball Team upon the occasion of winning the Regional Tournament.

Representative Smith moved the adoption of the following HR 201:

HR 201, A RESOLUTION honoring Warren East High School Boys' Basketball Team upon the occasion of winning the Regional Tournament.

WHEREAS, the Warren East Raiders amassed an impressive record of 23 wins and 6 losses; and

WHEREAS, under the skilled leadership of Head Coach Tommy Compton, Warren East defeated Warren

Central by sinking 6 of 7 free throw attempts in the last 1:40 to capture the Fourth Regional championship at Western Kentucky University; and

WHEREAS, Warren East last went to the State Tournament in 1979, and this appearance will be Coach Compton's first as the Raiders' Head Coach.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives extends congratulations to Warren East High School, Coach Tommy Compton, and team members Brian Compton, Corey Dunn, Matt Harrell, Greg Johnson, Monte Jones, John Martin, Kevin Showen, Dwight Turner, Chad Wheeler, Eric Wheeler, Shannon Whitley, and Jeff Whitney.

Section 2. That the House proudly honors the players of the 1985-86 Warren East High School Basketball Team for their accomplishment in reaching the "Sweet Sixteen."

Section 3. That the Clerk of the House is directed to transmit a copy of this resolution to Warren East High School Coach Tommy Compton, and to every member of the Warren East High School Boys' Basketball Team.

HR 201 was adopted by voice vote.

Recess

Representative Stumbo moved that the House recess until 3 p.m.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Conference Committee Report was filed on HB 209.

Senate Message

SB 241 returned with the following message: The Senate has concurred in House Floor Amendment No. 3 to SB 241 but refused to concur in House Floor Amendment No. 1 and respectfully returns it with the request that this Honorable body recede from the House Floor Amendment No. 1.

SB 352 returned with the following message: The Senate has refused to concur in House Title and House Floor Amendment No. 1 to SB 352 and respectfully returns it with the request that this Honorable Body recede from the Amendments.

SB 283 returned with the following message: The Senate has refused to concur in House Committee Amendment No. 1 to SB 283 and respectfully returns it with the request that this Honorable Body recede from the Amendment.

HB 197 returned with the following message: The Senate has receded from its Amendment No. 3 to HB 197 and is respectfully returning same to this Honorable Body for enrollment.

HB 946 returned with the following message: The Senate has receded from its Amendment No. 1 to HB 946 and is respectfully returning same to this Honorable Body for enrollment.

HB 311 returned with the following message: The Senate has refused to recede from its Amendment No. 1 to HB 311 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators O'Daniel, Travis and Bailey to serve on a Conference Committee to HB 311.

HB 34 returned with the following letter: The Senate has refused to recede from its Amendment No. 2 to HB 34 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Yocom, Ford, Higdon and Trevey to serve on a Conference Committee on HB 34.

HB 462 returned with the following message: The Senate has refused to recede from its Amendments 1 and 2 to HB 462 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators McCuiston, Lackey and Rogers to serve on a Conference Committee on HB 462.

HB 607 returned with the following message: The Senate has refused to recede from its Amendment No. 2 to HB 607 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Quinlan, Moloney, Bailey and Miller to serve on a Conference Committee on HB 607.

HB 40 returned with the following message: The senate has refused to recede from its Amendment No. 1 to HB 40 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators O'Daniel, Middleton and Garrett to serve on a Conference Committee on HB 40.

HB 897 returned with the following message: The Senate has refused to recede from its Amendment No. 1 to HB 897 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Gibson, Peniston and Huff to serve on a Conference Committee on HB 897.

Orders of the Day (continued)

The Speaker appointed the following Conference Committees:

HB 462: Representatives Moberly, Chairman; Scorsone, Lile.

HB 607: Representatives O'Brien, Chairman; Mann, Holbrook.

HB 311: Representatives Brinkley, Chairman; Bruce, Jensen.

HB 897: Representatives Burnette, Chairman; Crupper, Napier.

HB 40: Representatives T. Jones, Chairman; Blevins, Noland.

HB 34: Representatives Thomas, Chairman; Rapier, Stewart.

Recess

Representative Stumbo moved that the House recess until 4 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day

A Conference Committee Report was filed on HB 202.

A Free Conference Committee Report was filed on HJR 78.

A Conference Committee Report was filed on HB 607.

A Conference Committee Report was filed on HB 311.

A Conference Committee Report was filed on HB 614.

A Conference Committee Report was filed on HB 34.

A Free Conference Committee Report was filed on HB 37.

Senate Message

Message received in regard to SB 95: The Senate has appointed Senators McCuiston, Prather and Moloney to serve on a Free Conference Committee on SB 95.

Message received in regard to HB 765: The Senate has appointed Senators LeMaster, Meyer and Rose to serve on a Free Conference Committee on HB 765.

Message in regard to HB 946: The Senate requests that HB 946 be returned to the Senate for a reconsideration of the vote by which it was passed.

Report on Enrolled Bills

The Committee on Enrollment reported HB 197, HB 627 and HB 946 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—4:13 p.m.)

HB 197, HB 627 and HB 946 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

Representative O'Brien moved that the Conference Committee Report on HB 607 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 607.

Representative Noe moved that the Conference Committee Report on HB 614 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 614.

The Speaker announced the following members would serve on Conference Committees.

HB 978: Representatives Little, Chairman; Bennett, Noland.

HB 902: Representatives Morris, Chairman; Arnold, Stewart.

HB 301: Representatives Blevins, Chairman; Yates, Layman.

Senate Message

SB 340 returned with the following message: The Senate has refused to concur in the House Committee Substitute to SB 340 and House Floor Amendment No. 1 and respectfully returns it with the request that this Honorable Body recede from the Committee Substitute and Amendment.

Orders of the Day (continued)

The Speaker appointed the following Conference Committees:

SB 340: Representatives Farrow, Chairman; Hancock, Barrows, Siler.

SB 343: Representative Blevins, Chairman; Scorsone, J. Harper.

Representative Clapp moved that the House refuse to recede from the House Committee Amendment No. 1 to SB 327. Agreed.

Representative Stumbo moved that the House refuse to recede from the House Committee Amendment No. 3 to SB 343. Agreed.

Representative Gedling moved that the House refuse to recede from the Amendments No. 1 and 2 to SB 352. Agreed.

Representative Little moved that the House refuse to recede from the House Amendment No. 1 to SB 283. Agreed.

Representative Holbrook moved that the House refuse to recede from the House Amendment No. 1 to SB 241. Agreed.

Recess

Representative Stumbo moved that the House recess for fifteen minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Free Conference Committee Report was filed on HB 614.

Senate Message

HB 301 returned with the following message: The Senate has refused to recede from its Amendments to HB 301 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Garrett, O'Daniel and Travis to serve on the Conference Committee on HB 301.

Message received on HB 607: The Senate has appointed Senators Quinlan, Moloney, Bailey and Miller to serve on a Free Conference Committee on HB 607.

HB 902 returned with the following message: The Senate has refused to recede from its Amendments to HB 902 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Travis, Karem and Garrett to serve on the Conference Committee.

HB 978 returned with the following message: The Senate has refused to recede from its Committee Substitute to HB 978 and is respectfully returning same to this Honorable Body asking for a Conference Committee to be appointed. The Senate has appointed Senators Rose, May, Schmidt and Higdon to serve on the Conference Committee to HB 978.

Report on Enrolled Bills

The Committee on Enrollment reported SB 82, SB 229, SB 290, SB 317, SJR 44, and SCR 98 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—5 p.m.)

Orders of the Day (continued)

Representative Stumbo moved that the rules be suspended to act upon Legislative Citations. Agreed.

Representative Richards moved the adoption of the following Legislative Citation No. 92. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes members of the Western Kentucky University Lady Basketball Hilltoppers, and your excellent coach Paul Sanderford, on your superb season record of 32 and 3. You are to be commended for winning the 1985-86 Sunbelt Conference as well as the tournament champions. It is most noteworthy that the "Lady Toppers" advanced to the Final Four Championship Tournament, March 28, 1986 at Rupp Arena, Lexington, Kentucky. You have bestowed great honor and pride on your school, community and the Commonwealth of Kentucky as this is your second consecutive year to be participating in the semi-finals of the prestigious Womens' NCAA Tournament. You have thrilled sports fans and supporters with your outstanding athletic abilities and talents and we are proud of your high standards of excellence.

This body applauds and salutes you; and we extend our very best wishes to you in your future endeavors. (Sponsored by Representative Richards)

The Speaker appointed the following Conference Committees:

SB 327: Representatives Burnette, Chairman; B. Richardson, Ford.

SB 283: Representatives Clapp, Chairman; Little, Rattliff.

SB 241: Representatives Johnson, Chairman; Smith, Holbrook.

SB 352: Representatives Rapier, Chairman; Rose, Preston.

A Conference Committee Report was filed on HB 897.

A Conference Committee Report was filed on HB 462.

A Conference Committee Report was filed on HB 902.

A Conference Committee Report was filed on SB 340.

A Conference Committee Report was filed on HB 301.

A Conference Committee Report was filed on HB 40.

A Conference Committee Report was filed on HB 978.

Representative T. Jones moved that the Conference Committee Report on HB 40 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 40.

Representative Farrow moved that the Conference Committee Report on SB 340 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on SB 340.

Representative Morris moved that the Conference Committee Report on HB 902 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 902.

Representative Little moved that the Conference Committee Report on HB 978 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 978.

Senate Message

Message on HB 978: The Senate has appointed Senators Rose, May, Schmidt and Higdon to serve on a Free Conference Committee on HB 978.

Orders of the Day

Representative Stumbo moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Stumbo moved that no further business be conducted on this day except receiving Senate Messages, Conference Committee Reports, and appointing Free Conference Committees. Agreed.

Representative Stumbo moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Stumbo moved that when the House adjourns, it do so until 10 a.m., Tuesday, April 1, 1986. Agreed.

Recess

Representative Stumbo moved that the House recess for one hour. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Free Conference Committee Report was filed on HB 40.

A Free Conference Committee Report was filed on HB 607.

A Conference Committee Report was filed on SB 241.

A Conference Committee Report was filed on SB 343.

A Conference Committee Report was filed on SB 327.

A Conference Committee Report was filed on SB 352.

Representative Blevins moved that the Conference Committee Report on SB 343 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on SB 343.

Representative Rapier moved that the Conference Committee Report on SB 352 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on SB 352.

A Free Conference Committee Report was filed on SB 343.

Recess

Representative Stumbo moved that the House recess until 8:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Free Conference Committee Report was filed on HB 902 and HB 978.

A Conference Committee Report was filed on SB 283.

Senate Message

The Senate has appointed the following Conference Committees: SB 241, Senators Haering, Huff, Moseley; SB 283, Senators Miller, Karem, Travis; SB 327, Senators Wright, O'Daniel, Lackey, Moloney; SB 340, Senators Rose, Trevey, Bradley; SB 343, Senators Ford, LeMaster, Haering; SB 352, Senators Miller, Ford, Travis.

The Senate has appointed the following Free Conference Committees: SB 353, Senators Miller, Ford, Travis; HB 902, Senators Travis, Karem, Garrett; SB 343, Senators Ford, LeMaster, Haering; HB 40, Senators O'Daniel, Middleton, Garrett.

Orders of the Day (continued)

Representative Burnette moved that the Conference Committee Report on HB 897 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on HB 897.

Representative Stumbo moved that the Conference Committee Report on SB 283 requesting a Free Conference be adopted. Agreed.

The Speaker announced the appointment of the previously appointed members of the Conference Committee to the Free Conference Committee on SB 283.

Recess

Representative Stumbo moved that the House recess until 10:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

A Free Conference Committee Report was filed on SB 340, HB 897 and SB 283.

Adjournment

Representative Stumbo moved that the House adjourn until 10 a.m., Tuesday, April 1, 1986.

The House adjourned by voice vote.

TUESDAY, APRIL 1, 1986

FIFTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend Robert Wood, First United Methodist Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present.

Representative Brinkley moved that the reading of the Journal of March 31, 1986, be dispensed with and the same approved. Agreed.

Senate Message

Message in regard to HB 897: The Senate has appointed Senators Gibson, Peniston and Huff to serve on a Free Conference Committee.

Message in regard to HB 614: The Senate has appointed Senators Wright, Trevey and Allen to serve on a Free Conference Committee.

Report on Enrolled Bills

The Committee on Enrollment reported SB 162, SB 309 and SB 372 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—10:04 a.m.)

Introduction of Resolutions

HR 202, by Representatives Bruce and Morris: A RESOLUTION requesting the Council on Higher Education and the University of Kentucky to pursue the construction of an auditorium at Hopkinsville Community College.

HR 203, by Representatives Smith and Turner: A RESOLUTION honoring the girls' basketball team of Franklin-Simpson High School, the Wildcats.

Report on Enrolled Bills

The Committee on Enrollment reported HB 222, HB 225, HB 286, HB 372, HB 419, HB 543, HB 546, HB 585, HB 606, HB 631, HB 684, HB 747, HB 757, HB 783, HB 810, HB 843, HB 878, HB 899, HB 938, HB 964, HCR 114, HB 310, HB 535, HB 660, HB 686, and HB 982 had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—10:08 a.m.)

HB 222, HB 225, HB 286, HB 372, HB 419, HB 543, HB 546, HB 585, HB 606, HB 631, HB 684, HB 747, HB 757, HB 783, HB 810, HB 843, HB 878, HB 899, HB 938, HB 964, HCR 114, HB 310, HB 535, HB 660, HB 686, and HB 982 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day

HB 202, as amended by the Senate Amendment No. 1 and with Senate Amendment No. 2 attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage.

Representative R. Jones moved that the House concur in the Senate Amendment No. 2 (Title) to HB 202 as recommended by the following Conference Committee Report. Agreed.

The Conference Committee on HB 202 agree on title amendment.

Signed: Frank Miller, J. Ackerson, Bob Jones, Ed Holloway, Herbert Deskins, Jr.

Representative R. Jones moved that HB 202, as amended by the Conference Committee Report, be passed.

On the roll call the vote was: Yeas 88, Nays 0. (See April 1, 1986, roll call on HB 202—Appendix A.)

HB 202, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative R. Jones moved that the vote by which HB 202, as amended by the Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 398 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Clarke moved the adoption of the following Free Conference Committee Report on HB 398. Agreed.

Page 3, line 17,

by deleting the amount "$1,250,900" and inserting in lieu thereof the amount "$1,270,000";

Page 3, line 24,

by deleting the amount "$1,294,900" and inserting in lieu thereof the amount "$1,314,000";

Page 6, line 9,

by deleting the amount "$9,315,000" and inserting in lieu thereof the amount "$9,715,000";

Page 6, line 10,

by deleting the amount "$9,587,700" and inserting in lieu thereof the amount "$10,387,700";

Page 6,

after line 10, by adding the following:

"Included in the above appropriation is $400,000 in fiscal year 1987 and $800,000 in fiscal year 1988 for the Brucellosis Vaccination Program in the anticipation of the lack of federal funds. To the extent that federal funds become available for the same purpose, the general fund shall be reduced dollar for dollar.";

Page 6, line 13,

by deleting the amount "$5,093,500" and inserting in lieu thereof the amount "$5,127,900";

Page 6, line 14,

by deleting the amount "$5,332,100" and inserting in lieu thereof the amount "$5,366,100";

Page 7, line 22,

by deleting the amount "$7,346,800" and inserting in lieu thereof the amount "$7,381,200";

Page 7, line 23,

by deleting the amount "$7,663,100" and inserting in lieu thereof the amount "$7,697,100";

Page 8, line 3,

by deleting the amount "$250,000" and inserting in lieu thereof the amount "-0-";

Page 8, line 13,

by deleting the amount "$4,628,900" and inserting in lieu thereof the amount "$4,378,900";

Page 8, line 17,

by deleting the amount "$329,100" and inserting in lieu thereof the amount "$299,000";

Page 8, line 18,

by deleting the amount "$339,600" and inserting in lieu thereof the amount "$310,100";

Page 10, line 8,

by deleting the amount "$2,910,000" and inserting in lieu thereof the amount "$5,410,000";

Page 10, line 9,

by deleting the amount "$2,910,000" and inserting in lieu thereof the amount "$5,410,000";

Page 10, line 13,

by deleting the amount "$3,108,200" and inserting in lieu thereof the amount "$3,458,200";

Page 10, line 14,

by deleting the amount "$3,110,800" and inserting in lieu thereof the amount "$3,460,800";

Page 10, line 15,

by deleting the amount "$250,000" and inserting in lieu thereof the amount "$600,000";

Page 10, line 20,

by deleting the amount "$40,318,200" and inserting in lieu thereof the amount "$43,168,200";

Page 10, line 21,

by deleting the amount "$46,170,800" and inserting in lieu thereof the amount "$49,020,800";

Page 10, line 23,

by deleting the amount "$2,341,500" and inserting in lieu thereof the amount "$2,316,500";

Page 10, line 24,

by deleting the amount "$2,343,700" and inserting in lieu thereof the amount "$2,318,700";

Page 11, line 5,

by deleting the "period (.)", and inserting in lieu thereof: ", which is authorized to be issued after January 1, 1987."

Page 11, line 25,

by deleting the amount "$500,000" and inserting in lieu thereof the amount "$300,000";

Page 11, line 26,

by deleting the amount "$500,000" and inserting in lieu thereof the amount "$300,000";

Page 14, line 24,

by deleting the amount "$1,563,500" and inserting in lieu thereof the amount "$1,363,500";

Page 14, line 25,

by deleting the amount "$1,563,500" and inserting in lieu thereof the amount "$1,363,500";

Page 15, line 13,

by deleting the amount "$130,817,100" and inserting in lieu thereof the amount "$133,615,500";

Page 15, line 14,

by deleting the amount "$140,679,000" and inserting in lieu thereof the amount "$144,108,500";

Page 15, line 17,

by deleting the amount "$25,439,700" and inserting in lieu thereof the amount "$25,177,000";

Page 15, line 18,

by deleting the amount "$27,625,600" and inserting in lieu thereof the amount "$26,407,900";

Page 15, line 24,

by deleting the amount "$4,220,000" and inserting in lieu thereof the amount "$3,165,000";

Page 15, line 25,

by deleting the amount "$30" and inserting in lieu thereof the amount "$20";

Page 16, line 6,

by deleting the amount "$3,562,800" and inserting in lieu thereof the amount "$3,362,800";

Page 16, line 7,

by deleting the amount "$3,521,700" and inserting in lieu thereof the amount "$3,508,500";

Page 16, line 9,

by deleting the amount "$6,076,000" and inserting in lieu thereof the amount "$5,424,000";

Page 16, line 10,

by deleting the amount "$6,728,000" and inserting in lieu thereof the amount "$6,076,000";

Page 16, line 15,

by deleting the words, "in FY 1986-87 and $1,304,000 in";

Page 16, line 17,

by deleting the word, "each";

Page 16, line 17,

after the word "year" by inserting the following:

"1987-88";

Page 16, line 19,

by deleting the amount "$3,521,700" and inserting in lieu thereof the amount "$3,661,700";

Page 16, line 20,

by deleting the amount "$3,617,900" and inserting in lieu thereof the amount "$3,757,900";

Page 16, line 24,

by deleting the amount "$1,500,000" and inserting in lieu thereof the amount "$1,600,000";

Page 17, line 4,

by deleting the amount "$38,600,200" and inserting in lieu thereof the amount "$37,625,500";

Page 17, line 5,

by deleting the amount "$41,680,000" and inserting in lieu thereof the amount "$39,750,300";

Page 17, line 9,

by deleting the amount "$26,900" and inserting in lieu thereof the amount "$107,400";

Page 17, line 10,

by deleting the amount "$10,192,900" and inserting in lieu thereof the amount "$10,438,700";

Page 17, line 11,

by deleting the amount "$13,834,300" and inserting in lieu thereof the amount "$14,245,400";

Page 17, line 24,

by deleting the amount "$3.7" and inserting in lieu thereof the amount "$3.4";

Page 18, line 10,

by deleting the amount "$3.7" and inserting in lieu thereof the amount "$3.4";

Page 18,

after line 10, by adding the following:

"Included in the above appropriation is $65,000 in fiscal year 1987-88 for the development of a population projection technique and $50,000 in fiscal year 1986-87 and $200,000 in fiscal year 1987-88 for the development of the Corrections component of the Criminal History Information System. It is the intent of the General Assembly that the $50,000 in fiscal year 1986-87 is to be transferred to the Department of Information Systems for the purpose of purchasing an information system software package for local jails with the provision that data be available to all agencies within the CHIS network. It is intended that the Corrections Cabinet coordinate with the Department of State Police, Administrative Office of the Courts and the Statistical Analysis Center within the Office of Attorney General to develop a population projection technique and criminal history information system, consistent with provisions of HB 774, to be implemented on a system wide basis.

Also included in the above appropriation is $40,000 each year for General Fund replacement of attendance fee receipts for Jailer Training with the intent that no jailer be charged for attending training.";

Page 18, line 11,

by deleting the amount "$516,900" and inserting in lieu thereof the amount "$672,700";

Page 18, line 12,

by deleting the amount "$543,900" and inserting in lieu thereof the amount "$709,900";

Page 18, line 16,

by deleting the amount "$52,843,900" and inserting in lieu thereof the amount "$52,695,500";

Page 18, line 17,

by deleting the amount "$56,424,300" and inserting in lieu thereof the amount "$56,229,000";

Page 18,

after line 22, by adding the following:

"Included in the above appropriation is $505,800 in fiscal year 1986-87 and $498,800 in fiscal year 1987-88 for a sex offender treatment program for approximately 600 institutionalized sex offenders.";

Page 18, line 25,

by deleting the amount "$17,443,200" and inserting in lieu thereof the amount "$17,991,800";

Page 18, line 26,

by deleting the amount "$20,193,900" and inserting in lieu thereof the amount "$20,665,600";

Page 19,

after line 9, by adding the following:

"Also included in th above appropriation is $500,000 each year to hire 20 additional parole officers for the newly created Advanced Supervision Program. It is the intention of the General Assembly that these 20 officers will be assigned in urban, semi-urban and rural offices and will supervise caseloads of 50 persons who are classified as requiring maximum or medium supervision. It is intended that supervision for each client will consist of at a minimum: one quarterly meeting with the client and his family; three face-to-face office contacts per month; and, weekly arrest record checks. In order to adequately evaluate the impact of this program, the Cabinet is instructed to furnish annual reports to the General Assembly on the numbers of participants and measures of success including number of participants completing supervision; number of participants with no new charges, revoked, reincarcerated or absconding; and, for each, a relative adjustment index. Evaluation of success must also provide geographical comparisons and levels-of-risk comparisons among Advanced Supervision clients and levels-of-supervision comparisons among Advanced Supervision, Intensive Supervision, and regular supervision.

Included in the above appropriation is $175,000 each year for the purpose of funding on a pilot basis the parolee drug and alcohol treatment program currently operated by volunteers on a limited basis in Louisville. It is the intention of the General Assembly that the Cabinet contracts with the current program staff for services and that the program be expanded in Louisville and a similar program implemented in Lexington and Northern Kentucky; and that service-load, client completion, violation and recidivism data be collected, compiled and distributed by project staff.

Also included is $153,700 each year for community, follow-up treatment for sex offenders with programs funded in Louisville, Lexington and Covington.";

Page 19, line 18,

by deleting the amount "$103,000" and inserting in lieu thereof the amount "$200,000";

by deleting the amount "$106,100" and inserting in lieu thereof the amount "$200,000";

Page 19, line 21,

by deleting the amount, "$2,500.", and inserting in lieu thereof: "the statutorially established threshold pursuant to KRS 441.045.";

Page 20, line 17,

by deleting the amount "$103,000" and inserting in lieu thereof the amount "$200,000";

by deleting the amount "$106,100" and inserting in lieu thereof the amount "$200,000";

Page 20, line 21,

by deleting the amount, "$2,500", and inserting in lieu thereof: "the statutorial threshold";

Page 20, line 22,

by deleting the amount, "$2,500.", and inserting in lieu thereof: "the statutorial threshold.";

Page 21, line 1,

by deleting the amount "$430,000" and inserting in lieu thereof the amount "$510,500";

Page 21, line 2,

by deleting the amount "$95,518,400" and inserting in lieu thereof the amount "$96,164,400";

Page 21, line 3,

by deleting the amount "$105,929,100" and inserting in lieu thereof the amount "$106,616,600";

Page 21, line 7,

by deleting the amount "$14,323,200" and inserting in lieu thereof the amount "$13,613,500";

Page 21, line 8,

by deleting the amount "$16,128,400" and inserting in lieu thereof the amount "$15,398,100";

Page 22, line 20,

by deleting the amount "$10,146,500" and inserting in lieu thereof the amount "$10,646,500";

Page 22, line 21,

by deleting the amount "$10,469,400" and inserting in lieu thereof the amount "$10,819,400";

Page 22, line 22,

by deleting the amount "$3,227,300" and inserting in lieu thereof the amount "$3,347,300";

Page 22, line 23,

by deleting the amount "$3,340,400" and inserting in lieu thereof the amount "$3,483,400";

Page 22, line 25,

by deleting the amount "$5,094,000" and inserting in lieu thereof the amount "$5,474,000";

Page 22, line 26,

by deleting the amount "$5,249,000" and inserting in lieu thereof the amount "$5,456,000";

Page 23,

after line 1, by adding the following:

"Included in the appropriations to Kentucky School for the Blind and Kentucky School for the Deaf are funds to set the salary schedule of the teachers at those residential facilities the same as salary schedules in effect at local school districts in counties containing a city of the first class.";

Page 23, line 18,

by deleting the amount "$979,535,500" and inserting in lieu thereof the amount "$979,457,400";

Page 23, line 19,

by deleting the amount "$1,059,192,300" and inserting in lieu thereof the amount "$1,059,766,200";

Page 27, lines 3 and 4,

by deleting the words, ", in the event of passage of enabling legislation";

Page 27,

by deleting lines 24 through 26 in their entirety;

Page 28,

by deleting lines 1 through 11 in their entirety;

Page 33, line 12,

by deleting the amount "$69,706,300" and inserting in lieu thereof the amount "$68,561,200";

Page 33, line 22,

by deleting the amount "$30,302,100" and inserting in lieu thereof the amount "$30,602,100";

Page 33, line 23,

by deleting the amount "$41,665,900" and inserting in lieu thereof the amount "$42,965,900";

Page 35,

after line 22, by adding the following:

"The above appropriation includes $400,000 in fiscal year 1987-88 for an Experimental School Psychological Services Program designed upon the guidelines established in the Kentucky Department of Education Comprehensive School Psychological Services handbook. Of this amount, $300,000 is provided for the employment of twenty-five (25) school psychologists for a period of one year. Local school districts will match these funds on a 50-50 basis. Remaining funds will be used for training school psychologists and school district personnel participating in the program and for administrative cost required to implement and evaluate the program. Districts selected to participate in the program shall compose a representative sampling of county school districts, independent school districts, and education cooperatives in both rural and metropolitan areas.

The above appropriation also includes $300,000 in fiscal year 1986-87 and $900,000 in fiscal year 1987-88 to establish local school district model programs of instruction for pre-school children and their parents.";

Page 35, line 24,

by deleting the amount "$17,227,100" and inserting in lieu thereof the amount "$20,765,100";

Page 35, line 25,

by deleting the amount "$19,721,900" and inserting in lieu thereof the amount "$16,243,900";

Page 36,

after line 10, by adding the following:

"Included in the above appropriation is $30,000 in fiscal year 1986-87 and $30,000 in fiscal year 1987-88 for the Juvenile Sex Offenders Program.";

Page 36, line 13,

by deleting the amount "$11,789,500" and inserting in lieu thereof the amount "$15,297,500";

Page 36, line 14,

by deleting the amount "$14,071,200" and inserting in lieu thereof the amount "$10,563,200";

Page 37, line 15,

by deleting the amount "$48,198,000" and inserting in lieu thereof the amount "$48,698,000";

Page 37,

by deleting lines 17 through 19 in their entirety and inserting in lieu thereof the following:

"Included in the above appropriation is $500,000 in fiscal year 1986-87 and $3,300,000 in fiscal year 1987-88 to support locally operated vocational education departments and centers. Fiscal year 1986-87 funds are for use in vocational education departments and centers operated by the Jefferson County School Board.";

Page 37, line 21,

by deleting the amount "$4,359,600" and inserting in lieu thereof the amount "$4,516,400";

Page 37, line 22,

by deleting the amount "$4,490,400" and inserting in lieu thereof the amount "$4,818,400";

Page 38, line 12,

by deleting the amount "$1,221,728,400" and inserting in lieu thereof the amount "$1,224,790,300";

Page 38, line 13,

by deleting the amount "$1,353,528,800" and inserting in lieu thereof the amount "$1,351,872,400";

Page 38, line 16,

by deleting the amount "$700,000" and inserting in lieu thereof the amount "-0-";

Page 38, line 17,

by deleting the amount "$3,900,000" and inserting in lieu thereof the amount "-0-";

by deleting lines 18 through 22 in their entirety;

Page 38, line 26,

by deleting the amount "$2,500,000" and inserting in lieu thereof the amount "-0-";

Page 38,

after line 26, by adding the following:

"The Career Ladder Commission's report on the Career Ladder Pilot Program shall be prepared by the beginning of the 1988 General Assembly.";

Page 39, line 10,

by deleting the amount "$8,707,000" and inserting in lieu thereof the amount "$8,395,600";

Page 39, line 11,

by deleting the amount "$8,946,900" and inserting in lieu thereof the amount "$10,358,200";

Page 39, line 12,

by deleting lines 12 through 19 in their entirety and inserting in lieu thereof the following:

"Included in the above appropriation is $610,800 in fiscal year 1986-87 and $2,018,800 in fiscal year 1987-88 for debt service. Included in this amount in fiscal year 1987-88 is debt service of $1,411,300 for construction of a second channel facility and equipment. Also included in the above appropriation is $300,000 in fiscal year 1986-87 and $300,000 in fiscal year 1987-88 for GED Study-at-Home Program. Funds for extending broadcast hours are provided in the above appropriation at $330,000 in fiscal year 1987-88.";

Page 39, line 25,

by deleting the amount "$6,404,600" and inserting in lieu thereof the amount "$6,504,600";

Page 39, line 26,

by deleting the amount "$6,634,200" and inserting in lieu thereof the amount "$6,734,200";

Page 40,

after line 3, by adding the following:

"Included in the above appropriation is $100,000 in each fiscal year for the machine readable record project. These funds may be spent to the extent Federal matching funds are received.";

Page 40, line 5,

by deleting the amount "$3,561,800" and inserting in lieu thereof the amount "$3,931,800";

Page 40, line 6,

by deleting the amount "$3,574,300" and inserting in lieu thereof the amount "$4,054,300";

Page 40, line 7,

by deleting lines 7 through 9 in their entirety and inserting in lieu thereof the following:

"Included in the above appropriation is $1,335,300 in fiscal year 1986-87 and $1,445,300 in fiscal year 1987-88 for state-aid grants to local public libraries. It is the intent of the General Assembly that these funds be distributed to the Counties according to the provisions of House Bill 40.";

Page 42, line 24,

by deleting the amount "$10,114,100" and inserting in lieu thereof the amount "$15,114,100";

Page 43, line 1,

by deleting the amount "$1,421,771,400" and inserting in lieu thereof the amount "$1,424,291,900";

Page 43, line 2,

by deleting the amount "$1,570,798,100" and inserting in lieu thereof the amount "$1,569,733,000";

Page 43, line 10,

by deleting the amount "$7,109,000" and inserting in lieu thereof the amount "$7,113,500";

Page 43, line 12,

by deleting the amount "$4,093,900" and inserting in lieu thereof the amount "$4,054,900";

Page 43, line 13,

by deleting the amount "$4,421,000" and inserting in lieu thereof the amount "$4,126,100";

Page 43, line 20,

by deleting the amount "$808,300" and inserting in lieu thereof the amount "$758,300";

Page 43, line 21,

by deleting the amount "$841,600" and inserting in lieu thereof the amount "$806,600";

Page 43, line 23,

by deleting the amount "$12,692,800" and inserting in lieu thereof the amount "$12,603,800";

Page 43, line 24,

by deleting the amount "$13,334,800" and inserting in lieu thereof the amount "$13,009,400";

Page 44, line 2,

by deleting the amount "$2,584,700" and inserting in lieu thereof the amount "$2,844,700";

Page 44, line 10,

after the word "transition." by inserting the following:

"Also included in the above appropriation is $300,000 in fiscal year 1986-87 for the state's share of the repair and rededication of the State Veterans' War Memorial located in the Frankfort Cemetery.";

Page 44, line 13,

by deleting the amount "$5,866,400" and inserting in lieu thereof the amount "$5,666,400";

Page 44, line 24,

by deleting the amount "$15,438,100" and inserting in lieu thereof the amount "$15,498,100";

Page 45, line 2,

by deleting the amount "$9,955,900" and inserting in lieu thereof the amount "$10,793,200";

Page 45, line 3,

by deleting the amount "$13,535,800" and inserting in lieu thereof the amount "$18,685,300";

Page 46, line 17,

after line 17, by adding the following:

"Included in the above appropriation is $5,037,300 in fiscal year 1986-87 and $9,499,500 in fiscal year 1987-88 for a Salary Incentive Fund. The fund will be a recurring appropriation included in the Council on Higher

Education's appropriation for subsequent distribution to the individual institutions. This pool of funds is to be used for incentive payments to faculty and staff which will become a part of their salary base.";

Page 46, line 19,

by deleting the amount "$9,324,900" and inserting in lieu thereof the amount "$8,574,900";

Page 46, line 20,

by deleting the amount "$10,567,100" and inserting in lieu thereof the amount "$8,817,100";

Page 46, line 24,

by deleting the amount "$4,287,500" and inserting in lieu thereof the amount "$4,037,500";

Page 46, line 25,

by deleting the amount "$4,908,600" and inserting in lieu thereof the amount "$4,158,600";

Page 47, line 1,

by deleting lines 1 through 4 in their entirety;

Page 47, line 5,

by deleting the words, "Session of the General Assembly.";

Page 47, line 11,

by deleting the amount "$13,872,000" and inserting in lieu thereof the amount "$13,939,000";

Page 47, line 12,

by deleting the amount "$14,455,400" and inserting in lieu thereof the amount "$14,522,400";

Page 47, line 18,

by deleting the amount "$40,635,900" and inserting in lieu thereof the amount "$40,743,400";

Page 47, line 20,

by deleting the amount "$3,413,000" and inserting in lieu thereof the amount "$3,520,500";

Page 47, line 23,

by deleting the amount "$23,495,100" and inserting in lieu thereof the amount "$23,494,700";

Page 48, line 15,

by deleting the amount "$37,332,900" and inserting in lieu thereof the amount "$37,282,900";

Page 48, line 16,

by deleting the amount "$39,176,500" and inserting in lieu thereof the amount "$39,360,800";

Page 48, line 18,

by deleting the amount "$2,471,700" and inserting in lieu thereof the amount "$2,656,000";

Page 48, line 21,

by deleting the amount "$104,046,300" and inserting in lieu thereof the amount "$103,670,300";

Page 48, line 22,

by deleting the amount "$112,419,300" and inserting in lieu thereof the amount "$112,419,400";

Page 48, line 23,

by deleting the amount "$9,279,200" and inserting in lieu thereof the amount "$8,853,200";

Page 49, line 10,

by deleting the amount "$202,270,300" and inserting in lieu thereof the amount "$202,900,300";

Page 49, line 11,

by deleting the amount "$228,508,100" and inserting in lieu thereof the amount "$229,159,600";

Page 49,

after line 16, by adding the following:

"Included in the above appropriation is $430,000 in fiscal year 1986-87 and $451,500 in fiscal year 1987-88 to provide at least a five (5) percent annual Salary Increment to agricultural Cooperative Extension and agricultural experiment station employees.

Also included in the above appropriation is $200,000 in each year of the biennium for the Kentucky Small Business Development Center.";

Page 49, line 22,

by deleting the amount "$489,499,100" and inserting in lieu thereof the amount "$489,857,400";

Page 49, line 23,

by deleting the amount "$539,756,700" and inserting in lieu thereof the amount "$544,166,500";

Page 50, line 2,

by deleting the amount "$27,396,600" and inserting in lieu thereof the amount "$27,122,600";

Page 50, line 3,

by deleting the amount "$30,306,300" and inserting in lieu thereof the amount "$30,003,200";

Page 50,

after line 3, by adding the following:

"The Department for Social Insurance shall reimburse citizen members of the Public Assistance Appeals Board an amount not to exceed $50.00 per day plus travel expenses from appropriated funds for administration.";

Page 50, line 8,

by deleting the word, "or";

Page 50, line 9,

by deleting the words, "Medicaid Benefits";

Page 50, line 10,

by deleting the word, "Departments", and inserting in lieu thereof: "Department";

Page 50, line 11,

by deleting the words, "and Medicaid Services";

Page 50, line 24,

by deleting the amount "$50,598,800" and inserting in lieu thereof the amount "$51,498,800";

Page 50, line 25,

by deleting the amount "$51,191,700" and inserting in lieu thereof the amount "$52,091,700";

Page 51, line 7,

by deleting the words, "used for Medicaid";

Page 51,

by deleting lines 8 and 9 in their entirety and inserting in lieu thereof the following:

"transferred between the Department for Social Insurance Benefits appropriation and the Department for Medicaid Services Benefits appropriations to avoid a projected deficit in either appropriation unit provided no reduction in services or eligibles will result in the appropriation unit from which funds are to be transferred. Such transfer shall be approved by the Secretary of the Finance and Administration Cabinet after concurrence by the Executive Director of the Governor's Office of Policy and Management. Such transfer shall be reported promptly to the Interim Joint Committee on Appropriations and Revenue.";

Page 51, line 10,

by deleting the word, "services";

Page 51,

after line 15, by adding the following:

"The monthly "personal needs allowance" made available by the cabinet for each qualified person residing in a family care home, personal care home intermediate care facility, or skilled nursing facility shall not be diverted or utilized to reimburse any goods provided or offered by such facility if such item is routine or ancillary as defined in administrative regulations promulgated by the secretary under KRS Chapter 13A.";

Page 51, line 18,

by deleting the amount "$9,772,900" and inserting in lieu thereof the amount "$9,485,400";

Page 51, line 19,

by deleting the amount "$10,461,000" and inserting in lieu thereof the amount "$10,173,500";

Page 51,

after line 19, by adding the following:

"In order to maximize available Federal matching funds for Medicaid fraud control administrative cost, the Secretary for Finance and Administration may, upon written request from the Secretary for Human Resources, allocate necessary General Funds directly to the Office of the Attorney General from the Department for Medicaid Services, Administration appropriation, for the purpose of funding the Medicaid Fraud Control Unit.";

Page 52, line 15,

by deleting the amount "$192,518,000" and inserting in lieu thereof the amount "$193,238,600";

Page 52, line 16,

by deleting the amount "$215,117,000" and inserting in lieu thereof the amount "$216,606,500";

Page 53, line 2,

after the word "Insurance." by inserting the following:

"General Funds may be transferred between the Department for Social Insurance Benefits appropriation and the Department for Medicaid Services Benefits appropriations to avoid a projected deficit in either appropriation unit provided no reduction in services or eligibles will result in the appropriation unit from which funds are to be transferred. Such transfer shall be approved by the Secretary of the Finance and Administration Cabinet after concurrence by the Executive Director of the Governor's Office of Policy and Management. Such transfer shall be reported promptly to the Interim Joint committee on Appropriations and Revenue.";

Page 53,

after line 16, by adding the following:

"The Federal Home and Community Based Services Waiver administered by the Department for Medicaid Services shall be expanded statewide beginning July 1, 1987.";

Page 54,

after line 4, by adding the following:

"The monthly personal needs allowance made available by the cabinet for each qualified person residing in a family care home, personal care home, intermediate care facility, or skilled nursing facility shall not be diverted or utilized to reimburse any goods provided or offered by such facility if such item is routine or ancillary as defined in administrative regulations promulgated by the secretary under KRS Chapter 13A.";

Page 54, line 14,

by deleting the amount "$40,622,900" and inserting in lieu thereof the amount "$40,272,900";

Page 54, line 15,

by deleting the amount "$41,783,600" and inserting in lieu thereof the amount "$41,429,800";

Page 54, line 20,

by deleting the amount "$78,712,700" and inserting in lieu thereof the amount "$78,512,700";

Page 54, line 21,

by deleting the amount "$83,426,900" and inserting in lieu thereof the amount "$83,219,900";

Page 54, line 26,

by deleting the amount "$67,027,100" and inserting in lieu thereof the amount "$67,938,500";

Page 55, line 1,

by deleting the amount "$74,188,200" and inserting in lieu thereof the amount "$75,858,000";

Page 55, line 8,

by deleting the amount "$13,475,700" and inserting in lieu thereof the amount "$13,274,700";

Page 55, line 9,

by deleting the amount "$15,548,400" and inserting in lieu thereof the amount "$15,339,800";

Page 55,

by deleting lines 10 through 26 in their entirety and inserting in lieu thereof the following:

"It is the intent of this General Assembly to focus the Cabinet's resources, insofar as possible, on direct service provision, minimizing the state's reimbursement of indirect administrative expenses. To this end, a limit of 15% on indirect administrative cost is hereby established for all contracts, except Medicaid benefits, between the Cabinet and non-state government agencies and individuals.

This directive is inclusive of all contract types (with the exceptions noted below), including but not limited to cost reimbursement type contracts, competitively bid or negotiated fixed price contracts, program administration contracts, and personal service contracts. All contracts shall be offered for bid or negotiation in such a manner as to clearly indicate that the State will limit its reimbursement of indirect administrative cost to no more than 15% of the contract total. If indirect administrative cost exceeds these limits, the additional expense shall be the responsibility of the contract agency or individual, not the Commonwealth. The provision for allocation and definition of direct and indirect costs shall be set forth by administrative regulation.

In reference to contracts with Medicaid providers, the intent of this General Assembly is to minimize reimbursement that is not associated with direct medical care of the patient. To that end, the Department for Medicaid Services is directed to implement reimbursement policies which achieve this objective, within the bounds of federal law and regulation.

Auditors for the Cabinet and the State Auditor are hereby directed to complete audits of all Cabinet contracts, beginning with those effective July 1, 1986, and henceforth, with a statement of this intent as a criteria to be noted in such audit report.

Exceptions to this policy may be authorized by the Secretary of the Finance and Administration Cabinet only under the following circumstances:

1. the contract is for a service which is predominantly administrative in nature;

2. the Secretary of the Cabinet for Human Resources certifies such fact and also documents why such service cannot be performed by state employees;

3. the Secretary of the Cabinet for Human REsources may waive the 15% limitation on indirect administrative cost for competitively bid contracts when such action results in the award of the lowest and best bid proposal;

4. a listing of such contracts is submitted at the end of each fiscal year to the respective chairmen of the House and Senate Appropriations and Revenue Committees; and,

5. a limit of 25% for all administrative costs may be established for contracts whose total does not exceed $100,000 and for which state funds comprise at least 75% of the fund sources available for such contracts.

The Secretary may enter into contractual arrangements, contingent on the availability of General Funds, to reimburse indigent pediatric hospital care subject to the availability of local matching funds. The availability of General Funds shall be subject to the approval of the Secretary of the Finance and Administration Cabinet and the Executive Director of the Governor's Office of Policy and Management. Any such contract entered into by the Secretary for Human Resources shall be reported to the Interim Joint Committee on Appropriations and Revenue.

Any General Fund surplus occurring during fiscal year 1986-87 shall not lapse but be carried forward as a reserve account for replacement of any federal fund reductions from budgeted levels which may occur prior to January 1, 1987-88. The balance of such reserve fund remaining on January 1, 1988, shall be expended for the following purpose an AFDC payments increase and an increase in reimbursement to personal care homes.";

Page 56,

by deleting lines 1 through 26 in their entirety;

Page 57,

by deleting line 1 in its entirety;

Page 57, line 6,

by deleting the amount "$489,798,200" and inserting in lieu thereof the amount "$491,017,700";

Page 57, line 7,

by deleting the amount "$533,304,800" and inserting in lieu thereof the amount "$536,004,100";

Page 57, line 9,

by deleting the amount "$5,633,000" and inserting in lieu thereof the amount "$5,860,000";

Page 57, line 10,

by deleting the amount "$6,058,000" and inserting in lieu thereof the amount "$6,404,000";

Page 57,

after line 10, by adding the following:

"Funding of $308,000 in fiscal year 1987 and $350,000 in fiscal year 1988 is included in the above appropriations solely and specifically for the purpose of reducing or eliminating the surgical waiting list existing as of July 1, 1987 and July 1, 1988. Further, sums of $127,000 in fiscal year 1987 and $246,000 in fiscal year 1988 are also included in the above appropriations solely and specifically for pediatric surgeries. Absolutely none of these funds can be expended by the Commission to employ additional staff above those authorized in this Executive Budget and by the Office of Policy and Management, Office of the Governor.";

Page 57, line 15,

by deleting the amount "$495,656,300" and inserting in lieu thereof the amount "$497,102,800";

Page 57, line 16,

by deleting the amount "$539,597,600" and inserting in lieu thereof the amount "$542,642,900";

Page 58, line 4,

after the word "merger" by inserting the following:

"The plan shall also make appropriate recommendations as to the training needs and status of all law enforcement personnel including sheriffs and deputy sheriffs as well as alternatives for funding.";

Page 58, line 6,

by deleting the amount "$61,648,600" and inserting in lieu thereof the amount "$61,548,600";

Page 58, line 7,

by deleting the amount "$65,547,400" and inserting in lieu thereof the amount "$65,597,400";

Page 58, line 20,

by deleting the word, "and/or vehicle liability", and inserting in lieu thereof: "(.) punctuation mark";

by deleting line 21 in its entirety;

Page 58,

after line 21, by adding the following:

"Also in the above appropriation is $150,000 for the development of a Criminal History Information System. It is the intent of the General Assembly that the Department of State Police coordinate with the Corrections Cabinet, Administrative Office of the Courts and the Statistical Analysis Center within the Office of Attorney General to develop a criminal history information system, consistent with the provisions of HB 774, to be implemented system wide.";

Page 59, line 15,

by deleting the amount "$50,000" and inserting in lieu thereof the amount "$70,000";

Page 59, line 18,

after the word "director" by inserting the following:

". It is intended that no monies be expended for toxicology analysis provided by the Cabinet for Human Resources as the appropriation to the Cabinet for Human Resources for this purpose is deemed sufficient.";

by deleting the words, "and also $20,000 in each";

Page 59, lines 19 and 20,

by deleting lines 19 and 20 in their entirety;

Page 59, line 26,

by deleting the amount "$65,549,700" and inserting in lieu thereof the amount "$65,449,700";

Page 60, line 1,

by deleting the amount "$69,222,700" and inserting in lieu thereof the amount "$69,272,700";

Page 60, line 16,

by deleting the amount "$7,672,100" and inserting in lieu thereof the amount "$7,861,300";

Page 60, line 17,

by deleting the amount "$7,844,600" and inserting in lieu thereof the amount "$8,043,800";

Page 61, line 1,

by deleting the amount "$11,038,500" and inserting in lieu thereof the amount "$10,965,000";

Page 61, line 2,

by deleting the amount "$11,604,300" and inserting in lieu thereof the amount "$11,517,600";

Page 61,

after line 2, by adding the following:

"Maxey Flats water management activity funds of $610,000 in fiscal year 1987 and $645,000 in fiscal year 1988 shall be reserved in a separate account for the purposes of final site decommissioning; unexpended fiscal year 1987 funds shall carry forward to fiscal year 1988. No monies shall be expended from this account unless the Natural Resources Cabinet certifies to the State Budget Director, copy to the Interim Joint Appropriations and Revenue Committee, of the extreme necessity to prevent exposure to contaminated materials.";

Page 61, line 17,

by deleting the amount "$30,066,300" and inserting in lieu thereof the amount "$30,182,000";

Page 61, line 18,

by deleting the amount "$31,087,400" and inserting in lieu thereof the amount "$31,199,900";

Page 61, line 26,

by deleting the amount "$75,800" and inserting in lieu thereof the amount "$120,800";

Page 62, line 1,

by deleting the amount "$79,200" and inserting in lieu thereof the amount "$126,700";

Page 62, line 4,

by deleting the amount "$30,443,700" and inserting in lieu thereof the amount "$30,604,400";

Page 62, line 5,

by deleting the amount "$31,483,100" and inserting in lieu thereof the amount "$31,643,100";

Page 62, lines 14,

by deleting the amount "$773,700" and inserting in lieu thereof the amount "$758,400";

Page 62, line 15,

by deleting the amount "$799,000" and inserting in lieu thereof the amount "$782,900";

Page 63, lines 1

by deleting the amount "$436,600" and inserting in lieu thereof the amount "$465,600";

Page 63, line 2,

by deleting the amount "$449,600" and inserting in lieu thereof the amount "$479,600";

Page 63, lines 12,

by deleting the amount "$7,026,600" and inserting in lieu thereof the amount "$7,411,600";

Page 63, line 13,

by deleting the amount "$8,193,400" and inserting in lieu thereof the amount "$8,428,400";

Page 63, lines 22,

by deleting the amount "$349,500" and inserting in lieu thereof the amount "$299,300";

Page 63, line 23,

by deleting the amount "$365,300" and inserting in lieu thereof the amount "$311,800";

Page 63, line 26,

by deleting the amount "$25,314,400" and inserting in lieu thereof the amount "$25,662,900";

Page 64, line 1,

by deleting the amount "$27,599,000" and inserting in lieu thereof the amount "$27,794,400";

Page 64, line 25,

by deleting the amount "$606,700" and inserting in lieu thereof the amount "$676,400";

Page 64, line 26,

by deleting the amount "$633,700" and inserting in lieu thereof the amount "$708,600";

Page 65, line 14,

by deleting the amount "$4,001,100" and inserting in lieu thereof the amount "$4,006,600";

Page 65, line 15,

by deleting the amount "$4,039,400" and inserting in lieu thereof the amount "$4,003,800";

Page 65, line 17,

by deleting the amount "$17,290,100" and inserting in lieu thereof the amount "$17,281,700";

Page 65, line 18,

by deleting the amount "$19,887,800" and inserting in lieu thereof the amount "$19,907,200";

Page 65, line 20,

by deleting the amount "$113,100" and inserting in lieu thereof the amount "$132,500";

Page 66, line 3,

by deleting the amount "$6,153,400" and inserting in lieu thereof the amount "$6,573,700";

Page 66, line 4,

by deleting the amount "$6,383,800" and inserting in lieu thereof the amount "$6,804,100";

Page 66, line 6,

by deleting the amount "$5,653,400" and inserting in lieu thereof the amount "$6,073,700";

by deleting the amount "$5,883,800" and inserting in lieu thereof the amount "$6,304,100";

Page 66, line 12,

by deleting the amount "$30,358,900" and inserting in lieu thereof the amount "$30,846,000";

Page 66, line 13,

by deleting the amount "$33,236,800" and inserting in lieu thereof the amount "$33,715,800";

Page 66, line 20,

by deleting the amount "$1,417,400" and inserting in lieu thereof the amount "$1,508,600";

Page 66, line 21,

by deleting the amount "$1,449,500" and inserting in lieu thereof the amount "$1,554,000";

Page 67, line 3,

by deleting the amount "$539,900" and inserting in lieu thereof the amount "$814,000";

Page 67, line 4,

by deleting the amount "$547,300" and inserting in lieu thereof the amount "$833,700";

Page 67,

after line 4, by adding the following:

"Included in the Public Transportation appropriation is $10,000 in fiscal year 1986-87 and $5,000 in fiscal year 1987-88 for operating assistance to the Augusta Ferry in Bracken County.";

Page 67, line 6,

by deleting the amount "$2,306,500" and inserting in lieu thereof the amount "$2,671,800";

Page 67, line 7,

by deleting the amount "$2,360,300" and inserting in lieu thereof the amount "$2,751,200";

Page 67, line 9,

by deleting the amount "$10,345,500" and inserting in lieu thereof the amount "$10,426,000";

Page 67, line 10,

by deleting the amount "$2,919,260,200" and inserting in lieu thereof the amount "$2,925,037,800";

Page 67, line 11,

by deleting the amount "$3,189,354,000" and inserting in lieu thereof the amount "$3,196,631,200";

Page 67 line 12,

by deleting the amount "$18,585,800" and inserting in lieu thereof the amount "$16,335,800";

Page 67, line 13,

by deleting the amount "$7,887,800" and inserting in lieu thereof the amount "$5,637,800";

Page 71,

after line 6, by adding the following:

"The Secretary of Finance and Administration shall assess each budget unit of the state an amount based on their pro-rata share of state-owned space sufficient to fund the Asbestos Litigation Team as provided in this appropriation.";

Page 75, line 13,

by deleting the amount "$60,200" and inserting in lieu thereof the amount "$70,200";

by deleting the amount "$61,400" and inserting in lieu thereof the amount "$71,400";

Page 75,

after line 26, by adding the following:

"It is the intent of the General Assembly that any unexpended funds for the Athletic Commission in fiscal year 1986-87 shall not lapse, but shall carry forward to fiscal year 1987-88 and shall be added to the funding level appropriated for fiscal year 1987-88.";

Page 79, line 25,

by deleting the amount "$8,619,200" and inserting in lieu thereof the amount "$9,119,200";

Page 79, line 26,

by deleting the amount "$7,093,900" and inserting in lieu thereof the amount "$8,093,900";

Page 79,

after line 26, by adding the following:

"Included in the above appropriation is $500,000 in fiscal year 1986-87 and $1,000,000 in fiscal year 1987-88 for Teacher's Scholarships, as enacted in House concurrent Resolution 5 and House Bill 6 of the 1985 Extraordinary Session of the General Assembly.";

Page 80, line 13,

after the word "Awards" by inserting the following:

"if statutory authorization for these awards is provided by the 1986 Legislature";

Page 80, line 13,

after line 13, by adding the following:

"The General Assembly directs that, consistent with state and federal laws, the maximum amount of available funds be utilized for student financial assistance awards. In the event that this directive has been accomplished, the Governor's Office for Policy and Management may consider and authorize additional expenditures as may be required for administrative operations in excess of the appropriation provided in this Act.";

Page 82,

after line 16, by adding the following:

"Any agency receipts (type "13" and "14" i.e., agency, trust and revolving accounts which are unrestricted as to use) which accrue in excess of the budgeted levels during fiscal year 1987 shall be carried forward as a reserve account for replacement of any federal fund reductions from budgeted levels which may occur prior to January 1, 1988. the balance of such reserve fund remaining on January 1, 1988, shall be expended for the following purpose, an AFDC payments increase and an increase in reimbursement to personal care homes.";

Page 85, line 6,

by deleting the amount "$5,977,100" and inserting in lieu thereof the amount "$6,150,100";

Page 85, line 7,

by deleting the amount "$6,913,300" and inserting in lieu thereof the amount "$7,081,300";

Page 85, line 8,

by deleting the amount "$150,000" and inserting in lieu thereof the amount "$323,000";

Page 85, line 9,

by deleting the amount "$158,000" and inserting in lieu thereof the amount "$326,000";

Page 86, line 15,

by deleting the amount "$5,780,900" and inserting in lieu thereof the amount "$4,968,400";

Page 86, lines 20,

by deleting the amount "$3,577,200" and inserting in lieu thereof the amount "$3,548,200";

Page 86, line 21,

by deleting the amount "$3,625,900" and inserting in lieu thereof the amount "$3,595,900";

Page 88, line 18,

by deleting the amount "$14,269,600" and inserting in lieu thereof the amount "$14,369,600";

Page 88, line 19,

by deleting the amount "$14,527,300" and inserting in lieu thereof the amount "$14,627,300";

Page 94, line 9,

by deleting the amount "$19,933,900" and inserting in lieu thereof the amount "$19,961,100";

Page 94, line 10,

by deleting the amount "$20,039,000" and inserting in lieu thereof the amount "$21,351,100";

Page 96, line 17,

by deleting the amount "$48,367,500" and inserting in lieu thereof the amount "$48,318,500";

Page 96, line 18,

by deleting the amount "$50,327,100" and inserting in lieu thereof the amount "$50,261,900";

Page 96,

after line 21, by adding the following:

"The Secretary of the Cabinet is hereby directed to transfer at least 10% of federal receipts for the Home Energy Assistance Program Block Grant to the Aging Services Subprogram for Home Care for the Elderly in the Department for Social Services, in each year of the biennium.";

Page 96, line 24,

by deleting the amount "$17,122,900" and inserting in lieu thereof the amount "$16,835,400";

Page 96, line 25,

by deleting the amount "$18.033,500" and inserting in lieu thereof the amount "$17,746,000";

Page 97, line 1,

by deleting the amount "$455,687,000" and inserting in lieu thereof the amount "$457,386,200";

Page 97, line 2,

by deleting the amount "$509,192,000" and inserting in lieu thereof the amount "$512,707,000";

Page 101, line 15,

by deleting the amount "$40,925,900" and inserting in lieu thereof the amount "$42,986,400";

Page 101, line 16,

by deleting the amount "$38,499,700" and inserting in lieu thereof the amount "$40,499,400";

Page 101, line 18,

by deleting the amount "$474,694,100" and inserting in lieu thereof the amount "$602,176,600";

Page 101, line 19,

by deleting the amount "$477,730,300" and inserting in lieu thereof the amount "$590,590,300";

Page 101, line 21,

by deleting the amount "$22,091,300" and inserting in lieu thereof the amount "$71,718,900";

and by deleting the amount "$20,926,600" and inserting in lieu thereof the amount "$56,753,400";

Page 103, line 1,

by deleting the amount "$32,526,000" and inserting in lieu thereof the amount "$52,006,000";

and by deleting the amount "$32,370,000" and inserting in lieu thereof the amount "$53,680,000";

Page 103, line 4,

by deleting the amount "$46,287,000" and inserting in lieu thereof the amount "$63,087,000";

and by deleting the amount "$46,065,000" and inserting in lieu thereof the amount "$65,125,000";

Page 103, line 7,

by deleting the amount "$13,969,500" and inserting in lieu thereof the amount "$21,889,500";

and by deleting the amount "$13,902,500" and inserting in lieu thereof the amount "$22,592,500";

Page 103, line 19,

by deleting the amount "$13,059,100" and inserting in lieu thereof the amount "$36,062,100";

and by deleting the amount "$13,059,400" and inserting in lieu thereof the amount "$31,089,700";

Page 103,

after line 21, by adding the following:

"12. Included in the above appropriation is $9,340,000 in fiscal year 1986-87 and $10,400,000 in fiscal year 1987-88 for the debt payment acceleration fund account, to accelerate the payment of debt service including principal and interest, over and above the annual debt service payments appropriated for each fiscal year, for all bonds issued and any refinancing thereof by the Kentucky Turnpike Authority.

13. Included within the above appropriation is $3,000,000 in fiscal year 1986-87 and $3,000,000 in fiscal year 1987-88 to establish a Snow and Ice Removal Reserve Fund. The appropriations to this Reserve Fund shall be deposited in an interest bearing account and all interest income shall accrue back to this Reserve Fund.

No funds shall be expended from the Snow and Ice Removal Reserve Fund until the Transportation Cabinet's cumulative snow and ice removal expenditures, in any fiscal year of the 1986-88 biennium exceed $6,000,000. In the event that the provision is implemented, the Transportation Cabinet shall certify to the

Appropriations and Revenue Committee and the Transportation Committee the documented need and usage of this fund.

Any unexpended balance remaining in the Snow and Ice Removal Reserve Fund at the close of the 1986-87 fiscal year, shall not lapse, but shall continue into fiscal year 1987-88.

14. Included in the above appropriation is $190,000 in fiscal year 1986-87 and $190,000 in fiscal year 1987-88 for the Kentucky Transportation Center.";

Page 103, line 23,

by deleting the amount "$519,003,000" and inserting in lieu thereof the amount "$645,163,000";

Page 103, line 24,

by deleting the amount "$519,729,700" and inserting in lieu thereof the amount "$631,089,700";

Page 103, line 25, .

by deleting the amount "$3,825,000" and inserting in lieu thereof the amount "$4,175,000";

Page 104, line 1,

after the word "Part V." by inserting the following:

"No Road Fund monies shall be expended to construct a weight station on US 23 in Boyd County";

Page 104, line 18,

by deleting the amount "$506,420,000" and inserting in lieu thereof the amount "$632,580,000";

Page 104, line 22,

by deleting the amount "$12,660,500" and inserting in lieu thereof the amount "$15,814,500";

Page 105, line 15,

by deleting the word, "Twenty percent (20%)", and inserting in lieu thereof: "Thirty-five percent (35%)";

Page 105, line 19,

by deleting the word, "Thirty-five percent (35%)", and inserting in lieu thereof: "Twenty percent (20%)";

Page 106, line 14,

by deleting the amount "$30,000,000" and inserting in lieu thereof the amount "$20,000,000";

Page 106, line 15,

by deleting the amount "$798,000" and inserting in lieu thereof the amount "$2,394,000";

Page 106, line 16,

by deleting the words, "in FY 1987-88";

Page 107, line 3,

by deleting the amount "$3,700,000" and inserting in lieu thereof the amount "$3,400,000";

Page 107,

after line 18, by adding the following:

"7. Blackburn Correctional Complex/ Multipurpose Building General Fund	100,000

It is intended that the above appropriation for the construction of a multi-purpose building at Blackburn Correctional Complex shall be allotted only as an equal amount is provided for the project from private funds or in-kind services. In the event that no such resources are available during the biennium the appropriated funds shall lapse to the General Fund at the end of fiscal year 1987-88.";

Page 107, line 19,

by deleting the amount, "7", and inserting in lieu thereof: "8";

Page 107, line 26,

by deleting the amount, "8", and inserting in lieu thereof: "9";

Page 108, line 5,

by deleting the amount, "9", and inserting in lieu thereof: "10";

Page 108, line 8,

by deleting the amount, "10", and inserting in lieu thereof: "11";

Page 108, line 12,

by deleting the amount, "11", and inserting in lieu thereof: "12";

Page 108, line 15,

by deleting the amount, "12", and inserting in lieu thereof: "13";

Page 108, line 19,

by deleting the amount, "13", and inserting in lieu thereof: "14";

Page 108, line 23,

by deleting the amount, "14", and inserting in lieu thereof: "15";

Page 109,

after line 10, by adding the following:

"Second Channel Facilities and Capabilities

Bond Fund	11,478,000";

Page 109, line 23,

by deleting the amount "$61,600,000" and inserting in lieu thereof the amount "$105,000,000";

Page 110, line 17,

by deleting the amount "$3,000,000" and inserting in lieu thereof the amount "$4,550,000";

Page 110, line 18,

by deleting the amount "$1,750,000" and inserting in lieu thereof the amount "$200,000";

Page 110,

after line 19, by adding the following:

"Included in the above appropriations is $150,000 in fiscal year 1986-87 for capital improvement projects at the Council of State Governments.";

Page 110, line 24,

by deleting the amount "$500,000" and inserting in lieu thereof the amount "$900,000";

Page 110, line 25,

by deleting the amount "$1,012,200" and inserting in lieu thereof the amount "$612,200";

Page 111, line 13,

by deleting the amount "$1,250,000" and inserting in lieu thereof the amount "$750,000";

Page 111, line 25,

by deleting the amount "$550,000" and inserting in lieu thereof the amount "$500,000";

Page 114, line 23,

by deleting the amount "$303,000" and inserting in lieu thereof the amount "$260,900";

Page 114,

after line 24, by adding the following:

"The Bond fund project listed below is authorized in fiscal year 1986-87 so that preliminary work on the project may proceed. However, debt service has been included beginning in the second year. Therefore, the sale of these bonds cannot take place until after January 1, 1987.";

Page 115, line 11,

by deleting the amount "$500,000" and inserting in lieu thereof the amount "$500,000";

Page 119, line 8,

by deleting the word, "Agency", and inserting in lieu thereof: "Bond";

Page 130, line 1,

by deleting the word, "Agency", and inserting in lieu thereof: "Bond";

Page 130,

after line 21, by adding the following:

"Eastern Kentucky University:

Memorial Science Building.. 800,000";

Page 131,

after line 21, by adding the following:

"Animal Care Facility	3,285,800";

"Western Kentucky University:

Chemistry Lab Renovation	1,430,000";

Page 135, line 7,

after the word "System" by deleting the "II" and inserting in lieu thereof, "I II";

Page 139, line 6,

by deleting the amount "50,000" and inserting in lieu thereof the amount "$50,000";

Page 147, line 3,

by deleting the words, "Ophthal Mology", and inserting in lieu thereof the word: "Ophthalmology";

Page 153, line 6,

by deleting the amount "$2,250,000"

and inserting in lieu thereof the amount "$1,800,000";

Page 153,

and after line 18, by adding the following:

"Central Kentucky Treatment Center Vocational Education Building

General Fund	250,000";

Page 155, line 19,

after line 19, by adding the following:

"The Commonwealth believes mining practices prior to the 1977 Federal Surface Mining Act have significantly degraded drinking water supplies. To promote the health and safety of its citizens, the Commonwealth supports a high priority ranking for those Abandoned Mine Land projects that insure safe and dependable water supplies.";

Page 157, line 3,

after line 2, by adding the following:

"Included in the above appropriation is up to $100,000 in each fiscal year for the renovation of the boat dock at Rough River Dam State Park.";

Page 157, line 26,

by deleting the amount "$798,000" and inserting in lieu thereof the amount "$1,585,800";

after the word "Bond" by inserting the amount "$808,200";

Page 158, line 3,

by deleting the amount "$20,000" and inserting in lieu thereof the amount "$353,000";

by deleting the amount "$978,000" and inserting in lieu thereof the amount "$1,765,000";

Page 158, line 4,

by deleting the amount "$40,000" and inserting in lieu thereof the amount "$1,181,400";

and by deleting the amount "$1,956,000" and inserting in lieu thereof the amount "$3,350,800";

Page 158,

after line 20, by adding the following:

"k. Coal Museum-Feasibility Study and Land Purchase

General Fund 25,000

Bond Fund .... 150,000";

Page 159, line 20,

by deleting the words, "Investment Income", and inserting in lieu thereof: "Bond Fund";

Page 159, line 24,

by deleting the word, "General", and inserting in lieu thereof: "Bond";

Page 160, line 2,

by deleting the word, "General", and inserting in lieu thereof: "Bond";

Page 160, line 9,

by deleting the word, "General", and inserting in lieu thereof: "Bond";

Page 162,

after line 18, by adding the following:

"18. Monroe County Maintenance Barn

Road Fund .... 350,000";

Page 165, line 23,

after the word "Kentucky" and before the punctuation mark (.), by inserting the following:

", and $169,000 in fiscal year 1987 and $138,800 in fiscal year 1988 shall be appropriated from this fund to establish a training and certification program for contractors engaged in asbestos removal, to be administered by the Natural Resources and Environmental Protection Cabinet";

Page 172, line 3,

after the word "authorized" by inserting the following:

", first,";

Page 172, line 7,

after the word "part." by inserting the following:

"Second, notwithstanding the dollar limitations in KRS 45.750—45.800, additional funds shall be allotted for non-recurring capital construction items in an amount not to exceed $15,000,000 only for capital projects or feasibility studies approved by the 1986 General Assembly but which have been insufficiently funded. Third, in the event that surplus funds are insufficient for non-recurring capital construction items, then, within the maximum total amount available for this purpose, said funds may be expended for contractual services to provide indigent pediatric care.";

Page 173,

after line 2, by adding the following:

"The General Assembly hereby pledges that, in conformance with Senate Joint Resolution 7, the appropriation authorized under this provision as well as the regular appropriations contained in Part I for this same purpose are reserved for such expenditures until the obligations of the Commonwealth have been fulfilled.";

Page 173, line 17,

by deleting the amount "$2,997,840,000" and inserting in lieu thereof the amount "$3,002,840,000";

Page 173, line 18,

by deleting the amount "$3,199,220,000" and inserting in lieu thereof the amount "$3,204,220,000";

Page 175,

by deleting lines 1 through 26 in their entirety;

Page 176,

by deleting lines 1 through 26 in their entirety;

Page 177,

by deleting lines 1 through 26 in their entirety;

Page 178,

by deleting lines 1 through 26 in their entirety;

Page 179,

by deleting lines 1 through 26 in their entirety;

Page 180,

by deleting lines 1 through 26 in their entirety;

Page 181,

by deleting lines 1 through 26 in their entirety;

Page 182,

by deleting lines 1 through 26 in their entirety;

Page 183,

by deleting lines 1 through 26 in their entirety;

Page 184,

by deleting lines 1 through 26 in their entirety;

Page 185,

by deleting lines 1 through 26 in their entirety;

Page 186,

by deleting lines 1 through 26 in their entirety;

Page 187,

by deleting lines 1 through 26 in their entirety;

Page 188,

by deleting lines 1 through 26 in their entirety;

Page 189,

by deleting lines 1 through 26 in their entirety;

Page 190,

by deleting lines 1 and 2 in their entirety;

Page 190, line 8,

by deleting the amount "$506,420,000" and inserting in lieu thereof the amount "$632,580,000";

Page 190, line 9,

by deleting the amount "$516,230,000" and inserting in lieu thereof the amount "$627,590,000";

Page 191,

by deleting line 2 in its entirety;

Page 191, line 25,

after the word "Construction" by inserting the following:

"1,500,000";

Page 191, line 26,

after the word "Maintenance" by inserting the following:

.... "3,154,000";

Page 191, line 26,

by deleting the amount "$1,500,000" and inserting in lieu thereof the amount "$4,284,200";

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Michael R. Moloney, Pat McCuiston, Joe Prather, Joe Clarke, Kenny Rapier, Richard A. Turner, Pete Worthington, William Donnermeyer.

Representative Clarke moved that HB 398, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 96, Nays 2. (See April 1, 1986, roll call on HB 398—Appendix A.)

HB 398, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 398, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 262, with Senate Committee Substitute attached thereto, taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Clarke moved the adoption of the following Free Conference Committee Report on HB 262. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

FREE CONFERENCE REPORT
FOR
HOUSE BILL 262

Page 2, line 2,

by deleting the amount "$59,141,900" and inserting in lieu thereof the amount "$59,283,900";

by deleting the amount "$65,037,200" and inserting in lieu thereof the amount "$65,192,500";

Page 3, line 12,

by deleting the amount "$305,800" and inserting in lieu thereof the amount "$282,200";

by deleting the amount "$354,800" and inserting in lieu thereof the amount "$363,500";

Page 3, line 19,

by deleting the amount "$244,200" and inserting in lieu thereof the amount "$309,800";

by deleting the amount "$249,600" and inserting in lieu thereof the amount "$316,200";

and by deleting the word, "12-Additional", and inserting in lieu thereof: "15-Additional";

Page 3,

after line 20, by adding the following:

"(10) Computerized Legal Research Proposal	$100,000	$80,000

Included in the above appropriation are funds to provide an annual salary increment of $750 in each fiscal year for each district judge.

It is the intent of the General Assembly that the additional salary increment adjustment for district judges be provided for fiscal years 1986-87 through 1991-92 in order to reduce the salary differential between the circuit judges and district judges by June 30, 1982 to approximately $4,000. It is further the intent of the General Assembly that this adjustment be provided in addition to any other salary adjustments provided to all judges in the Judicial Branch, and that after June 30, 1992 the salary differential between the circuit judges and district judges remain constant.

It is the intent of the General Assembly that one law clerk be assigned to the following judicial circuits: (a) Thirty-eight (38th) Judicial Circuit (Butler, Edmonson, Hancock and Ohio Counties); (b) Forty-first (41st) Judicial Circuit (Clay, Leslie and Jackson Counties); and (c) the Fifty-fourth (54th) Judicial Circuit (Boone and Gallatin Counties).";

Page 4, line 4,

by deleting the amount "$67,989,300" and inserting in lieu thereof the amount "$68,131,300";

by deleting the amount "$74,721,400" and inserting in lieu thereof the amount "$74,876,700";

Page 4, line 14,

by deleting the amount "$2,168,300" and inserting in lieu thereof the amount "$2,188,600";

by deleting the amount "$2,190,200" and inserting in lieu thereof the amount "$2,210,500";

Page 4, line 18,

after the word "retirees" by inserting the following:

"in accordance with KRS 6.577";

Page 4, line 21,

after the word "judgeships." by inserting the following:

"Also included in the above appropriation is $20,300 each fiscal year to provide a one-time five percent (5%) cost-of-living adjustment for persons who retired prior to June 30, 1980.";

Page 4, line 22,

by deleting the amount "$70,157,600" and inserting in lieu thereof the amount "$70,319,900";

by deleting the amount "$76,911,600" and inserting in lieu thereof the amount "$77,087,200";

Page 6,

by deleting lines 25 and 26 in their entirety;

Page 7,

by deleting lines 1 through 26 in their entirety;

Page 8,

by deleting lines 1 through 12 in their entirety;

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Michael Moloney, Pat McCuiston, Joe Prather, Joe Clarke, Kenny Rapier, Richard Turner, Pete Worthington, William Donnermeyer.

Representative Clarke moved that HB 262, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 90, Nays 7. (See April 1, 1986, roll call on HB 262—Appendix A.)

HB 262, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Clarke moved that the vote by which HB 262, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

Senate Message

Announcing passage of SCR 140.

Message received in regard to HB 262: The Senate has adopted the Free Conference Committee Report on HB 262 and is notifying this Honorable Body that it has repassed the bill as amended in free conference.

Message received in regard to HB 398: The Senate has adopted the Free Conference Committee Report on HB 398 and is notifying this Honorable Body that it has repassed the bill as amended in free conference.

Orders of the Day

SB 95 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Clarke moved that adoption of the following Free Conference Committee Report on SB 95. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

Adopt SB 95, amended as follows:

FREE CONFERENCE REPORT
FOR
SENATE BILL 95

Adopt House Committee Amendments No. 1 and No. 2 to the General Assembly copy of Senate Bill No. 95; and

Amend House Committee Amendment No. 1 to the General Assembly copy of Senate Bill 95, as follows:

Page 1, line 2,

by deleting the amount "$10,329,600" and inserting in lieu thereof the amount "$10,526,600";

Page 1, line 4,

by deleting the amount "$10,188,000" and inserting in lieu thereof the amount "$10,335,000";

Page 1, line 12,

by deleting the amount "$15,665,800" and inserting in lieu thereof the amount "$15,862,800"; and

Page 1, line 14,

by deleting the amount "$19,199,650" and inserting in lieu thereof the amount "$19,346,650."

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Michael Moloney, Pat McCuiston, Joe Prather, Joe Clarke, William Donnermeyer, Richard Turner, Pete Worthington, Kenny Rapier.

Representative Clarke moved that SB 95, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See April 1, 1986, roll call on SB 95—Appendix A.)

SB 95, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Clarke moved that the vote by which SB 95, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 40 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative T. Jones moved the adoption of the following Free Conference Committee Report on HB 40. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

On page 1, line 19, after the word "*shall*" insert "*first*";

On page 2, line 2, delete "*fifteen*" and insert "*eighteen*" in lieu thereof;

On page 2, line 3, delete "*(15,000)*" and insert "*(18,000)*" in lieu thereof;

On page 2, lines 3 and 4, delete "*five thousand dollars ($5,000)*" and insert "*four thousand five hundred dollars ($4,500)*" in lieu thereof.

On page 2, line 5, delete "*fifteen*" and insert "*eighteen*" in lieu thereof;

On page 2, line 6, delete "*(15,001)*" and insert "*(18,001)*" in lieu thereof;

On page 2, line 6, delete "*thirty-five thousand (35,000)*" and insert "*thirty thousand (30,000)*" in lieu thereof;

On page 2, line 8, delete "*thirty-five*" and insert "*thirty*" in lieu thereof;

On page 2, line 9, delete "*(35,001)*" and insert "*(30,001)*" in lieu thereof;

On page 2, line 10, delete "*two*" and insert "*three*" and delete "*($2,500)*" and insert "*($3,500)*" in lieu thereof;

On page 2, line 12, change "*one*" to "*three*" and delete "*five hundred*";

On page 2, line 13, change "*($1,500)*" to "*($3,000)*";

On page 2, line 14, after the word "*distribute*" insert "*the remaining funds appropriated for this program*";

On page 2, line 16, delete "*twenty-two and seventy-five hundredths (22.75) cents*" and insert "*at a rate of twenty-three (23) cents*" in lieu thereof;

On page 2, lines 17 and 18, delete "*and fifty-two and seventy-five hundredths (52.75) cents*" and insert "*, twenty-six (26) cents*" in lieu thereof;

On page 2, line 19, after the word "*and*" insert "*fifty-three (53) cents*";

On page 3, line 4 before the word "*For*" insert "*(c)*";

On page 3, line 5, after the word "*the*" insert "*foundation grant and*";

On page 3, after line 12, add the following:

"*(3) The appropriation necessary to fund the formula foundation grants and a fifty-three (53) cents per capita distribution shall constitute the base for the agency's biennial budget request for this program.*"

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Helen Garrett, Ed O'Daniel, Clyde Middleton, Walter Blevins, Tom Jones, Clarence Noland.

Representative T. Jones moved that HB 40, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See April 1, 1986, roll call on HB 40—Appendix A.)

HB 40, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative T. Jones moved that the vote by which HB 40, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 124 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Brinkley moved the adoption of the following Free Conference Committee Report on HB 124. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

On page 14, line 3, after "8." by inserting "KRS 117.075 is amended to read as follows:

(1) Any qualified voter who has not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, infirmity or illness, is not able to appear at the polls on election day may vote in the following manner. At least seven (7) days prior to the date of the election, he shall present to the clerk by mail or in person his verified statement that his inability to appear is due to age, infirmity, or illness, and indicating whether or not the condition is temporary, applying to the instant election only, or is expected to be a continuing one. Upon receipt of the verified statement, the clerk shall immediately mail to the voter a special ballot, and envelopes, and the voter shall cast his vote in the same manner as provided for the absent voter in KRS 117.087.

(2) Special ballots cast by disabled persons shall be tabulated in the same manner as are special ballots cast by absent voters.

(3) In case of a medical emergency within seven (7) days or less of an election, a registered voter may apply for an absentee ballot. Such application shall state that the emergency condition occurred within the seven (7) day period and must be notarized. The application form shall be restricted to the use of the voter, the voter's spouse, the voter's parents, or the voter's dependent children. If the voter has no spouse, parents or dependent children, the application form shall be restricted to the use of the voter or the voter's brother, sister, niece or nephew. Upon receipt of the application and verification the county clerk shall issue an absentee ballot.

(4) Ballots furnished subsequent to the provisions of this section shall include the names of all candidates for which the voter is entitled to vote.

Section 9."

On page 14, following line 12 by inserting "*A single application shall entitle a voter who qualifies to receive two (2) ballots as provided by this section to receive both such ballots. (2)*"; and at the beginning of line 25, to insert "*(3)* [" and to strike through "(2)" and after "(2)" to insert a closing bracket.

On page 15, at the beginning of line 8 to insert "*(4)* [" and to strike through "(3)" and after "(3)" to insert a closing bracket; and on line 12 after "voting" to insert ", as follows: *(a) Except as otherwise provided by this subsection, special* ["; and by striking through ". Special" and after "Special" by inserting a closing bracket; and on line 15 after "such ballots" by inserting ", *and* [" and by striking through "." and after "." by inserting a closing bracket; and on line 18 after "request." by inserting:

"*(b) At any general election at which names of candidates to federal office shall appear on the ballot, certain voters shall be mailed only one (1) ballot, which shall include the names of all candidates for which such voters are entitled to vote. Voters to receive only one (1) ballot shall be those voters who shall be:*

1. Outside the fifty (50) states on the day of the election but whose request for a special ballot shall be received subsequent to the printing of the ballot containing the names of all candidates for which such voters are entitled to vote; and

2. Within the fifty (50) states on the day of the election.

(c) At any general election for which separate ballots shall be printed for candidates for election to federal office, voters who shall be outside the fifty (50) states on the day of the election and who request a special ballot prior to the printing of the ballot containing the names of candidates exclusive of candidates to federal office, shall receive two (2) ballots. The first ballot shall contain the names of candidates to federal office, and the second shall contain the names of all candidates for which the voter is entitled to vote, exclusive of candidates to federal offices.

(5)."

On page 15, line 18, after "cause" by inserting "[" and by striking through "the" and at the end of the line by inserting "]"; and on line 19, after "special" by inserting "*ballots* [" and after "ballot" by inserting "]" and after "printed" by inserting "*for* [" and by striking through "thirty (30) days prior to" and at the end of the line by inserting "]"; and on line 20, after "election" by inserting:

"*(a) Each primary, fifty (50) days prior to the primary;*

(b) Each general election:

1. Names of candidates to federal office and no others, fifty (50) days prior to the election;

2. Names of the remaining candidates, thirty-eight (38) days prior to the election; and

3. Names of all candidates, thirty-eight (38) days prior to the election.

(6)."

On page 16, at the beginning of line 9, by inserting "*(7)* [" and by striking through "(4)" and after "(4)" by inserting "]" and at the beginning of line 15 by inserting "*(8)* [" and by striking through "(5)" and after "(5)" by inserting "]."

On page 17, after line 1, by inserting:

"Section 10. KRS 117.086 is amended to read as follows:

(1) The absent voter shall mark his ballot, seal it in the inner envelope and then in the outer envelope and mail it to the county clerk. The absent voter shall sign the detachable flap and the outer envelope in order to validate the absent ballot. [~~It shall be received by the clerk before 3:00 p.m. standard time on election day~~] In order to be counted, *the ballots shall be received by the clerk by at least the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.*

(2) The clerk shall deposit all of the returned ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted.

(3) The clerk shall keep a list of all persons who return their voted absentee ballots, and send a copy of that list to the state board after election day. The county clerk and the secretary of state shall keep a record of the number of absentee ballots cast in any election as a part of the official returns of the election."; and on line 2 after "Section" by inserting "11." and by deleting "9."

On page 19, on line 19, after "Section" by inserting "12" and by deleting "10"; and on line 22, after "least" by inserting "*fifty (50)* [" and by striking through "thirty (30)" and after "(30)" by inserting "]" and at the beginning of line 23 by deleting "*or regular*" and after "*regular*" by inserting "[" and by striking through "election" and after "election" by inserting "]" and after "election," by deleting the opening bracket and by removing the strikethroughs from "and at least" and after "least" by inserting "*thirty-eight (38)* [" and after "(15)" by inserting "]" and by removing the strikethroughs from "days"; and at the beginning of line 24 by removing the strikethroughs from "before any regular election," and after "election," by removing "]."

On page 21, line 4, after "Section" by inserting "13" and by deleting "11."

On page 22, line 10, after "Section" by inserting "14" and by deleting "12."

On page 25, line 1, after "Section" by inserting "15" and by deleting "13."

On page 30, line 15, after "Section" by inserting "16" and by deleting "14."

On page 32, line 9, after "Section" by inserting "17" and by deleting "15."

On page 38, line 18, after "Section" by inserting "18" and by deleting "16."

On page 39, line 22, after "Section" by inserting "19" and by deleting "17."

On page 41, after line 8, by inserting:

"Section 20. Section 4 of 1986 Senate Bill 29 is amended to read as follows: The state board of elections shall convene in Frankfort *sixty (60) days prior to a presidential preference primary* [~~on the last date prescribed by election law generally for filing nomination papers with the secretary of state prior to a primary~~]. At the meeting required by this section, the board shall nominate as presidential preference primary candidates all those generally advocated and nationally recognized as candidates of the political parties for the office of President of the United States. Immediately upon completion of this requirement, the board shall transmit a list of all such nominees selected to the secretary of state and shall also release the list to the news media.

Section 21. Section 5 of 1986 Senate Bill 29 is amended to read as follows: (1) Any person seeking the endorsement by a political party for the office of President of the United States who has not been nominated by the state board of election, or any group organized in this state on behalf of, and with the consent of, such person, may file with the secretary of state certified petitions signed by five thousand (5,000) persons who, at the time they sign, are registered and qualified voters in the Commonwealth and are affiliated, by such registration, with the same political party as the candidate for whom petitions are filed.

(2) Such petitions shall be filed by the petitioners with the secretary of state no later than *sixty (60) days* [~~the last date prescribed by election law generally for filing nomination papers with the secretary of state~~] prior to a *presidential preference* primary.

(3) The petitions must state:

(a) The name of the candidate for nomination and the party of which he is a member.

(b) The name and address of the chairman of the group circulating such petition.

(4) The secretary of state shall forthwith determine the sufficiency of petitions filed with him and shall immediately communicate his determination to the chairman of the group which has filed said petitions.

Section 22. Section 6 of 1986 Senate Bill 29 is amended to read as follows: (1) The secretary of state shall forthwith contact each person who has been nominated by the state board of elections or by petition and notify him in writing by certified mail, with return receipt requested, that his name will appear as a candidate on the Kentucky presidential primary ballot of his party, provided that he:

(a) Deposits with the secretary of state the sum required by Section 7 of 1986 Senate Bill 29; and

(b) Forwards to the secretary of state a notice of candidacy form, to be supplied by the secretary of state, along with the written notification required by this section.

(2) Failure of a candidate to deposit the fee required by Section 7 of 1986 Senate Bill 29 and to execute the notice of candidacy within fifteen (15) days after receipt of the written notification shall be a disclaimer and a withdrawal of his name from the primary.

(3) The order in which the names of candidates for a presidential preference primary are to be printed on the ballot shall be determined by

lot at a public drawing in the office of the secretary of state at 2:00 p.m., standard time, forty-two (42) days before the presidential preference primary.

(4) Not less than forty-one (41) days before the presidential preference primary is to be held, and after the order of the names has been determined as provided by subsection (3) of this section, the secretary of state shall certify to each county clerk the name, place of residence and party of each candidate, as specified in the notice of candidacy forms or petitions filed with him and shall designate the device with which the candidates of each

party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential elections, followed by the political party which received the second highest number of votes."

On page 41, line 9, after "Section" by inserting "23" and by deleting "18".

On page 45, line 23, after "Section" by inserting "24" and by deleting "19".

On page 47, line 2, by inserting "25" and by deleting "20"; and on line 4, after "(1)" by inserting "[" and by striking through "Not less than eighty (80) days before a primary"; and by striking through line 5; and at the beginning of line 6, by striking through "held, and after" and after "after" by inserting "] *After*".

On page 48, line 4, after "electors." by inserting: "*Such names shall be certified as follows:*

(a) Not less than eighty (80) days before a primary;

(b) Not less than sixty-two (62) days before a general election, such certification to include only candidates to federal office; and

(c) Not less than fifty-seven (57) days before a general election, such certification to include all candidates except those to federal office."

On page 49, line 17, after "than" by inserting "*seventy (70)* [" and by striking through "sixty (60)" and after (60) by inserting "]"; and on line 18, after "or" by inserting "*fifty (50)* [" and by striking through "forty (40)" and after "(40)" by inserting "]".

On page 50, after line 4, by inserting:

"Section 26. KRS 118.225 is amended to read as follows:

(1) For the purpose of determining the order in which the names of candidates to be voted for by the electors of the entire state shall be certified and printed on the ballots with the designation of the respective offices, the secretary of state shall prepare lists of the counties of each congressional district of the state. He shall then arrange the surnames of all candidates for each office in alphabetical order for the first congressional district, and the names shall be certified in this order to the county clerks of all the counties comprising that district. For each succeeding congressional district, taken in numerical order, the name appearing first for each office in the last preceding district shall be placed last, and the name appearing second in the last preceding district shall be placed first, and each other name shall be moved up one (1) place. The lists shall be certified accordingly.

(2) For all other offices for which nomination papers and petitions are filed with the secretary of state, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the secretary of state at 2:00 p.m., standard time, eighty-eight (88) days before the primary [~~election~~] or *sixty-four (64)* [~~sixty-eight (68)~~] days before the general election.

(3) For all offices for which nomination papers and petitions are filed in the office of the county clerk, the order in which the names of candidates for each office are to be printed on the ballot shall be determined by lot at a public drawing in the office of the county clerk at 2:00 p.m., standard time, eighty-eight (88) days before the primary [~~election~~] or *sixty-four (64)* [~~sixty-eight (68)~~] days before the general election.

(4) If the number of certified candidates cannot be placed on a ballot which can be accommodated on voting machines currently in use in the county, the county clerk shall notify the state board of elections, as provided in KRS 118.215."

On page 50, line 5, after "Section" by inserting "27" and by deleting "21".

On page 52, line 8, after "Section" by inserting "28" and by deleting "22"; and on line 20, after "than" by inserting "*sixty-eight (68)* [" and by striking through "seventy (70)" and after "(70)" by inserting "]".

On page 53, line 14, after "than" by inserting "*sixty-eight (68)* [" and by striking through "seventy (70)" and after "(70)" by inserting "]".

On page 54, line 3, after "than" by inserting "*sixty-eight (68)* [" and by striking through "seventy (70)" and after "(70)" by inserting "]"; and on line 9, after "than" by inserting "*sixty-eight (68)* [" and by striking through "seventy (70)" and after "(70)" by inserting "]"; and on line 11, after "Section" by inserting "29" and by deleting "23"; and on line 26, after "Section" by inserting "30" and by deleting "24".

On page 55, line 9, after "Section" by inserting "31" and by deleting "25".

On page 57, line 22, after "Section" by inserting "32" and by deleting "26".

On page 58, line 8, after "Section" by inserting "33" and by deleting "27"; and on line 18, after "Section" by inserting "34" and by deleting "28".

On page 59, line 1, after "Section" by inserting "35" and by deleting "29"; and on line 9, after "Section" by inserting "36" and by deleting "30"; and on line 18, after "Section" by inserting "37" and by deleting "31".

On page 63, after "Section" by inserting "38" and by deleting"32"; and after line 18, by inserting "*sixty-four (64)* [" and at the beginning of line 19 by striking through "sixty-eight (68)" and after "(68)" by inserting "]".

On page 64, line 1, after "than" by inserting "*fifty-seven (57)* [" and by striking through "sixty (60)" and after "(60)" by inserting "]".

On page 65, line 25, after "Section" by inserting "39" and by deleting "33".

On page 66, line 19, after "least" by inserting "*sixty-eight (68)* [" and by striking through "seventy"; and on line 20 after "(70)" by inserting "]".

On page 67, line 18, after "time," by inserting "*sixty-four (64)* [" by striking through "sixty-eight (68)" and after "(68)" by inserting "]".

On page 68, line 1, after "than" by inserting "*fifty-seven (57)* [" and by striking through "sixty (60)" and after "(60)" by inserting "]".

On page 70, line 1, after "Section" by inserting "40" and by deleting "34".

On page 71, line 12, after "Section" by inserting "41" and by deleting "35".

On page 73, after line 12, by inserting:

"Section 42. KRS 262.210 is amended to read as follows:

[~~No less than seventy (70) days before the day fixed by law for holding of regular elections,~~] Nominating petitions shall be filed with the clerk of the county in which the district lies to nominate candidates for supervisors of the district. *Such petitions shall be filed by at least the last date prescribed by the election law generally for filing certificates of nomination prior to a general election.* Each nominating petition shall be subscribed by twenty-five (25) or more qualified voters who are residents of the territory to be encompassed by the district. Resident qualified voters may join in nominating by petition more than one candidate for supervisor. The nominating petition shall state the residence and post-office address of each candidate, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate. The county clerk shall certify the nomination and election of supervisors to the commission."; and on line 13 after "Section" by inserting "43" and by deleting "36".

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Eugene Stuart, Woody May, Joe Prather, William Brinkley, J. D. Reinhardt, C.M. Hancock.

Representative Brinkley moved that HB 124, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 76, Nays 11. (See April 1, 1986, roll call on HB 124—Appendix A.)

HB 124, as amended by the Free Conference Committee Report was passed and the title agreed to.

Representative Brinkley moved that the vote by which HB 124, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

A Conference Committee Report was filed on HB 209.

Representative Moberly moved the adoption of the following Conference Committee Report on HB 209. Agreed.

The Conference Committee accepts HB 209 with the following:

Senate recedes from SFA 1.

Signed: Ed O'Daniel, David Karem, Nelson Allen, Harry Moberly, Tom Jones Clarence Noland.

HB 301 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Blevins moved the adoption of the following Conference Committee Report on HB 301. Agreed.

The Conference Committee on HB 301 concurred in SCA #1 and SFA #2.

Signed: Joe Lane Travis, Helen Garrett, Ed O'Daniel, Walter Blevins, Ronny Layman, James B. Yates.

On the roll call the vote was Yeas: 31—Barrows, Bendl, Bennett, Blandford, Blevins, Bronger, Burch, L. Clark, Clarke, Donnermeyer, Freibert, Guenthner, Hancock, K. Harper, Hines, T. Jones, Lear, LeMaster, Lile, Mann, McBee, Meyer, Moberly, O'Brien, Priddy, Rapier, Scorsone, Strong, Stumbo, Thomas, Yates. Nays 62—Allen, Arnold, Brinkley, M. Brown, Bruce, Burnette, Caldwell, Clapp, P. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Ellington, Farrow, Ford, Gray, Gregory, Handy, J. Harper, Head, Holbrook, Holloway, Jensen, Johnson, R. Jones, Keith, Kerr, Layman, Lefevers, Little, Long, Lyne, Maggard, McElroy, McNutt, Morris, Napier, Nett, Noland, Overstreet, Pearman, Preston, Pritchett, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Siler, Smith, Stewart, Stone, Todd, Turner, White, Williams, Worthington.

The Conference Committee Report on HB 301 was rejected.

HB 311 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Brinkley moved the adoption of the following Conference Committee Report on HB 311. Agreed.

The Conference Committee on HB 311 concurs with SFA #1.

Signed: Ed O'Daniel, Joe Lane Travis, William T. Brinkley, Thomas Jensen, James Bruce.

Representative Brinkley moved that HB 311, as amended by the Conference Committee Report, be passed.

On the roll call the vote was: Yeas 96, Nays 1. (See April 1, 1986, roll call on HB 311—Appendix A.)

HB 311, as amended by the Conference Committee Report, was passed and the title agreed to.

Senate Message

Message received in regard to HB 40: The Senate has adopted the Free Conference Committee Report on HB 40 and is notifying this Honorable Body that it has repassed the bill as amended in free conference.

Message received in regard to HB 677: The Senate has adopted the Conference Committee Report on HB 677 and is notifying this Honorable Body that it has repassed the bill as amended in conference.

Message in regard to HB 607: The Senate has adopted the Free Conference Committee Report on HB 607 and is notifying this Honorable Body that it has repassed the bill as amended in free conference.

Orders of the Day (continued)

HB 323 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Johnson moved the adoption of the following Free Conference Committee Report on HB 323. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

On page 5, line 9, after "be" insert the following: "*made through a domestic relations clerk of the county or other county officer designated by the court to receive such payments and*"; and

on page 6, line 8, after "paid" insert the following:

"*, through the domestic relations clerk of the county or other county officer designated by the court to receive such payment,*" and place brackets around and strike through "directly"; and

on page 6, line 14, after "amount" insert the following: "*, through the domestic relations clerk of the county or other county officer designated by the court to receive such payment,*" and place brackets around and strike through "directly"; and

on page 12, line 4, after "employer" add: "*or any subsequent employer*"; and

on page 12, line 13, after "employe" add "*, refusing to employ, or taking disciplinary action against any parent subject to withholding required by this section.*"; and

on page 13, line 13, after "secretary" add: "*shall*" and place brackets around and strike through "*may*"; and

on page 13, line 15, after "order" add: "*Said payments shall be made through the domestic relations clerk of the county or other county officer designated by the court to receive such payment.*"; and

on page 14, following line 18 by adding the following:

"*(6) Any order to withhold earnings under this subsection shall have priority as against any attachment, execution or other assignment, notwithstanding any state statute or regulation to the contrary.*

(7) No withholding under this section shall be grounds for discharging from employment, refusing to employ, or taking disciplinary action against any parent subject to withholding required by this section.

(8) The remedies provided for in this section shall also be available for applicable support orders issued in other states.

(9) Interstate requests for withholding of earnings shall be processed by the cabinet unless local officials as defined in KRS 205.800 specifically request authority to process those requests."; and

on page 15, after line 9, by adding the following: "SECTION 18. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO READ AS FOLLOWS:

Any person or corporation violating the provisions of KRS 405.465 or Section 16 of this Act shall be fined not more than five hundred dollars ($500) or be imprisoned in the county jail for not more than one (1) year, or both."

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Nelson Allen, Ed O'Daniel, Gene Huff, Louis Johnson, Ward Burnette, Pat Freibert.

Representative Johnson moved that HB 323, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 98, Nays 0. (See April 1, 1986 roll call on HB 323—Appendix A.)

HB 323, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Johnson moved that the vote by which HB 323, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Moberly moved the adoption of the following Conference Committee Report on HB 462. Agreed.

The Conference Committee on HB 462/GA refused to accept or recede SCA (1) and (2). Free Conference not requested.

Signed: Pat McCuiston, Henry Lackey, Bill Lile, Harry Moberly, Ernest Scorsone.

HB 607 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative O'Brien moved the adoption of the following Free Conference Committee Report on HB 607. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

Concurred in SFA(2).

On page 2, after line 4, by adding the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

Every pharmacy shall post a sign in a location easily seen by patrons at the counter where prescriptions are dispensed stating that: "This pharmacy is required to dispense the lowest priced generic drug in stock which is therapeutically equivalent to the one prescribed for you by your doctor unless you or your doctor do not approve. Ask your pharmacist." The printing on the sign shall be in letters not less than one (1) inch in height."

On page 1, by changing the title to read as follows: "AN ACT relating to health care."

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: W. Quinlan, Frank Miller, Michael Moloney, Terry Manns, Mark O'Brien, Charles Holbrook.

Representative O'Brien moved that HB 607, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 74, Nays 19. (See April 1, 1986, roll call on HB 607—Appendix A.)

HB 607, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative O'Brien moved that the vote by which HB 607, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 614 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Noe moved the adoption of the following Free Conference Committee Report on HB 614. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

On page 2, line 2, bracket and strike through the word "exception" and insert "*exemption*" in lieu thereof;

On page 2, line 2, after the word "granted" insert the word "*to*";

On page 2, line 3, after the word "district" add the following: "*, except as provided in this subsection*";

On page 2, line 3, after the "." add the following:

"*All classes shall be within the maximum class sizes by September 15 of each school year. However, through the 1987-88 school year, if a school's enrollment increases after September 15, an exemption for reason of space limitation only, for up to two (2) students above the maximum class size may be granted to a class in which the newly enrolled students are placed. These exemptions shall not be granted for kindergarten classes and for classes with combined grades. These exemptions shall be granted only after the department of education has made an on-site visit and analyzed the district's total classroom space, class sizes and all alternatives and has determined that the district has no means by which to meet the maximum class size requirements with available space. Temporary exemptions shall be granted by the department pending the required on-site visit and analysis. Except as otherwise provided for in this subsection, exemptions shall be subject to the provisions of KRS 157.360(3) and (4) and regulations pertaining thereto. Any district failing to comply with this subsection is subject to loss of the power equalization funds available for this purpose under this section.*"

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Nelson Allen, Joe Wright, Roger Noe, J. Barrows, Bill Lile.

Representative Noe moved that HB 614, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 95, Nays 1. (See April 1, 1986, roll call on HB 614—Appendix A.)

HB 614, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Noe moved that the vote by which HB 614, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 677 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Barrows moved the adoption of the following Conference Committee Report on HB 677. Agreed.

The Conference Committee accepts HB 677 with the following:

House concurs with SCA 2;

Senate recedes from SCA 3.

Signed: David Karem, Joe Lane Travis, Kenneth Gibson, J. Barrows, David Williams, Freed Curd.

Representative Barrows moved that HB 677, as amended by the Conference Committee Report, be passed.

On the roll call the vote was: Yeas 97, Nays 0. (See April 1, 1986, roll call on HB 677—Appendix A.)

HB 677, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative Barrows moved that the vote by which HB 677, as amended by the Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Barrows moved that a call of the roll be taken to show co-sponsors of HB 677. Agreed.

The following members requested that their names be added as co-sponsors of HB 677: 95—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Maggard, Mann, McBee, McElroy, McNutt, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates.

HB 897 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Burnette moved the adoption of the following Free Conference Committee Report on HB 897. Agreed.

The Free Conference Committee on HB 897 agreed that Senate Committee Amendment (1) should read as follows:

On page 1, line 6, by deleting after the word "*in*" the following: "*conjunction*" and by inserting the following: "*cooperation*"; and

on page 1, line 13, by deleting after the word "*in*" the following: "*conjunction*" and by inserting the following: "*cooperation.*"

Signed: Kenneth Gibson, Louis T. Peniston, Gene Huff, Lonnie Napier, Al Bennett, Clay Crupper.

Representative Burnette moved that HB 897, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See April 1, 1986, roll call on HB 897—Appendix A.)

HB 897, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Burnette moved that the vote by which HB 897, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 978 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Little moved the adoption of the following Free Conference Committee Report on HB 978. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

Adopt the Senate Committee Substitute to HB 978, and amend as follows:

Page 5, line 21, after the word "*shall*" insert the following language: "*meet with said fiscal court or local governing body and*"; and

Page 5, line 21, after the word "*consideration*" insert the following langauge: "*their concerns.*"

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Woody May, Art Schmidt, Charles Higdon, John Rose, Clayton Little, Clarence Noland, Al Bennett.

Representative Little moved that HB 978, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 87, Nays 10. (See April 1, 1986, roll call on HB 978—Appendix A.)

HB 978, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Little moved that the vote by which HB 978, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

HB 902 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Morris moved the adoption of the following Free Conference Committee Report on HB 902. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

Concurred in title amendment.

Concurred in SFA (2).

Concurred in SFA (3).

On page 30, line 19, after "*(3)*" by inserting "*Unless exempted by KRS 294.020,*"; and

On page 30, line 19, by deleting "*It*" and inserting "*it*" in lieu thereof; and

On page 30, line 20, after "*mortgage*" by inserting "*loan*"; and

On page 30, line 24, by deleting "*unless exempted by KRS 294.020.*"

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: David Karem, Helen Garrett, Ramsey Morris, Margaret Stewart, Adrian Arnold.

Representative Morris moved that HB 902, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 94, Nays 0. (See April 1, 1986, roll call on HB 902—Appendix A.)

HB 902, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Senate Message

Message received on HB 34: The Senate has adopted the Conference Committee Report on HB 34 and is notifying this Honorable Body that it has repassed the bill as amended in conference.

Message received on HB 301: The Senate has adopted the Conference Committee Report on HB 301 and is notifying this Honorable Body that it has repassed the bill as amended in conference.

Message received on HB 323: The Senate has adopted the Free Conference Committee Report on HB 323 and is notifying this Honorable Body that it has repassed the bill as amended in free conference.

Message received on HB 614: The Senate has adopted the Free Conference Committee Report on HB 614 and is notifying this Honorable Body that it has repassed the bill as amended in free conference.

Orders of the Day (continued)

HJR 78 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Cyrus moved the adoption of the following Free Conference Committee Report on HJR 78. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

On page 2, beginning on line 5 by deleting ", including two legislators who are members of the Interim Joint Committee on Labor and Industry"

And on line 7, after the word "is" by deleting "further" and after the word "the" by deleting "remaining"

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: J. Trevey, Ed O'Daniel, Georgia Powers, Ed Holloway, Al Bennett Ronald Cyrus.

Representative Cyrus moved that HJR 78, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 96, Nays 0. (See April 1, 1986, roll call on HJR 78—Appendix A.)

HJR 78, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Cyrus moved that the vote by which HJR 78, as amended by the Free Conference Report, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Clapp moved the adoption of the following Free Conference Committee Report on SB 283. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

Free conference committee met and cannot agree.

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Joe Lane Travis, Frank Miller, Lloyd Clapp, Herman Rattliff.

Representative Burnette moved the adoption of the following Conference Committee Report on SB 327. Agreed.

The conference committee recommends the following: Disagree—let bill die—free-conference need not be appointed.

Signed: Ed O'Daniel, Michael Moloney, Henry Lackey, Bobby Richardson, Danny Ford, Butch Burnette.

SB 340 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Farrow moved the adoption of the following Free Conference Committee Report on SB 340. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

Adopt the provisions of House Committee Substitute for Senate Bill 340 (GA Copy) with the following changes:

On page 5, line 12:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On page 7, line 21:

Delete "*KRS 18A.020(2)(c)*" and insert in lieu thereof "*Section 8 of this Act*"; and,

On page 7, line 19:

Delete "*KRS 18A.020(2)(c)*" and insert in lieu thereof "*Section 8 of this Act*"; and,

On page 8, line 3:

Delete "*, in*"; and,

On page 8, line 4:

Delete the words "*each category*"; and,

On page 8, line 5:

After the word "*job*" insert the words "*in all categories*"; and,

On page 8, lines 6 through 9:

Delete lines 6 through 9 in their entirety and insert in lieu thereof the following: "*(b) Meets performance requirements means that an employe's performance neither exceeds performance requirements in all categories nor fails to meet performance requirements in all categories established for the employe's job; and*"; and,

On Page 8, line 12:

Delete the words "*at least*"; and,

On Page 8, line 13:

Delete the words "*one (1) category*" and insert in lieu thereof the word "*all categories*"; and,

On Page 8, line 15:

Delete the words "*equal to*"; and,

On Page 8, line 16:

Delete the words "*one and one-half percent (1 1/2 %) of his base salary or*"; and,

On Page 8, line 17:

Delete the words "*wages, or six hundred dollars ($600), whichever is less*", and insert in lieu thereof the words "*to be determined by the commissioner based upon the appropriation for performance increments provided by the General Assembly*"; and,

On Page 10, line 10:

After the word "*rating*" insert the words "*in all category*"; and,

On page 10, line 26:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On page 11, line 2:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On page 13, line 11:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On Page 15, line 4:

Delete the words "*or without*"; and

On page 15, lines 7 through 25:

Delete lines 7 through 25 in their entirety, and renumber subsequent subsections accordingly; and,

On page 18, line 2:

Delete the number "*(5)*" and insert in lieu thereof "*(4)(b)*"; and,

On page 18, line 3:

Before the word "*transferred*" insert the word "*so*"; and,

On page 18, line 3:

Delete: "*as provided by Section 5(3) to (5) of this*"; and,

On page 18, line 4:

Delete the word "*Act*"; and,

On page 21, line 24:

Delete the word "*tenure*"; remove the brackets before and after the word "status", and remove the strike through of the word "status"; and,

On Page 22, line 20:

Before the word "and" insert the word "*or*"; and,

On Page 22, line 20:

Place a bracket before and after the word "and" and strike through the word "and".

On page 22, line 24:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On page 24, between lines 22 and 23:

Insert the following: "*(31) "Status" means the acquisition of tenure with all rights and privileges granted by the provisions of this Act after satisfactory completion of the initial probationary period by an employe in the classified service;*"; and,

On page 24, line 23:

Renumber subsequent subsections accordingly; and,

On page 25, lines 2 through 7:

Delete lines 2 through 7 in their entirety, and renumber subsequent subsections accordingly; and,

On Page 29, line 1:

Delete the following: "*For purposes of dissemination of information and*"; and

On Page 29, line 2:

Delete the following: "*coordination of activities only,*"; and,

On Page 29, line 4:

Delete the period following the word "cabinet"; and,

On Page 29, line 4:

Remove the brackets before and after ", and", and remove the strike through of ", and"; and,

On Page 29, line 6:

Delete the following: "*provided by this Act*"; and,

On Page 29, line 6:

Remove the bracket before the word "assigned" and remove the strike through of the words "assigned by the secretary of the"; and,

On Page 29, line 7:

Remove the strike through of each word on line 7; and,

On Page 29, line 8:

Remove the strike through of each word on line 8 and remove the bracket following the word "secretary"; and,

On Page 29, line 12:

Remove the bracket before the word "subject"; remove the strike through of each word on line 12; and remove the bracket after "governor,"; and,

On Page 31, line 9:

Before the word "*Promulgate*", insert the words "*As provided by this Act,*"; and,

On Page 41, line 17:

Before the word "Adopt" insert the following: "*As provided by this Act, promulgate*"; and,

On Page 41, line 17:

Place a bracket before and after the word "Adopt" and strike through the word "Adopt"; and,

On Page 41, line 17:

Insert the words "*administrative regulations*" before the word "rules"; and,

On Page 41, line 17:

Place a bracket before and after the word "rules" and strike through the word "rules"; and,

On page 48, line 24:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On page 51, line 4:

Delete the word "*tenure*" and insert in lieu thereof the word "*status*"; and,

On page 57, line 17:

Before the word "*shall*" insert the following: "*or an employee of the board*"; and,

On page 58, line 3:

Before the word "*board*" insert the word "*non-elected*", and,

On page 58, line 4:

Before the word "*member*" insert the word "*non-elected*"; and,

On page 58, line 5:

Before the word "*member*" insert the word "*non-elected*"; and,

On page 58, line 8:

Before the word "*member*" insert the word "*non-elected*"; and,

On Page 60, lines 8 through 22:

Delete lines 8 through 22 in their entirety and insert in lieu thereof: "*(24) If a final order of the board is appealed, a court shall award reasonable attorney fees to an employe who prevails by a final adjudication on the merits as provided by Section 25 of this Act. Such award shall not include attorney fees attributable to the hearing before the board.*"; and,

On Page 61, line 20:

Before the word "*the*", insert the following: "*unless the board rules otherwise*"; and,

On page 75, line 1:

After the word "classified" delete the word "*service*"; and,

On Page 75, line 7:

Delete the words "*appointed to*"; and,

On Page 75, line 7:

Remove the bracket before the word "considered" and remove the strike through of the word "considered"; and,

On Page 75, line 8:

Remove the strike through of the words "for employment in", and remove the bracket following the word "in"; and,

On Page 75, line 8:

Delete the word "*are*"; and,

On Page 75, line 9:

Delete the word "*or*"; and,

On Page 75, line 9:

Delete the following: "*. If no such vacant position exists, the*"; and,

On Page 75, line 10:

Delete the words "*provisions of*" and remove the bracket before the word "pursuant"; and,

On Page 75, line 10:

Remove the strike through of the words "pursuant to" and remove the bracket following the word "to"; and,

On Page 75, line 11:

Delete the words "*shall apply*"; and,

On Page 76, line 8:

Delete the word "*Employes*"; and,

On Page 76, line 8:

Remove the bracket before the word "No"; remove the strike through of the words "No employe"; and remove the bracket after the word "employe"; and,

On Page 76, line 9:

Delete the following: "*, members*"; and,

On Page 76, line 9:

Remove the bracket before the word "or"; remove the strike through of the words "or member"; and remove the bracket following the word "member"; and,

On Page 76, line 10:

Delete the following: "*, the*"; and,

On Page 76, line 10:

Remove the brackets before and after the word "or" and remove the strike through of the word "or"; and,

On Page 76, line 10:

Delete the words "*and classified*"; and,

On Page 76, lines 11 and 12:

Delete lines 11 and 12 in their entirety; and,

On Page 76, line 13:

Delete the words "*revert granted by KRS 18A.115(4)*"; and,

On Page 76, line 13:

Delete the word "*not*"; and,

On Page 76, line 20:

Delete "*:*"; and,

On Page 76, line 21:

Delete "*(a)*"; and,

On Page 76, line 21:

Delete ";"; and,

On Page 76, lines 22 and 23:

Delete lines 22 and 23 in their entirety; and,

On Page 76, line 24:

Delete the following: "*retain the right to revert granted by KRS 18A.115(4)*"; and,

On Page 76, line 25:

Delete the word "*Employes*"; and,

On Page 76, line 25:

Remove the bracket before the word "No"; remove the strike through of the words "No employe"; and remove the bracket following the word "employe"; and,

On Page 76, line 26:

Delete the following: "*, members*"; and,

On Page 76, line 26:

Remove the bracket before the word "or"; remove the strike through of the words "or member"; and, remove the bracket following the word "member"; and,

On Page 77, line 1:

Delete the following: "*and classified employes appointed to a*"; and,

On Page 77, lines 2 and 3:

Delete lines 2 and 3 in their entirety; and,

On Page 77, line 4:

Delete "*18A.115(4)*"; and,

On Page 77, line 4:

Delete "*not*"; and,

On Page 77, line 8:

Remove the brackets before and after the word "shall", and remove the strike through of the word "shall"; and,

On Page 77, line 12:

Delete the word "*and*"; and,

On Page 77, lines 13 and 14:

Delete lines 13 and 14 in their entirety; and,

On Page 77, line 15:

Delete the following: "*right to revert granted by KRS 18A.115(4)*"; and,

On Page 77, lines 20 through 26:

Delete lines 20 through 26 in their entirety; and,

On page 81, line 15:

Delete the words "*a cash bonus*" and insert in lieu thereof the words "*lump sum payment awarded under the provisions of Section 3 of this Act*"; and,

On page 92, line 11:

Delete: "*handicap,*"; and,

On Page 92, lines 13 through 26:

Delete lines 13 through 26 in their entirety; and,

On Page 93:

Delete lines 1 through 26 in their entirety; and,

On Page 94:

Delete lines 1 through 26 in their entirety; and,

On Page 95:

Delete lines 1 through 26 in their entirety; and,

On Page 96:

Delete lines 1 through 26 in their entirety; and,

On Page 97:

Delete lines 1 through 26 in their entirety; and,

On Page 98:

Delete lines 1 through 26 in their entirety; and,

On Page 99, lines 1 through 14:

Delete lines 1 through 14 in their entirety; and, insert in lieu thereof the following:

On page 99, line 15:

After the word "Section" delete "29" and insert in lieu thereof "28". Renumber remaining sections accordingly.

Signed: John Rose, Fred Bradley, John Trevey, Mark Farrow, C.M. Hancock, Charles Siler, J. Barrows.

Representative Farrow moved that SB 340, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 98, Nays 1. (See April 1, 1986, roll call on SB 340—Appendix A.)

SB 340, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Farrow moved that the vote by which SB 340, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 346 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Burch moved the adoption of the following Conference Committee Report on SB 346. Agreed.

The conference committee recommends the following:

Committee agreed to concur in HCA 1 to SB 346.

Signed: Charles Berger, David LeMaster, Clyde Middleton, Tom Burch, Louis Mack.

Representative Burch moved that SB 346, as amended by the Conference Committee Report, be passed.

On the roll call the vote was: Yeas 95, Nays 0. (See April 1, 1986, roll call on SB 346—Appendix A.)

SB 346, as amended by the Conference Committee Report, was passed and the title agreed to.

SB 352 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Rapier moved the adoption of the following Free Conference Committee Report on SB 352. Agreed.

The free conference committee has met as provided in the rules of the House and Senate and hereby reports the following to be adopted:

By amending the title to read: AN ACT relating to the state and governmental entities thereof.

On page 2, line 4, by adding after line 4, the following:

"Section 2. KRS 186.240 is amended to read as follows:

It shall be the duty of the cabinet to carry out the provisions of KRS 186.005 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.005 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180(1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The cabinet shall prescribe a plate of practical form and size for police identification purposes which shall be embossed with the registration number, the word "Kentucky" and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Transportation," "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the department of vehicle regulation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state and of KRS 186.061, relating to the licensing of vehicles owned exclusively by any nonprofit volunteer fire department, volunteer fire prevention unit, and volunteer fire protection unit. A state slogan may be placed upon such plate if so desired.

(4) The transportation cabinet shall receive all moneys forwarded by the clerk in each county and turn same over to the state treasurer for the benefit of the state road fund.

(5) The transportation cabinet shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him. *The auditor of public accounts, pursuant to Section 3 of this Act, shall annually audit each county clerk concerning his responsibilities for the collection of various fees and taxes associated with motor vehicles. The secretary of the transportation cabinet, with the advice, consultation and approval of the auditor, shall develop and implement an inventory and accounting system which shall insure that the audits mandated in Section 3 of this Act are performed in accordance with generally accepted auditing standards. The transportation cabinet shall pay for the audits mandated by Section 3. of this Act.*

(6) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the cabinet.

SECTION 3. A NEW SECTION OF KRS CHAPTER 43 IS CREATED TO READ AS FOLLOWS:

(1) The auditor of public accounts shall annually audit each county clerk concerning:

(a) All receipts due from the collection of motor vehicle registration fees and motor vehicle licenses and other receipts due the clerk pertaining to motor vehicles as prescribed in KRS Chapters 186 and 186A;

(b) All receipts due from the collection of motor vehicle usage tax as prescribed by KRS 138.460; and

(c) All receipts due from the collection of the ad valorem tax on motor vehicles as prescribed by KRS 134.800.

These annual audits shall be completed by April 15 of the year following the year to be audited.

(2) The provisions of KRS 43.070 shall not apply to the separate and distinct duties imposed on the auditor of public accounts pursuant to subsection (1) of this section. The audits specified in subsection (1) of this section shall be conducted prior to the audits mandated by KRS 43.070.

(3) Immediately upon completion of each audit, the auditor of public accounts shall prepare a report of his findings noting any indebtedness to the Commonwealth. He shall furnish one (1) copy to the county clerk, one (1) copy to the secretary of the transportation cabinet and one (1) copy to the secretary of the revenue cabinet. Should the county clerk object to any findings of indebtedness in the auditor's report, he shall file a written response with the auditor within ten (10) days of his receipt of said report. The auditor shall consider the written response and within thirty (30) days of its receipt issue a final report. Should the county clerk wish to object to any findings of indebtedness contained in the final report, he shall file a request within ten (10) days of his receipt of the final report for a hearing before a three (3) member panel composed of the secretary of transportation or his designee, the secretary of the revenue cabinet or his designee and the president of the Kentucky county clerks association or his designee. The majority decision of this panel shall be determinative of any indebtedness to the Commonwealth. This panel shall convene within twenty (20) days after receiving a request for such hearing and shall render its decision including written findings of fact within fifteen (15) days of the termination of the hearing. Should the county clerk wish to appeal the decision of this panel he shall file such appeal within thirty (30) days of the issuance of the panel's decision in the circuit court for the county where he serves.

Section 4. There is appropriated out of the general fund in the state treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law, but which have not been paid because of lapsing or insufficiency of former appropriations against which said claims were chargeable, the sums hereinafter specified:

Richardson & Associates Covington, Kentucky	$4,651.00''

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

Signed: Frank Miller, Joe Lane Travis, Ed Ford, Kenny Rapier, Jim Rose, Ray Preston.

Representative Rapier moved that SB 352, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was: Yeas 88, Nays 6. (See April 1, 1986, roll call on SB 352—Appendix A.)

SB 352, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 352, as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be placed on the table. Agreed.

SB 241 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Johnson moved the adoption of the following Conference Committee Report on SB 241. Agreed.

The conference committee recommends the following:

The Senate concurs with HFA (1) and HFA (3).

Signed: Gene Huff, Charles Holbrook, Billy Ray Smith, Louis Johnson.

Representative Johnson moved that SB 241, as amended by the Conference Committee Report, be passed.

Representative Johnson moved that the motion that SB 241, as amended by the Conference Committee Report, be passed be withdrawn. Agreed.

Recess

Representative Stumbo moved that the House recess until 1:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Stumbo moved that the rules be suspended for the purpose of making an announcement. Agreed.

Representative Stumbo announced the Committee on Committees would meet on Recess.

Recess

Representative Stumbo moved that the House recess until 2:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

SB 47 taken from Orders of the Day. Representative Stumbo moved that it be placed upon its passage. Agreed.

Representative Stumbo moved that the House recede from Floor Amendment No. 2 to SB 47. Agreed.

Representative Stumbo moved that SB 47, as previously amended by House Floor Amendment No. 1, be passed.

On the roll call the vote was: Yeas 81, Nays 0. (See April 1, 1986, roll call on SB 47—Appendix A.)

SB 47, as amended, was passed and the title agreed to.

Representative Stumbo moved that the vote by which SB 47, as amended, was passed be reconsidered and said motion be placed on the table. Agreed.

Representative Stumbo moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 208, by Representatives Stumbo, Blandford, Turner, Rapier, Worthington and Donnermeyer: A RESOLUTION approving the six year highway construction program and the addendum as submitted by the Kentucky Transportation Cabinet.

Representative Stumbo moved the adoption of the following HR 208:

HR 208, A RESOLUTION approving the six year highway construction program and the addendum as submitted by the Kentucky Transportation Cabinet.

WHEREAS, the Kentucky Transportation Cabinet submitted to the General Assembly its plan for preconstruction and construction for 1987-1992; and

WHEREAS, on April 1, 1986, Secretary C. Leslie Dawson presented an addendum to the six year program attaching special projects for construction of bridges connecting Newport and Cincinnati, Covington and Cincinnati and bridge and approaches at Maysville; and

WHEREAS, Kentucky Revised Statute 176.430(4) clearly requires that the General Assembly approve the six year plan;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That pursuant to KRS 176.430(4) the House adopts the contents of the Transportation Cabinet's six year plan.

Section 2. That adoption of this resolution constitutes approval as required by KRS 176.430(4).

Section 3. That a copy of this resolution be transmitted to the Governor and the Secretary of Transportation.

HR 208 was adopted by voice vote.

Senate Message

Message received on HB 202, HB 209, HB 311: The Senate has adopted the Conference Committee Report and is notifying this Honorable Body that it has repassed the bills as amended in conference.

Message received on HB 978, HB 902, HB 897, HB 124, HJR 78: The Senate has adopted the Free Conference Committee Reports and is notifying this Honorable Body that it has repassed the bills as amended in conference.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Stumbo moved the adoption of the following SCR 140:

SCR 140, A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives do adjourn on Tuesday, April 1, 1986, they do so to convene again on Monday, April 14, 1986, at a time set by motion upon such adjournment.

SCR 140 was adopted by voice vote.

Representative Guenthner moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 206, by Representatives Guenthner and Heleringer: A RESOLUTION honoring the cheerleaders of Louisville's Trinity High School.

Representative Guenthner moved the adoption of the following HR 206:

HR 206, A RESOLUTION honoring the cheerleaders of Louisville's Trinity High School.

WHEREAS, six students from Sacred Heart Academy—Theresa Brislin, Kim Coy, Lisa Kalmey, Heather Barnett, Beth Ricker, and Stephanie Walters—and two from Assumption High School—Jenny Reid and Jill Norris—have made up the cheerleading squad for Trinity High School this season; and

WHEREAS, this squad has been sponsored by Don Switzer and coached by Deanna Frederick and Lisa Clayton; and

WHEREAS, this enthusiastic squad has played an important role in the Trinity Shamrocks' successful basketball season; and

WHEREAS, poise, grace, gymnastic skills and leadership ability have been the marks of these outstanding cheerleaders; and

WHEREAS, this superior squad placed fourth in the state competition held on March 22nd in conjunction with the Sweet Sixteen tournament in Lexington;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes this outstanding cheerleading squad, the Shamrocks of Trinity High School, and congratulates them for the distinction they have attained.

Section 2. That copies of this resolution be sent to Trinity High School principal Peter Flaig for distribution to the cheerleaders, their coaches, and their sponsor.

HR 206 was adopted by voice vote.

Representative Smith moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Smith moved the adoption of the following HR 203:

HR 203, A RESOLUTION honoring the girls' basketball team of Franklin-Simpson High School, the Wildcats.

WHEREAS, under the superb coaching of Damon Tabor, the "Lady Cats" of Franklin-Simpson have had an excellent 26-5 season this year, winning the 4th Region title and advancing to the finals of the state tournament, where they were edged out by one point on a last-second shot; and

WHEREAS, that thrilling championship game was tied fifteen times, had only one lead greater than three points, and had to be decided in overtime; and

WHEREAS, two of the Lady Cats, Pam Gooch and Kelly Cook, were named to the All-tournament Team; and

WHEREAS, the Lady Cats have given their supporters and friends many exciting memories and a lot to be proud of;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the Lady Cats of Franklin-Simpson High School for a superb season, capped by being runner-up in the state tournament.

Section 2. That sufficient copies of this resolution be sent to Coach Damon Tabor for distribution to team members and coaching staff.

HR 203 was adopted by voice vote.

Representative Stumbo moved that HB 34, HB 37, and SB 343 be recommitted to the Committee on State Government. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported SB 311 and SB 344 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—2:28 p.m.)

Representative Stumbo moved that the rules be suspended to introduce and act upon Resolutions. Agreed.

HR 207, by Representatives Hines and Burch: A RESOLUTION congratulating the University of Louisville Cardinal basketball team for winning the 1986 NCAA basketball championship and adjourning in honor thereof.

Representative Hines moved the adoption of the following HR 207:

HR 207, A RESOLUTION congratulating the University of Louisville Cardinal basketball team for winning the 1986 NCAA basketball championship and adjourning in honor thereof.

WHEREAS, in the showdown in Dallas last night the U of L Cardinals defeated the Duke Blue Devils 72 to 69 to win the 1986 NCAA basketball championship and now reign as the national champions; and

WHEREAS, the victory culminates the extraordinary season the Cardinals have had this year, finishing 32-7, winners of the Metro Conference, the Metro Conference Tournament and the NCAA western regional; and

WHEREAS, Coach Denny Crum must be singled out for his genius as a basketball coach having now won his second NCAA championship and having guided the Cardinals to the NCAA final four six times in his fifteen year tenure at U of L; and

WHEREAS, while the success of the Cardinals this season is attributable to the disciplined and unselfish team play, if any player can be singled out for special notice, attention must be directed to "never nervous" Pervis Ellison, the freshman center extraordinaire of the Cards who became the first freshman since 1944 to be named Most Valuable Player of the NCAA final four; and

WHEREAS, the Cardinals now reign alone atop the college basketball world, recognized nationwide as the finest basketball team in the land; in the words of the New York Times, the Ferrari of college basketball, combining a unique blend of speed and power; and

WHEREAS, the only regret is that the basketball season is now over and we will no longer be able to watch the breathtaking feats of roundball legerdemain practiced by departing seniors Milt Wagner, Billy Thompson and Jeff Hall and the rest of this college team;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body extends its congratulations to the University of Louisville Cardinals for winning the 1986 NCAA basketball championship and also extends its thanks and appreciation to the Cards for the hours of pleasure they have given their fans in watching the premier basketball team in the nation. And this body offers the departing seniors its best wishes as they complete their careers with U of L and looks forward to watching the remaining players next season in the next edition of the Cards.

Section 2. That the Clerk of the House is directed to invite Coach Denny Crum, his coaching staff and the players of the team to come to Frankfort this day to receive this resolution and receive in person the plaudits of the House.

Section 3. That when the House adjourns this day, Tuesday, April 1st, 1986, it does so in honor of the 1986 NCAA basketball champions, the University of Louisville Cardinals.

HR 207 was adopted by voice vote.

Representative Hines moved that a call of the roll be taken to show co-sponsors of HR 207. Agreed.

The following members requested that their names be added as co-sponsors of HR 207:

On the roll call the vote was YEAS: 100—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Ford, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates.

Representative Morris moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Morris moved the adoption of the following HR 202:

HR 202, A RESOLUTION requesting the Council on Higher Education and the University of Kentucky to pursue the construction of an auditorium at Hopkinsville Community College.

WHEREAS, a community college provides a focal point for programs designed to benefit the entire community it serves; and

WHEREAS, an auditorium suitable for student participation in campuswide meetings will provide a greater sense of involvement and loyalty in students; and

WHEREAS, development of an appreciation of the arts has always been a significant part of the mission of the community colleges;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Council on Higher Education and the University of Kentucky actively pursue the construction of an auditorium at the Hopkinsville Community College.

Section 2. That a copy of this resolution shall be sent to the Chairman of the Council on Higher Education and to the Chairman of the board of trustees of the University of Kentucky.

HR 202 was adopted by voice vote.

Representative Stumbo moved that the rules be suspended to introduce Resolutions. Agreed.

HR 204, by Representative Freibert: A RESOLUTION commending the Staff of the Legislative Research Commission.

HR 205, by Representative R. Jones: A RESOLUTION honoring the Oldham County Lady Colonels upon the occasion of winning the Girls' "Sweet Sixteen" State Tournament.

Representative Reinhardt moved the adoption of the following Legislative Citation No. 97. Agreed.

The House of Representatives of the Commonwealth hereby cites and recognizes TROOPER BRAD RUSSELL of the Kentucky State Police, Post 12, for your "Good Samaritan" act of going beyond the call of duty to help and aid a traveler in distress. Your dedication to your job and your "Proud to Serve" attitude is exemplary of your genuine interest and concern for the citizens of this Great State. Your unswerving devotion, often in the face of great personal danger, has not detoured your methods or manner in which you respond to the needs of others. We are fortunate and lucky to have men of your caliber and merit to be law enforcement officers; and I, Representative Jon David Reinhardt, want to personally thank you for your assistance on

March 14, 1986 at 1:30 a.m. Your willingness to help with my disabled vehicle (in inclement weather) was greatly appreciated and your benevolent spirit will always be remembered. This prestigious body applauds and salutes you for the great honor and pride you have bestowed on the Men in Uniform, the Kentucky State Police and the Commonwealth of Kentucky. (Sponsored by Representative Reinhardt)

The following members requested that the rules be suspended to allow recording of votes. All requests were agreed to.

Representative P. Clark, change from "nay" to "yea" on SB 372; Representative Ellington, "yea" on HB 716; Representative Lyne, change from "nay" to "yea" on HB 607, change from "yea" to "nay" on HB 982; Representative McElroy, "yea" on HB 677; Representative Noe, "nay" on HB 453; Representative Stewart, "yea" to "nay" on HB 982; Representative Bronger, "nay" on SB 377.

Representative Stumbo moved that the rules be suspended for the following motion. Agreed.

Representative Stumbo moved that no further business be conducted on this day other than Enrolling of Bills and Resolutions and receiving Senate Messages. Agreed.

Representative Stumbo moved that the rules be suspended to make adjournment plans. Agreed.

Representative Stumbo moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Stumbo moved that when the House adjourns, it do so until the hour of 2 p.m., Monday, April 14, 1986. Agreed.

Recess

Representative Stumbo moved that the House recess until 4:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Recess

Representative Stumbo moved that the House recess until Senate Message is received.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported HB 40, HB 124, HB 202, HB 209, HB 262, HB 311, HB 323, HB 398, HB 607, HB 614, HB 677, HB 897, HB 902, HB 978, and HJR 78 had been examined and found correctly enrolled. Said bills and resolution read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—10:35 p.m.)

HB 40, HB 124, HB 202, HB 209, HB 262, HB 311, HB 323, HB 398, HB 607, HB 614, HB 677, HB 897, HB 902, HB 978, and HJR 78 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Report on Enrolled Bills

The Committee on Enrollment reported SB 47, SB 95, SB 340, SB 346 and SB 352 had been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate. (Time—10:40 p.m.)

Adjournment

Representative Mann moved that the House adjourn until 2 p.m., Monday, April 14, 1986.

The House adjourned by voice vote.

MONDAY, APRIL 14, 1986

FIFTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Reverend John Callaway, First Presbyterian Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representative Ford.

Representative Brinkley moved that the absent member be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of April 1, 1986, be dispensed with and the same approved. Agreed.

Message from the Governor

Announcing veto of HB 310 and HB 899.

The Veto Message on HB 310 is as follows:

By the authority vested in me by Section 88 of the Constitution of the Commonwealth of Kentucky, I, Martha Layne Collins, Governor of the Commonwealth of Kentucky, hereby veto HB 310.

The Senate floor amendment to HB 310 will impose serious restraints on the executive branch's ability to react to changing situations that occur after adjournment of the General Assembly. The enactment into law of all administrative regulations precludes any ability on the part of the executive branch to modify those regulations once they are enacted into law. The General Assembly cannot authorize the executive branch to amend statutes when the legislature is not in session.

Among the readily apparent areas in which the executive branch needs the flexibility to alter regulations are:

1. Federally mandated programs.

a) Federally funded programs in the Cabinet for Human Resources are conditioned upon the Cabinet's programs being in compliance with federal laws and regulations that are consistently altered by the congress and the federal executive branch during the interim the General Assembly is not in session. Eligibility requirements for the food stamp program, the AFDC program, the Medicaid program and numerous other federally funded social insurance programs are contingent upon congressional and federal agency actions, which routinely necessitate changes in the regulations when the General Assembly is not in session.

b) Congress has enacted several federal programs that permit the states to have primacy in implementing those programs if their laws and regulations comply with minimum federal standards. These federal standards are routinely altered, sometimes by congress, but more often by the federal agency responsible for monitoring the state programs. Among programs involved in "primacy" issues are surface mining, the pollution discharge elimination system, hazardous waste, air pollution and OSHA. The inability of state agencies to make necessary changes in these programs through amendments to their regulations will lead to the loss of primacy in many of these programs.

2. There have been incidents in the past, particularly in the Medicaid program, when immediate program adjustments ineligibility requirements or reimbursement policies have been necessitated in order to maintain the program within legislatively appropriated levels. The inability to change eligibility requirement or reimbursement policies could result in the Medicaid program exhausting appropriated funds prior to the end of a fiscal year.

The last subsection of the amendment, requiring administrative bodies seeking to continue in effect a regulation beyond the next session of the General Assembly to submit those regulations to the appropriate interim committee of the Legislative Research Commission one hundred and eighty days prior to the convening of that session, would appear to preclude the adoption of any regulation, which the agency desires to keep in effect, during that one hundred eighty days. The executive branch must possess the ability to promulgate regulations during this six month period for the reasons previously set forth.

I understand the concerns of the legislature as they relate to the executive branch thwarting or misinterpreting legislative intent through administrative regulations. I am, therefore, going to establish by executive order a new procedure for those administrative bodies under my administrative control to follow when promulgating regulations. This procedure will allow for more citizen input in the formulative stage of the development of the regulation and will provide citizens with an appeal mechanism outside of the agency that promulgated the regulation. I have submitted to the legislature by separate document a draft of my proposed executive order.

s/Martha Layne Collins, Governor
Commonwealth of Kentucky

The Veto Message on HB 899 is as follows:

By virtue of the authority vested in me by Section 88 of the Constitution of the Commonwealth of Kentucky, I, Martha Layne Collins, Governor of the Commonwealth of Kentucky, do hereby veto HB 899. The Senate amendment to this bill is an understandable attempt to facilitate the ability of telephone customers who do not currently have toll free county wide telephone service available to them to have determined the desirability of obtaining such service. It requires upon the filing of a petition containing the signatures of ten subscribers, that a poll of all subscribers within he county be made after the estimated costs of initiating such service has been determined.

This is not a cost efficient means of determining whether or not toll free service is desired. Under the current procedures of the commission, upon the receipt of such a petition, an initial determination is made, based upon a review of current calling patterns within the county, as to whether or not there is a sufficient community of interest between the various telephone exchanges within the county to justify the engineering study necessary to determine the estimated cost of county wide toll free service. This initial review of calling patterns in inexpensive and often proves that there is not any significant interest in county wide toll free service. The engineering study and the random survey of subscribers made after the study are, however, relatively expensive, costing approximately $30,000.

The current procedure also requires that, if the calling patterns justify further study, representative sampling of the subscribers be taken to see if toll free calling is desired. The Senate amendment requires that all subscribers within the county be polled, adding an additional expense to the process. There are currently over one hundred exchanges in approximately thirty counties that do not have access to county wide toll free service. If a petition is filed in each of these counties an inordinate cost will have to be passed onto telephone subscribers throughout the state with no guarantee that any additional county will vote for toll free service.

I have requested the Public Service Commission to immediately begin to review its procedures pertaining to citizen requests for toll free service and to the construction of water improvements financed with the assistance of the Farmers Home Administration. The Commission has agreed to begin such a review with the purpose of addressing the concerns inherent in this legislation.

s/Martha Layne Collins, Governor
Commonwealth of Kentucky

Introduction of Resolution

HR 209, by Representative Stumbo: A RESOLUTION honoring Professor William E. Biggs, and adjourning in his honor.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative R. Jones moved the adoption of the following HR 205:

HR 205, A RESOLUTION honoring the Oldham County Lady Colonels upon the occasion of winning the Girls' "Sweet Sixteen" State Tournament.

WHEREAS, the Oldham County Lady Colonels secured the 31st District Championship; and

WHEREAS, the Lady Colonels advanced to the regional tournament where they overpowered Shelby County in the finals and became "Sweet Sixteen" bound; and

WHEREAS, the Lady Colonels amassed an impressive record of 26 wins and 6 losses prior to entering the State Tournament; and

WHEREAS, this was the fourth consecutive State Tournament appearance and seventh in 10 seasons for the Lady Colonels; and

WHEREAS, under the expert direction of Head Coach David Weedman, Oldham County defeated Southern by a score of 44 to 38 in the first round of the tournament; and

WHEREAS, the 8th region began a winning streak that was unconquerable; and

WHEREAS, in the final round of the state tournament, Oldham County overwhelmed Franklin-Simpson; and

WHEREAS, the invincible Oldham County Lady Colonels are the 1986 Girls' Basketball Champions; and

WHEREAS, this Oldham County team has shown great determination, spirit, and skill;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly honors the members of the Oldham County Lady Colonels basketball team and Head Coach David Weedman upon the occasion of winning the Girls' "Sweet Sixteen" State Tournament.

Section 2. That the members of this honorable body recognize and commend the dedication and devotion of the members of the Oldham County Lady Colonels Basketball Team and coaching staff in their pursuit of excellence in athletic competitions.

Section 3. That the House of Representatives hails team members Cindy Cheatham, Nancy Crutcher, Lisa Hambrick, Terri Harnard, Terri Hartlage, Toni Henley, Betty Johnson, Charla Prather, Missy Reynolds, Stephanie Tincher, and Leslie Texas, to be outstanding citizens and exemplary representatives of the Commonwealth.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to Oldham County High School Principal Blake Haselton, Head Coach David Weedman, Assistant Coaches Greg Schulz, Dan Mosier, and Kenny Stringer, Athletic Director Bob Roland, Manager Susan Bond, and Statistician Angie Prather, and to each member of the girls' varsity basketball team.

HR 205 was adopted by voice vote.

Representative R. Jones moved that a call of the roll be taken to show co-sponsors of HR 205. Agreed.

The following members requested that their names be added as co-sponsors of HR 205:

On the roll call the vote was yeas 99—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Clarke, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Deskins, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, Johnson, R. Jones, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, LeMaster, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates.

Recess

Representative Stumbo moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day

Representative Stumbo moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 210, by Representative Scorsone: A RESOLUTION congratulating the University of Kentucky debate team.

Representative Scorsone moved the adoption of the following HR 210:

HR 210, A RESOLUTION congratulating the University of Kentucky debate team.

WHEREAS, the University of Kentucky debate team, from a field of 62 colleges and universities, has defeated Georgetown University to win the 40th Annual National Debate Tournament, April 7, 1986, at Dartmouth College; and

WHEREAS, UK team members Ouita Papka and David Brownell, team coach Dr. J. W. Patterson, and assistant coach Mr. Roger Solt have succeeded in capturing the national debating title by a unanimous vote of 5-0; and

WHEREAS, the U.K. debate team has brought national recognition and honor to the University and the Commonwealth with their efforts;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House extends its congratulations to the U.K. debate team, including members Ouita Papka and David Brownell, and their coach Dr. J. W. Patterson, and assistant coach Roger Solt for their extraordinary efforts on winning the 40th Annual National Debate Tournament and is extremely proud to honor their achievements.

Section 2. That a copy of this resolution be sent to Ouita Papka, David Brownell, Dr. J. W. Patterson, and Mr. Roger Solt.

HR 210 was adopted by voice vote.

Report on Enrolled Bills

The Committee on Enrollment reported SB 241 has been examined and found correctly enrolled. Said bill read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

Representative Stumbo moved that the rules be suspended to allow an announcement. Agreed.

Announcement

Representative Donnermeyer announced the following members had been selected to serve on the State Democratic Board: Representatives Gray and Cline.

Orders of the Day (continued)

Representative Stumbo moved that HB 899 be taken from Orders of the Day for consideration of the Governor's veto. Agreed.

Representative Smith moved that HB 899 be placed upon its passage, the Governor's veto notwithstanding.

On the roll call the vote was: Yeas 16, Nays 81 (See April 14, 1986, roll call on HB 899—Appendix A.)

The motion that HB 899 be passed, the Governor's veto notwithstanding, was rejected.

The Governor's veto of HB 899 was sustained.

Representative Stumbo moved that HB 310 be taken from Orders of the Day for consideration of the Governor's veto. Agreed.

Representative Pearman moved that HB 310 be placed upon its passage, the Governor's veto notwithstanding.

On the roll call the vote was: Yeas 52, Nays 44 (See April 14, 1986, roll call on HB 310—Appendix A.)

The motion that HB 310 be passed, the Governor's veto notwithstanding, was adopted.

HB 310 was passed over the Governor's veto.

Motions, Petitions and Communications

Representative Turner moved the adoption of the following Legislative Citation No. 98. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby honors and congratulates David Cronen on the occasion of his 35th birthday.

WHEREAS, David Cronen has spent the past four months chronicling in photographs, with verve and panache, the events of the 1986 Kentucky General Assembly, primarily in the majestic House of Representatives; and

WHEREAS, David Cronen's sunny disposition and service to this regal assemblage establish him as a true "Friend of the Commonwealth";

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives expresses their admiration and appreciation to David Cronen and wish him the very happiest of birthdays. (Sponsored by Representative Turner)

Representative Moberly moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 212, by Representatives Moberly and Napier: A RESOLUTION honoring the Bicentennial of Madison County.

Representative Moberly moved the adoption of the following HR 212:

HR 212, A RESOLUTION honoring the Bicentennial of Madison County.

WHEREAS, Madison County was created by act of the House of Delegates of the Commonwealth of Virginia in 1785; and

WHEREAS, the county of Madison was officially formed at the home of George Adams on the waters of Silver Creek in Madison County on August 22, 1786; and

WHEREAS, "HIS EXCELLENCY" the governor Patrick Henry, designated George Adams, John Snoddy, Christopher Irvine, David Gass, James Barnett, John Bowles, Jamie Thompson, Archibald Wood, Nicholas George and Joseph Kennedy as the first Justices of the Peace of Madison County; and

WHEREAS, on formation, Joseph Kennedy produced a commission as High Sheriff, and the Justices elected William Irvine as first Clerk of the Court and accepted the commissions of James Barnett and Thomas Kennedy as Lieutenant and Lieutenant Colonel of the Madison County Militia, respectively; and

WHEREAS, Madison County, as formed in 1785, included many of the counties of Southeastern Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House commends and honors the celebration of the Bicentennial of Madison County in 1986 by the citizens of Madison County and the Madison County Bicentennial Commission Inc.

Section 2. That the House commends the Madison County Bicentennial Commission Inc. on behalf of their efforts toward preserving the heritage of Madison County and the Commonwealth.

Section 3. That the members of this honorable body request that all citizens of the Commonwealth of Kentucky are called upon to join the citizens of Madison County in celebrating the 200th anniversary of the establishment of Madison County in 1986.

Section 4. That the Clerk of the House is directed to transmit several copies of this resolution to Mr. James J. Shannon, President of the Madison County Historical Society, Richmond, Kentucky 40475, for distribution to the members of the Madison County Bicentennial Commission Inc.

HR 212 was adopted by voice vote.

Representative Stumbo moved that the rules be suspended to introduce Resolutions. Agreed.

Introduction of Resolutions

HR 211, by Representative Stumbo: A RESOLUTION urging the Congress of the United States to continue funding the Community Services Block Grant, the Head Start Program, the Weatherization Assistance Program, and the Low-Income Home Energy Assistance Program.

HR 214, by Representative Caldwell: A RESOLUTION honoring retiring Congressman Gene Snyder.

HR 215, by Representatives Hancock, P. Richardson, Crupper and Farrow: A RESOLUTION honoring the Freshmen Legislators of the House of Representatives of the 1986 Legislative Session.

HR 216, by Representative Hancock: A RESOLUTION honoring Frankfort's Wilkinson Street School for winning the state basketball tournament for alternative schools.

HR 217, by Representatives Stumbo, Rapier, Worthington, Donnermeyer and Blandford: A RESOLUTION in honor of the Natural Education Association Conference to be held in Kentucky.

Representative Turner moved that Legislative Citation No. 98 be read. Agreed.

Representative Hancock moved that the rules be suspended to act upon Resolutions. Agreed.

Representative Hancock moved the adoption of the following HR 216:

HR 216, A RESOLUTION honoring Frankfort's Wilkinson Street School for winning the state basketball tournament for alternative schools.

WHEREAS, the Wilkinson Street School team beat the Louisville team 82-63 to take the state basketball championship for alternative schools in Louisville on April 3rd; and

WHEREAS, the Wilkinson Street team had placed second in this round robin event last year, and third the year before; and

WHEREAS, Wilkinson Street's Willie Jackson was named the tournament's most valuable player; and

WHEREAS, the other team members were John Tillman, Eddie Davis, Tony White, Stewart Perkins, Betsi Puckett, Brian Bobbitt and Danny Moore; and

WHEREAS, winning this tournament took a combination of skill, hard work and desire;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes the championship team from Wilkinson Street School and its fine coach, Frank Jones.

Section 2. That copies of this resolution be sent to the principal of the Wilkinson Street School, Larry Montgomery, for the team members and Coach Jones.

HR 216 was adopted by voice vote.

Representative Hancock moved the adoption of the following HR 215:

HR 215, A RESOLUTION honoring the Freshmen Legislators of the House of Representatives of the 1986 Legislative Session.

WHEREAS, in 1979 the voters of the Commonwealth approved an amendment to the Constitution of Kentucky that changed the time frame for the election of members of the General Assembly; and

WHEREAS, due to the adoption of the amendment, legislative members begin serving their terms a year prior to a legislative session compared to taking office when the General Assembly convenes in Frankfort; and

WHEREAS, the past seven years have been a test of the participation of freshmen legislators, who have had the opportunity to be involved in the interim study process for a year before entering the arena of a legislative session; and

WHEREAS, the 1986 Freshmen Legislators serving in this distinguished House of Representatives have exemplified the successful implementation of the constitutional amendment, demonstrating a thorough comprehensive understanding of the legislative process and parliamentary procedures and smoother transition into a regular legislative session; and

WHEREAS, the caliber of individuals newly elected to our ranks has been outstanding as have been their dedication and devotion to the constituents of their respective districts; and

WHEREAS, as the 1986 Regular Session of the Kentucky General Assembly draws to a close, the members of this honorable body wish to laud our colleagues who have now completed their first full legislative session;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House proudly hails and commends Representative Frances Brown of the 99th legislative district, Representative Mark Brown of the 27th district, Representative Chester "Bud" Gregory of the 25th district, Representative John Harper of the 49th district, Representative Tom Jensen of the 85th district, Representative Stephen Keith of the 90th district, Representative Thomas Robert Kerr of the 64th district, Representative Bill Lear of the 79th district, Representative June Lyne of the 16th district, Representative Louie Mack of the 77th district, Representative Lonnie Napier of the 36th district, Representative Ray Preston of the 97th district, Representative A.G. Pritchett of the 11th district, Representative Jim Rose of the 92nd district, Representative Ernesto Scorsone of the 75th district, Representative Charles Siler of the 82nd district, Representative Margaret Stewart of the 76th district, Representative Pearl Strong of the 39th district, and Representative David Williams of the 53rd district.

Section 2. That the House praises the Freshmen Legislators of the 1986 Session for their immeasurable contributions to the citizens of the Commonwealth.

Section 3. That Representatives Frances Brown, Mark Brown, Bud Gregory, John Harper, Tom Jensen, Stephen Keith, Thomas Kerr, Bill Lear, June Lyne, Louie Mack, Lonnie Napier, Ray Preston, A.G. Pritchett, Jim Rose, Ernesto Scorsone, Charles Siler, Margaret Stewart, Pearl Strong and David Williams are applauded for their superlative performance and assistance to the House during the 1986 Session.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to the 1986 Freshmen Legislators.

HR 215 was adopted by voice vote.

Representative Cline moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Cline moved the adoption of the following HR 162:

HR 162, A RESOLUTION honoring the boys' basketball team of East Carter High School.

WHEREAS, the boys' basketball team of East Carter High School, under the able leadership of Coach Charles Baker, has had an impressive 24-5 1985 season; and

WHEREAS, this outstanding team will represent Region 16 in the state Sweet Sixteen Tournament this week; and

WHEREAS, this year marks the first time an East Carter Raiders team has been a part of the state basketball tournament;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes these fine athletes for their outstanding play and wishes them an exciting and successful tournament.

Section 2. That copies of this resolution be sent to Coach Baker, assistant coaches Hager Easterling and Tim Kennedy, trainer Carl Wayne McGlone, and team members George Adams, Vernon Evans, Karrick Dyer, Curt Ferguson, Vic Adams, Craig Mulkey, Greg Mulkey, Mark Thomas, Jack Calhoun, Jeff Damron, Keith Bradford, Bryan Scott, Micah Hicks, Joe Sargent, and Brandon Baker.

HR 162 was adopted by voice vote.

Representative Kerr moved the adoption of the following Legislative Citation No. 99. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Gentleman from Garrard, Representative Lonnie Napier, a master of oratory. Your eloquent and effective speeches have been most inspiring and stimulating. Your exquisite rhetorical and speechcraft methods have been reflected in the matters pertaining to the Retired Teachers and your spirited feelings toward the American Flag, the Commonwealth of Kentucky, and our Great Country.

We salute and applaud you for your enthusiasm and vigor both to this honorable body and the citizens you represent in District 36; and we extend our best wishes to you in all your future endeavors. (Sponsored by Representative Gedling)

Representative Stumbo moved that the rules be suspended to act upon Resolutions. Agreed.

Representative Stumbo moved the adoption of the following HR 209:

HR 209, A RESOLUTION honoring Professor William E. Biggs, and adjourning in his honor.

WHEREAS, Professor William E. Biggs has been a professor at the University of Louisville School of Law since 1967; and

WHEREAS, Professor Biggs has instructed, amused and inspired several generations of aspiring law students in the fields of administrative law, constitutional law, domestic relations, legal history, torts and workers' compensation; and

WHEREAS, Professor Biggs has also provided invaluable service to the General Assembly by analyzing bills for members of the Jefferson County delegation and alumni of the U of L Law School; and

WHEREAS, Professor Biggs has finally decided to lay down his law books and take a well-deserved retirement;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body extends its appreciation to Professor Biggs for his contributions to the legal community and to this body; and wishes him the best in whatever pursuits he undertakes in his well deserved retirement.

Section 2. That the clerk of the House is directed to send a copy of this resolution to Professor William Biggs in care of the University of Louisville School of Law.

Section 3. That when the House adjourns this Monday, the 14th day of April, it does so in honor of Professor William E. Biggs.

HR 209 was adopted by voice vote.

Representative Stumbo moved the adoption of the following HR 211:

HR 211, A RESOLUTION urging the Congress of the United States to continue funding of the Community Services Block Grant, the Head Start Program, the Weatherization Assistance Program, and the Low-Income Home Energy Assistance Program.

WHEREAS, the Community Action Agencies within the Commonwealth of Kentucky are the front line defense for addressing the emergencies and exigencies of the low-income in Kentucky; and

WHEREAS, these indispensible agencies operate a host of programs and services, namely: child care; weatherization; Head Start; community services; employment and training; and emergency services; all of which are designed to "help people to help themselves"; and

WHEREAS, the Community Services Block Grant funds provide the funding for the Community Action Agencies of the Commonwealth of Kentucky and such funds are to be examined by the Congress this year regarding continued authorization and funding;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body urges and implores the Congress of the United States to continue equitable funding for the Community Services Block Grant, the Head Start Program, the Weatherization Assistance Program, and the Low-Income Home Energy Assistance Block Grant.

Section 2. That the Clerk of the House of Representatives is hereby authorized and directed to send a copy of this Resolution to each member of the Kentucky delegation in the Congress of the United States.

HR 211 was adopted by voice vote.

Representative Caldwell moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Caldwell moved the adoption of the following HR 214:

HR 214, A RESOLUTION honoring retiring Congressman Gene Snyder.

WHEREAS, Gene Snyder has served his constituents in the state of Kentucky ably and honorably in the U.S. House of Representatives for the past twenty-two years; and

WHEREAS, Congressman Snyder has been one of the primary architects of federal transportation, water resources, and economic development programs which have meant a great deal to the Commonwealth; and

WHEREAS, Gene Snyder has developed a reputation over the years as one of the most effective members of the House of Representatives and has constantly used his influence to bring to Kentucky vital bridge and highway projects, flood control and water supply programs, airport development, sewer development, and economic development grants; and

WHEREAS, Gene Snyder has provided twenty-two years of exemplary constituent service, acting as an effective intermediary for any individual having a problem involving the federal government; and

WHEREAS, Gene Snyder was a pathfinder in Congress, setting new standards for keeping in touch with his constituents through periodic newsletters, questionnaires, and weekly columns; and

WHEREAS, Gene Snyder has served as a true friend of Kentucky and has constantly stood by the Commonwealth's best interest in those areas of special importance to Kentuckians, such as the tobacco program;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes retiring Congressman Gene Snyder and extends him every good wish.

Section 2. That when the House adjourns this day, Monday, April 14, 1986, it does so in honor of Gene Snyder.

Section 3. That a copy of this resolution be sent to Congressman Snyder.

HR 214 was adopted by voice vote.

Representative Caldwell moved that a call of the roll be taken to show co-sponsors of HR 214. Agreed.

The following members requested that their names be added as co-sponsors of HR 214:

On the roll call the vote was yeas 68—Allen, Arnold, Bendl, Blandford, Blevins, Brinkley, Bronger, F. Brown, Caldwell, L. Clark, P. Clark, Cline, Crupper, Cyrus, Dawahare, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, J. Harper, K. Harper, Head, Heleringer, Holloway, Jensen, Johnson, Keith, Kerr, Layman, Lefevers, Lile, Little, Long, Lyne, Mack, Maggard, McElroy, McNutt, Moberly, Morris, Napier, Nett, Noland, O'Brien, Pearman, Preston, Pritchett, Rapier, Rattliff, Reinhardt, B. Richardson, Rose, Siler, Smith, Stewart, Stone, Strong, Stumbo, Todd, Turner, White, Williams, Worthington, Yates.

Adjournment

Representative Stumbo moved that the House adjourn until 10:00 a.m., Tuesday, April 15, 1986.

On the roll call the vote was yeas 80—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, Bronger, F. Brown, M. Brown, Bruce, Burch, Caldwell, Clapp, P. Clark, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Holloway, Johnson, T. Jones, Keith, Kerr, Layman, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Maggard, Mann, McBee, McElroy, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Richards, B. Richardson, P. Richardson, Rose, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Worthington, Yates. Nays 10—L. Clark, Clarke, Heleringer, Hines, Jensen, LeMaster, Overstreet, Scorsone, Seum and Williams.

The motion to adjourn was adopted.

TUESDAY, APRIL 15, 1986

FIFTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Blandford.

Prayer by Dr. Donald Nunnelly, First Christian Church, Frankfort.

The Speaker led the members in the Pledge of Allegiance to the Flag.

The roll was called. All members present except Representatives Clarke, Ford, Head, Jensen, Johnson, Lear, Maggard and B. Richardson.

Representative Brinkley moved that the absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative Brinkley moved that the reading of the Journal of April 14, 1986, be dispensed with and the same approved. Agreed.

Motions, Petitions and Communications

Representative Stone moved that a call of the roll be taken as a vote of appreciation for Representative Worthington. Agreed.

On the roll call the vote was yeas 85—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Cline, Cowan, Crupper, Curd, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Guenthner, Hancock, Handy, J. Harper, K. Harper, Head, Heleringer, Hines, Holbrook, Holloway, Jensen, R. Jones, Keith, Kerr, Lear, Lefevers, Lile, Little, Long, Lyne, Mack, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Napier, Nett, Noland, O'Brien, Overstreet, Pearman, Preston, Priddy, Pritchett, Rapier, Rattliff, Richards, B. Richardson, P. Richardson, Rose, Scorsone, Seum, Siler, Smith, Stone, Strong, Stumbo, Todd, Turner, White, Williams, Worthington, Yates. Nays 0.

Representative Mann moved the adoption of the following Legislative Citations No. 100, 101, 102, 103 and 104. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Cindi Sears, a student at Holmes High School. We, the Representatives, commend you as the winner of the Regional Vocational Industrial Clubs of America. Your interest in Child Care will be a rewarding career, one that is a most worthwhile vocation.

This prestigious body applauds and salutes you for the honor and pride you have bestowed on your school and community. (Sponsored by Representative Mann)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Eric Creech, a student at Holmes High School. We, the Representatives, commend you as the winner of the Regional Vocational Industrial Clubs of America. Your interest in Air Conditioning will be a rewarding career, one that is a most worthwhile vocation.

This prestigious body applauds and salutes you for the honor and pride you have bestowed on your school and community. (Sponsored by Representative Mann)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Rob Hall, a student at Holmes High School. We, the Representatives, commend you as the winner of the Regional Vocational Industrial Clubs of America. Your interest in Auto Body will be a rewarding career, one that is a most worthwhile vocation.

This prestigious body applauds and salutes you for the honor and pride you have bestowed on your school and community. (Sponsored by Representative Mann)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Butch Speed, a student at Holmes High School. We, the Representatives, commend you as the winner of the Regional Vocational Industrial Clubs of America. Your interest in Drafting will be a rewarding career, one that is a most worthwhile vocation.

This prestigious body applauds and salutes you for the honor and pride you have bestowed on your school and community. (Sponsored by Representative Mann)

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes Tom Parton, a student at Holmes High School. We, the Representatives, commend you as the winner of the Regional Vocational Industrial Clubs of America. Your interest in Auto Mechanics will be a rewarding career, one that is a most worthwhile vocation.

This prestigious body applauds and salutes you for the honor and pride you have bestowed on your school and community. (Sponsored by Representative Mann)

Senate Message

Announcing passage of SCR 160.

Motions, Petitions and Communications (continued)

Representative Turner moved that a call of the roll be taken to show support of President Ronald Reagan's action against Libya. Agreed.

On the roll call the vote was yeas 57—Allen, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, L. Clark, P. Clark, Cline, Crupper, Cyrus, Deskins, Ellington, Farrow, Freibert, Gregory, Guenthner, Handy, J. Harper, Heleringer, Holloway, Jensen, Keith, Kerr, Lefevers, Lile, Little, Long, Lyne, McElroy, McNutt, Moberly, Napier, Noland, Overstreet, Pearman, Priddy, Pritchett, Rapier, Rattliff, Reinhardt, Riner, Rose, Siler, Stewart, Stone, Strong, Stumbo, Todd, Turner, White, Williams, Yates. Nays 0.

Representative McBee moved the adoption of the following Legislative Citation No. 105. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby cites and recognizes the Conner "Cougars" Girls' Basketball Team and your excellent coach, Ken Shields. Your hard work, school loyalty and competitive spirit afforded you the privilege to go to the "Sweet 16" State Tournament, March 26-29, 1986, in Bowling Green, Kentucky. It is most noteworthy that this is a first for the Girls' team in the history of the school.

This prestigious body applauds and salutes you for the honor and pride you have bestowed on your school and community. (Sponsored by Representative McBee)

Representative Stumbo moved that the rules be suspended for Introduction of Resolutions. Agreed.

Introduction of Resolutions

HR 218, by Representatives Moberly and Mack: A RESOLUTION honoring retiring food services director Larry Martin, of Eastern Kentucky University.

HR 219, by Representative Deskins: A RESOLUTION requesting a study for the formulation of policies with respect to natural gas research opportunities in South Central Kentucky and with respect to protection of groundwater resources in the region.

HR 220, by Representative Burnette: A RESOLUTION honoring the Carlisle County Centennial Celebration.

HR 221, by Representative T. Jones: A RESOLUTION commending KET for its excellent coverage of the 1986 Session.

Representative T. Jones moved that the rules be suspended to act upon a Resolution. Agreed.

Representative T. Jones moved the adoption of the following HR 221:

HR 221, A RESOLUTION commending KET for its excellent coverage of the 1986 Session.

WHEREAS, the democratic institutions of any government depend for their strength on an informed citizenry; and

WHEREAS, Kentucky Educational Television, through its daily, extended coverage of the work of the General Assembly, provides a valuable service to this body and to the people of the Commonwealth; and

WHEREAS, tens of thousands of Kentuckians have, through KET, been able to attend our committee meetings and watch floor debates, coming to understand more clearly the issues before us and the work of their elected representatives;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House is proud to commend the excellent coverage of the 1986 Session provided by KET.

Section 2. That the House salutes the dedication and exemplary work of the men and women of KET who made this coverage possible.

Section 3. That the Clerk of the House is directed to transmit a copy of this resolution to Mr. Leonard Press, Executive Director of Kentucky Educational Television, and to the members of the KET production crew for the 1986 Session of the General Assembly.

HR 221 was adopted by voice vote.

Representative Moberly moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Moberly moved the adoption of the following HR 218:

HR 218, A RESOLUTION honoring retiring food services director Larry Martin, of Eastern Kentucky University.

WHEREAS, Eastern Kentucky University's food services director Larry Martin will retire in June; and

WHEREAS, Mr. Martin has observed and analyzed the tastes of college students for twenty-three years, and has maintained his appreciation for their youthful openness and enthusiasm; and

WHEREAS, Mr. Martin has always appreciated well-prepared food and encouraged good nutrition;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House salutes Larry Martin on the occasion of his retirement.

Section 2. That a copy of this resolution be sent to Larry Martin.

HR 218 was adopted by voice vote.

Representative Deskins moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Deskins moved the adoption of the following HR 219:

HR 219, A RESOLUTION requesting a study for the formulation of policies with respect to natural gas research opportunities in South Central Kentucky and with respect to protection of groundwater resources in the region.

WHEREAS, most of Kentucky's karst areas are blessed with abundant, clean groundwater and some significant oil and gas yielding formations as indicated in the Horse Cave quadrangle geologic map; and

WHEREAS, very little work has been done to determine the recoverability of gas from these formations, most of the gas uses having been random farm use of wells drilled for oil production and abandoned by the driller as non-oil yielding; and

WHEREAS, there are many, many such wells in the Kentucky karst area, constituting an under-utilized resource as well as a potential threat to excellent quality groundwater sources; and

WHEREAS, the present economic climate and very high costs of utilization of this natural gas resource in pipeline sales preclude such development; and

WHEREAS, there is great economic potential in this resource if methods of efficient, economical recovery are developed, techniques are worked out to properly protect the groundwater resources during development and recovery of the gas resources, and markets are developed for the sale of this locally-produced fuel as compressed natural gas or liquified natural gas vehicle fuels;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That it is the sense of this body that all of the natural resources of the Commonwealth should be developed in a manner consistent with state conservation and environmental policies, and with the interests of the people living and working in the areas where the resources are located.

Section 2. That the Interim Joint Committees on Agriculture and Natural Resources, Energy, and the Small Business Task Force of the Legislative Research Commission are requested to study the potential economic and environmental benefits that may be derived from the recovery of natural gas resources in South Central Kentucky that are under-utilized under present oil and gas exploration and distribution systems, but that may be of value to the people who live and work in that region through application of new technologies for use of such resources and through self-help approaches to capture and utilize such resources. The study should focus on the inherent advantages of natural gas as an energy source for transportation as well as for other uses, and the role that local gas usage could play in reducing the vulnerability of regional economic activities to the uncertainty of oil and gasoline prices. The study also should involve protection of regional groundwater resources against degradation associated with oil and gas recovery.

HR 219 was adopted by voice vote.

Representative Riner moved that rules be suspended to introduce and act upon a Resolution. Agreed.

HR 222, by Representatives Riner and P. Clark: A RESOLUTION adjourning in honor of Jimmy Swaggart and requesting the Governor to declare April to be Jimmy Swaggart Ministries Month.

Representative Riner moved the adoption of the following HR 222:

HR 222, A RESOLUTION adjourning in honor of Jimmy Swaggart and requesting the Governor to declare April to be Jimmy Swaggart Ministries Month.

WHEREAS, God has used Jimmy Swaggart to proclaim the Gospel of Jesus throughout the world; and

WHEREAS, the Holy Spirit has annointed this ministry to bring forth fruit one hundred fold with thousands of souls coming to Jesus Christ each year; and

WHEREAS, the Jimmy Swaggart Ministry has been used by God to sound a warning to America concerning the national sin of abortion; and

WHEREAS, this ministry has filled a vacuum of leadership by educating Christians to the global threat of communism and the internal threat of secular humanism; and

WHEREAS, the Lord has given Reverend Swaggart favor with the multitudes and used that favor to assist tens of thousands of needy children throughout the world;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives honors the Jimmy Swaggart Ministries by adjourning this 15th day of April in the year of our Lord Jesus Christ in honor of the Jimmy Swaggart Ministries; and

Section 2. That the House of Representatives request the Governor of the Commonwealth to declare April to be Jimmy Swaggart Ministries month in Kentucky.

HR 222 was adopted by voice vote.

Representative Noe moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Noe moved the adoption of the following HR 217:

HR 217, A RESOLUTION in honor of the National Education Association Conference to be held in Kentucky.

WHEREAS, the National Education Association, consisting of almost two million members, has for many years been a champion of educational improvement; and

WHEREAS, the Kentucky Education Association will be hosting the 1986 annual convention and Delegate Assembly at the Kentucky Fairgrounds and Exposition Center, Louisville, on June 30 through July 5, 1986; and

WHEREAS, approximately 15,000 participants are expected to attend; and

WHEREAS, this year is the first time the National Education Association has held its annual convention in Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the National Education Association be commended for holding its 1986 annual conference in Kentucky.

Section 2. That a copy of this resolution be sent to Mary H. Futrell, President of the National Education Association; Jon Henrikson, President of the Kentucky Education Association; Governor Martha Layne Collins; and Alice McDonald, Superintendent of Public Instruction.

HR 217 was adopted by voice vote.

Representative Burnette moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Burnette moved the adoption of the following HR 220:

HR 220, A RESOLUTION honoring the Carlisle County Centennial Celebration.

WHEREAS, on May 3, 1886, this General Assembly established as the one hundred nineteenth county of our great Commonwealth of Kentucky, the county of Carlisle; and

WHEREAS, on May 3, 1986, the county of Carlisle will observe the one hundredth anniversary of its founding;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the entire month of May, 1986 be designated in the Commonwealth of Kentucky as "Carlisle County Centennial Celebration Month" in honor of the one hundredth birthday of Carlisle County.

Section 2. That the General Assembly and all of the agencies of the state government of the Commonwealth join with the people and the institutions of Carlisle County in the celebration of this occasion with all due reverance and honor.

Section 3. That all citizens of the Commonwealth are hereby encouraged to join with the citizens of Carlisle County to recognize the accomplishments of Carlisle County during its first one hundred years, and to make plans for the next one hundred.

HR 220 was adopted by voice vote.

Representative Stumbo moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Stumbo moved the adoption of the following SCR 160:

SCR 160, A CONCURRENT RESOLUTION to adjourn the 1986 Regular Session of the General Assembly sine die.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives adjourn on Tuesday, April 15, 1986, they do adjourn sine die.

SCR 160 was adopted by voice vote.

Recess

Representative Stumbo moved that the House recess until 11:30 a.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Stumbo moved that the reading of the Journal of this day, April 15, 1986, be dispensed with and the same approved. Agreed.

Representative Stumbo moved that the Journal of the House of Representatives for the 1986 Session be approved. Agreed.

The Journal of the House of Representatives was read, compared and approved.

Adjournment

Representative Stumbo moved that the House adjourn sine die.

On the roll call the vote was yeas 81—Allen, Arnold, Barrows, Bendl, Bennett, Blandford, Blevins, Brinkley, F. Brown, M. Brown, Bruce, Burch, Burnette, Caldwell, Clapp, L. Clark, P. Clark, Cowan, Crupper, Cyrus, Dawahare, Donnermeyer, Ellington, Farrow, Freibert, Gedling, Gray, Gregory, Hancock, Handy, J. Harper, K. Harper, Hines, Holbrook, Holloway, R. Jones, T. Jones, Keith, Kerr, Layman, Lefevers, Lile, Little, Long, Lyne, Mack, Mann, McBee, McElroy, McNutt, Meyer, Moberly, Morris, Napier, Nett, Noe, Noland, O'Brien, Pearman, Priddy, Rapier, Rattliff, Reinhardt, P. Richardson, Riner, Rose, Scorsone, Seum, Siler, Smith, Stewart, Stone, Strong, Stumbo, Thomas, Todd, Turner, White, Williams, Worthington, Yates. Nays 1—Preston.

The motion that the House adjourn sine die was adopted.

The House adjourned sine die.

s/Donald J. Blandford, Speaker
House of Representatives

s/Attest: Evelyn Marston, Chief Clerk
House of Representatives

APPENDIX A

ROLL CALLS

HB 1 (Mar 3) YEAS 86—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—S. Thomas.

HB 1 (Mar 20) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 3 (Feb 5) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 4 (Jan 21) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 5 (Jan 23) YEAS 67—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, J. Bronger, T. Burch, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, S. Keith, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, E. Scorsone, D. Seum, B. Smith, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 24—W. Allen, B. Brinkley, M. Brown, L. Clapp, P. Clark, C. Crupper, J. Ellington, D. Gedling, K. Harper, T. Jensen, L. Johnson, T. Kerr, R. Layman, J. LeMaster, D. McNutt, L. Napier, C. Noland, R. Overstreet, R. Preston, J. Reinhardt, J. Rose, C. Siler, M. Stewart, P. Stone.

HB 7 (Jan 15) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 8 (Jan 28) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 13—F. Brown, J. Clarke, J. Ellington, L. Guenthner, T. Jensen, T. Jones, J. LeMaster, J. Meyer, E. Scorsone, B. Smith, M. Stewart, S. Thomas, C. White.

HB 8 (Mar 12) YEAS 88—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington, J. Yates. NAYS 5—W. Allen, R. Overstreet, E. Scorsone, R. Turner, D. Williams.

HB 10 (Feb 6) YEAS 91—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 5—J. Barrows, H. Dawahare, M. Long, J. Meyer, P. Worthington.

HB 10 (Mar 19) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Barrows, D. McNutt, J. Meyer.

HB 11 (Jan 23) YEAS 91—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G.

Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 12 (Feb 13) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—H. Deskins, R. Overstreet.

HB 13 (Jan 21) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 17 (Feb 27) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—R. Cyrus, H. Deskins, J. Gray, C. Holbrook, C. Little, R. Overstreet, V. Pearman, R. Preston, C. Siler, M. Stewart.

HB 20 (Jan 14) YEAS 65—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, J. Gray, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, T. Jones, J. LeMaster, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 24—W. Allen, M. Brown, B. Burnette, L. Clapp, G. Cline, C. Crupper, F. Curd, J. Ellington, M. Farrow, D. Ford, L. Guenthner, H. Hancock, T. Jensen, S. Keith, T. Kerr, R. Layman, B. Lear, C. Little, L. Napier, C. Noland, J. Richards, B. Richardson, C. Siler, D. Williams.

HB 23 (Jan 17) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T.

Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 24 (Mar 17) YEAS 64—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, M. Brown, T. Burch, L. Clapp, L. Clark, P. Clark, C. Crupper, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, T. Kerr, R. Layman, B. Lear, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, C. Siler, B. Smith, M. Stewart, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 27—J. Barrows, J. Bruce, B. Burnette, B. Caldwell, F. Cowan, F. Curd, H. Dawahare, H. Deskins, B. Gregory, H. Hancock, K. Harper, C. Holbrook, B. Jones, T. Jones, S. Keith, J. LeMaster, P. Lefevers, B. Lile, C. Little, L. Mack, J. Meyer, R. Noe, J. Rose, E. Scorsone, P. Stone, P. Strong, C. White.

HB 26 (Jan 17) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 26 (Feb 19) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 28 (Mar 3) YEAS 83—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—J. Barrows, J. Bronger, J. Clarke, P. Freibert, K. Harper, B. Jones, J. LeMaster, B. Lear, J. Meyer, E. Scorsone.

HB 29 (Feb 27) YEAS 65—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, G. Cline, F. Cowan, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Gray, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Holbrook, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 24—W. Allen, B. Caldwell, C. Crupper, F. Curd, H. Deskins, J. Ellington, M.

Farrow, D. Ford, P. Freibert, B. Gregory, J. Harper, K. Harper, T. Jensen, S. Keith, R. Layman, R. Overstreet, R. Preston, A. Pritchett, H. Rattliff, B. Richardson, J. Rose, M. Stewart, T. Todd, R. Turner.

HB 30 (Jan 24) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Clarke, B. Jones, M. O'Brien.

HB 32 (Feb 19) YEAS 68—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, C. Hines, C. Holbrook, L. Johnson, T. Jones, S. Keith, R. Layman, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, S. McElroy, H. Moberly, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 12—B. Burnette, M. Farrow, H. Hancock, B. Jones, T. Kerr, J. LeMaster, B. Lear, M. Long, J. Maggard, B. McBee, J. Meyer, C. White.

HB 34 (Jan 22) YEAS 94—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 35 (Jan 16) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 37 (Jan 24) YEAS 56—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 29—W. Allen, M. Brown, P. Clark, F. Curd, H. Deskins, J. Ellington, D. Ford, P. Freibert, D. Gedling, H. Hancock, E. Holloway, L. Johnson, S. Keith, P. Lefevers, C. Little, L. Mack, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, B. Richardson, T. Riner, B. Smith, T. Todd, R. Turner, D. Williams.

HB 39 (Feb 7) YEAS 87—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper,

F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 8—J. Barrows, A. Bennett, J. Clarke, R. Cyrus, L. Guenthner, T. Jones, S. Keith, P. Stone.

HB 40 (Mar 19) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 40 (Apr 1) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 41 (Jan 29) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—G. Cline, B. Gregory, B. Richardson.

HB 43 (Feb 24) YEAS 95—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 44 (Jan 22) YEAS 85—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K.

Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 3—G. Cline, B. Richardson, B. Smith.

HB 46 (Mar 5) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—G. Cline, B. Gregory, B. Jones, B. Richardson.

HB 47 (Jan 17) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 48 (Jan 17) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 49 (Jan 17) YEAS 73—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, B. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, D. Williams, P. Worthington, J. Yates. NAYS 5—W. Allen, J. Ellington, K. Harper, S. Keith, R. Turner.

HB 49 (Feb 20) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D.

Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 50 (Mar 20) YEAS 44—J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, L. Clark, F. Curd, R. Cyrus, B. Donnermeyer, J. Gray, H. Hancock, B. Handy, R. Head, C. Hines, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, R. Noe, R. Overstreet, D. Priddy, A. Pritchett, J. Rose, M. Stewart, P. Stone, P. Strong, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 41—W. Allen, D. Blandford, B. Burnette, B. Caldwell, G. Cline, F. Cowan, C. Crupper, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, K. Harper, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, R. Layman, J. LeMaster, M. Long, J. Meyer, L. Napier, C. Nett, C. Noland, V. Pearman, R. Preston, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, C. Siler, B. Smith, T. Todd, R. Turner, D. Williams.

HB 52 (Jan 23) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 53 (Mar 21) YEAS 86—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 56 (Jan 28) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 57 (Mar 18) YEAS 59—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, F. Brown, T. Burch, B. Caldwell, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, J. Gray, H. Hancock, B. Handy, J. Harper, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, M. O'Brien, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, E. Scorsone, B. Smith, M. Stewart, G. Stumbo, R. Turner, C. White, P. Worthington, J. Yates. NAYS 28—B. Brinkley, M. Brown, B. Burnette, L. Clark, P. Clark, C. Crupper, J. Ellington, M. Farrow, D. Gedling, B. Gregory, L. Guenthner, K. Harper, R. Head, S. Keith, R. Layman, J. Maggard, B. McBee, L. Napier, C. Noland, R. Overstreet, R. Preston, A. Pritchett, J. Rose, D. Seum, P. Stone, P. Strong, T. Todd, D. Williams.

HB 58 (Jan 22) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J.

Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 59 (Mar 17) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—S. Thomas.

HB 60 (Jan 28) YEAS 83—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 5—L. Clapp, D. Ford, S. Keith, L. Napier, C. White.

HB 61 (Feb 21) YEAS 60—A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, L. Johnson, T. Jones, T. Kerr, P. Lefevers, C. Little, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, P. Strong, G. Stumbo, C. White, P. Worthington, J. Yates. NAYS 29—J. Barrows, W. Blevins, B. Caldwell, L. Clapp, J. Clarke, C. Crupper, J. Ellington, M. Farrow, D. Ford, P. Freibert, L. Guenthner, B. Heleringer, C. Holbrook, E. Holloway, J. LeMaster, B. Lear, B. Lile, M. Long, T. Mann, H. Moberly, L. Napier, K. Rapier, H. Rattliff, T. Riner, E. Scorsone, M. Stewart, S. Thomas, R. Turner, D. Williams.

HB 61 (Mar 6) YEAS 72—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 19—W. Allen, J. Barrows, B. Caldwell, J. Clarke, M. Farrow, D. Ford, P. Freibert, H. Hancock, C. Holbrook, T. Jones, J. LeMaster, B. Lear, B. Lile, H. Moberly, L. Napier, R. Noe, H. Rattliff, E. Scorsone, M. Stewart.

HB 62 (Jan 14) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner,

H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 63 (Jan 21) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 64 (Mar 4) YEAS 90—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. LeMaster, B. Lear, M. Stewart.

HB 65 (Feb 14) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 68 (Jan 16) YEAS 92—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 70 (Mar 20) YEAS 92—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R.

Morris, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 71 (Feb 5) YEAS 40—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, J. Bronger, T. Burch, P. Clark, J. Clarke, F. Cowan, H. Deskins, B. Donnermeyer, B. Gregory, H. Hancock, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, T. Kerr, J. LeMaster, P. Lefevers, M. Long, J. Lyne, L. Mack, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, R. Noe, R. Preston, A. Pritchett, K. Rapier, J. Richards, B. Richardson, E. Scorsone, G. Stumbo, S. Thomas, P. Worthington. NAYS 51—W. Allen, W. Blevins, B. Brinkley, F. Brown, M. Brown, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, J. Harper, R. Head, T. Jensen, S. Keith, R. Layman, B. Lear, B. Lile, C. Little, J. Maggard, D. McNutt, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, H. Rattliff, J. Reinhardt, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, C. White, D. Williams, J. Yates.

HB 72 (Jan 16) YEAS 50—A. Arnold, J. Barrows, G. Bendl, D. Blandford, B. Brinkley, J. Bronger, T. Burch, B. Caldwell, P. Clark, J. Clarke, C. Crupper, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, B. Gregory, H. Hancock, B. Handy, R. Head, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, R. Noe, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, P. Stone, P. Strong, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 42—A. Bennett, B. Burnette, L. Clapp, L. Clark, G. Cline, F. Curd, R. Cyrus, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, L. Guenthner, J. Harper, K. Harper, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, S. Keith, R. Layman, B. Lear, P. Lefevers, B. Lile, L. Mack, D. McNutt, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, C. Siler, B. Smith, M. Stewart, T. Todd, R. Turner, C. White, D. Williams.

HB 73 (Feb 20) YEAS 91—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, J. Barrows, R. Overstreet.

HB 74 (Jan 16) YEAS 49—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Caldwell, P. Clark, J. Clarke, F. Cowan, C. Crupper, H. Dawahare, B. Donnermeyer, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, C. Holbrook, L. Johnson, B. Jones, T. Jones, T. Kerr, M. Long, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, P. Richardson, D. Seum, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 47—W. Allen, A. Bennett, J. Bronger, B. Burnette, L. Clapp, L. Clark, G. Cline, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, L. Guenthner, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, D. McNutt, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, T. Todd, R. Turner, D. Williams.

HB 75 (Feb 28) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—T. Todd.

HB 76 (Mar 21) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Clarke, E. Scorsone.

HB 77 (Feb 3) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 7—L. Clapp, J. Clarke, T. Jones, J. LeMaster, T. Mann, B. Richardson, E. Scorsone.

HB 78 (Feb 25) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 80 (Jan 23) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 81 (Jan 27) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—B. Jones, S. Keith, B. Lile, J. Reinhardt.

HB 105 (Mar 7) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark,

G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Barrows, E. Scorsone.

HB 109 (Jan 21) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 116 (Jan 21) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—L. Mack, R. Overstreet.

HB 118 (Jan 16) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—T. Jones, R. Noe.

HB 119 (Mar 20) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Clarke, P. Freibert, H. Hancock.

HB 120 (Feb 28) YEAS 87—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D.

Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—S. Keith, E. Scorsone.

HB 124 (Feb 21) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Turner.

HB 124 (Apr 1) YEAS 76—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 11—W. Allen, D. Ford, K. Harper, C. Holbrook, S. Keith, B. Lile, L. Napier, R. Preston, C. Siler, T. Todd, C. White.

HB 126 (Mar 18) YEAS 62—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, L. Clapp, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, J. LeMaster, B. Lear, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, E. Scorsone, C. Siler, B. Smith, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington. NAYS 38—W. Allen, B. Brinkley, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, H. Dawahare, J. Ellington, M. Farrow, D. Gedling, B. Handy, J. Harper, K. Harper, R. Head, T. Jensen, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, L. Mack, T. Mann, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, A. Pritchett, T. Riner, J. Rose, D. Seum, M. Stewart, P. Stone, P. Strong, D. Williams, J. Yates.

HB 127 (Jan 21) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 135 (Feb 24) YEAS 80—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers,

B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 8—R. Cyrus, J. Ellington, R. Noe, R. Overstreet, R. Preston, E. Scorsone, C. White, D. Williams.

HB 139 (Jan 27) YEAS 89—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—L. Napier, P. Strong.

HB 140 (Jan 27) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—W. Allen, P. Strong.

HB 140 (Mar 12) YEAS 86—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 8—W. Allen, B. Brinkley, J. Bruce, B. Burnette, M. Farrow, D. Gedling, R. Layman, R. Morris.

HB 142 (Feb 5) YEAS 91—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—G. Bendl.

HB 143 (Feb 24) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M.

Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington. NAYS 16—W. Allen, G. Cline, H. Deskins, J. Ellington, D. Ford, P. Lefevers, J. Lyne, L. Napier, C. Noland, R. Overstreet, H. Rattliff, B. Richardson, C. Siler, T. Todd, D. Williams, J. Yates.

HB 144 (Feb 24) YEAS 69—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Kerr, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, M. Stewart, P. Strong, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 20—W. Allen, J. Barrows, B. Brinkley, D. Ford, H. Hancock, T. Jensen, B. Jones, T. Jones, S. Keith, J. LeMaster, B. Lear, M. Long, R. Overstreet, H. Rattliff, C. Siler, B. Smith, P. Stone, T. Todd, R. Turner, D. Williams.

HB 147 (Jan 22) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 148 (Feb 4) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 148 (Mar 27) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

HB 149 (Mar 10) YEAS 74—W. Allen, A. Arnold, G. Bendl, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, J. Lyne, J. Maggard, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 12—J. Barrows, T. Burch, J. Clarke, H. Deskins, P. Freibert, B. Jones, B. Lear, C. Little, T. Mann, B. McBee, J. Meyer, J. Rose.

HB 150 (Feb 24) YEAS 84—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B.

Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—J. Bronger, J. Clarke, M. Farrow, P. Freibert, B. Heleringer, C. Holbrook, B. Jones, J. Meyer, R. Noe, B. Richardson.

HB 152 (Mar 10) YEAS 37—A. Arnold, J. Barrows, D. Blandford, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, G. Cline, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, H. Hancock, R. Head, T. Kerr, J. LeMaster, B. Lear, J. Lyne, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, A. Pritchett, K. Rapier, J. Richards, P. Richardson, D. Seum, B. Smith, P. Stone, G. Stumbo, S. Thomas, P. Worthington. NAYS 59—W. Allen, G. Bendl, A. Bennett, W. Blevins, J. Bronger, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, R. Cyrus, J. Ellington, M. Farrow, D. Ford, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, P. Lefevers, B. Lile, M. Long, L. Mack, J. Maggard, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, B. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Strong, T. Todd, R. Turner, C. White, D. Williams, J. Yates.

HB 154 (Jan 28) YEAS 84—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 9—J. Barrows, B. Caldwell, J. Clarke, P. Freibert, B. Lear, C. Nett, R. Noe, C. Siler, C. White.

HB 158 (Jan 28) YEAS 55—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Deskins, B. Donnermeyer, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, R. Head, C. Holbrook, L. Johnson, T. Jones, T. Kerr, B. Lear, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, C. Nett, C. Noland, M. O'Brien, V. Pearman, D. Priddy, P. Richardson, T. Riner, J. Rose, D. Seum, P. Stone, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 40—W. Allen, J. Barrows, B. Caldwell, L. Clapp, J. Clarke, F. Curd, H. Dawahare, J. Ellington, M. Farrow, L. Guenthner, J. Harper, K. Harper, E. Holloway, T. Jensen, S. Keith, R. Layman, J. LeMaster, P. Lefevers, M. Long, J. Lyne, S. McElroy, D. McNutt, L. Napier, R. Noe, R. Overstreet, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Strong, T. Todd, R. Turner, C. White, D. Williams.

HB 163 (Feb 10) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 169 (Jan 24) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B.

Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—P. Lefevers.

HB 169 (Feb 19) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, P. Lefevers, L. Napier.

HB 170 (Mar 20) YEAS 78—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 9—W. Allen, B. Caldwell, G. Cline, K. Harper, H. Rattliff, J. Reinhardt, M. Stewart, T. Todd, R. Turner.

HB 172 (Mar 17) YEAS 88—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—G. Bendl, D. Priddy, C. Siler.

HB 172 (Mar 26) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 3—B. Brinkley, S. Keith, R. Overstreet.

HB 174 (Jan 17) YEAS 86—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D.

Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Ellington, B. Lear, M. Long.

HB 176 (Feb 24) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 176 (Mar 27) YEAS 86—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 178 (Jan 22) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 178 (Feb 19) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 179 (Jan 21) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—B. Caldwell, P. Freibert, S. Keith, H. Rattliff.

HB 181 (Feb 3) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Clarke, P. Freibert.

HB 181 (Mar 12) YEAS 57—A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, C. Crupper, H. Dawahare, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, C. White, J. Yates. NAYS 25—W. Allen, J. Barrows, G. Bendl, B. Burnette, J. Clarke, G. Cline, F. Curd, H. Deskins, M. Farrow, D. Ford, B. Gregory, H. Hancock, L. Johnson, B. Jones, M. Long, D. McNutt, L. Napier, R. Noe, M. O'Brien, R. Overstreet, J. Richards, B. Richardson, B. Smith, T. Todd, R. Turner.

HB 182 (Feb 4) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 188 (Jan 22) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—M. Farrow, H. Hancock, J. LeMaster, S. Thomas.

HB 189 (Jan 17) YEAS 82—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 6—J. Clarke, B. Lear, L. Mack, T. Mann, E. Scorsone, B. Smith.

HB 192 (Mar 17) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S.

Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 197 (Mar 20) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 198 (Feb 4) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 199 (Jan 22) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—K. Harper, T. Jones, S. Keith, E. Scorsone.

HB 199 (Feb 19) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—T. Jones, R. Noe.

HB 201 (Mar 25) YEAS 85—W. Allen, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E.

Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington. NAYS 7—A. Arnold, B. Caldwell, B. McBee, L. Napier, D. Priddy, H. Rattliff, J. Yates.

HB 202 (Feb 21) YEAS 80—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, P. Strong, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—C. Holbrook, M. Stewart.

HB 202 (Apr 1) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

HB 203 (Mar 10) YEAS 90—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 205 (Mar 7) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 208 (Mar 4) YEAS 88—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—L. Clapp, J. Ellington, B. Lear, C. Little, H. Rattliff.

HB 209 (Feb 18) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 210 (Jan 28) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 211 (Mar 4) YEAS 78—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, B. Smith, P. Stone, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 11—J. Barrows, W. Blevins, B. Burnette, J. Clarke, H. Deskins, T. Jones, R. Overstreet, E. Scorsone, D. Seum, C. Siler, M. Stewart.

HB 213 (Feb 11) YEAS 92—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 213 (Feb 26) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 214 (Mar 5) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J.

Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 216 (Feb 14) YEAS 30—J. Barrows, G. Bendl, W. Blevins, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, D. Gedling, H. Hancock, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, M. Long, J. Lyne, L. Mack, H. Moberly, R. Noe, V. Pearman, A. Pritchett, K. Rapier, B. Richardson, P. Richardson, E. Scorsone, G. Stumbo, C. White, J. Yates. NAYS 51—W. Allen, A. Bennett, B. Brinkley, J. Bronger, F. Brown, B. Burnette, L. Clapp, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, R. Layman, P. Lefevers, B. Lile, C. Little, J. Maggard, B. McBee, D. McNutt, J. Meyer, L. Napier, C. Noland, M. O'Brien, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, R. Turner, D. Williams, P. Worthington.

HB 217 (Jan 28) YEAS 36—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bruce, T. Burch, L. Clark, P. Clark, F. Cowan, B. Donnermeyer, D. Gedling, L. Guenthner, H. Hancock, B. Heleringer, C. Holbrook, E. Holloway, L. Johnson, T. Jones, T. Kerr, B. Lear, M. Long, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, V. Pearman, D. Priddy, A. Pritchett, E. Scorsone, D. Seum, G. Stumbo, P. Worthington, J. Yates. NAYS 56—W. Allen, B. Brinkley, F. Brown, M. Brown, B. Burnette, B. Caldwell, L. Clapp, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, T. Jensen, B. Jones, S. Keith, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, R. Turner, C. White, D. Williams.

HB 217 (Feb 5) YEAS 31—G. Bendl, A. Bennett, D. Blandford, W. Blevins, T. Burch, L. Clark, P. Clark, F. Cowan, B. Donnermeyer, B. Gregory, H. Hancock, C. Hines, C. Holbrook, L. Johnson, T. Kerr, B. Lile, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, V. Pearman, D. Priddy, K. Rapier, J. Richards, B. Richardson, T. Riner, D. Seum, G. Stumbo, S. Thomas, J. Yates. NAYS 55—B. Brinkley, J. Bronger, F. Brown, M. Brown, B. Burnette, B. Caldwell, L. Clapp, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, J. Harper, R. Head, B. Heleringer, T. Jensen, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, R. Turner, D. Williams, P. Worthington.

HB 218 (Jan 22) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 218 (Mar 6) YEAS 89—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien,

R. Overstreet, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 2—W. Allen, C. Crupper.

HB 219 (Mar 5) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 220 (Feb 6) YEAS 70—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Kerr, B. Lear, B. Lile, L. Mack, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, J. Yates. NAYS 18—W. Allen, G. Cline, F. Curd, J. Ellington, M. Farrow, P. Freibert, J. Harper, K. Harper, B. Heleringer, B. Jones, P. Lefevers, C. Little, M. Long, J. Maggard, D. McNutt, B. Smith, P. Stone, P. Worthington.

HB 220 (Mar 7) YEAS 78—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, R. Head, C. Hines, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 9—G. Cline, M. Farrow, H. Hancock, C. Holbrook, T. Jensen, M. Long, H. Rattliff, B. Smith, R. Turner.

HB 221 (Mar 5) YEAS 99—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 222 (Jan 22) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 222 (Mar 28) YEAS 75—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 4—W. Allen, G. Cline, M. Farrow, S. Keith.

HB 223 (Jan 22) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington. NAYS 0.

HB 224 (Mar 4) YEAS 93—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 224 (Mar 26) YEAS 78—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington. NAYS 2—W. Allen, L. Guenthner.

HB 225 (Mar 5) YEAS 46—A. Arnold, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, F. Cowan, H. Dawahare, H. Deskins, J. Ellington, P. Freibert, L. Guenthner, J. Harper, K. Harper, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, M. Long, L. Mack, J. Maggard, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, H. Rattliff, P. Stone, S. Thomas, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 28—J. Barrows, F. Brown, J. Clarke, G. Cline, C. Crupper, F. Curd, B. Donnermeyer, D. Ford, H. Hancock, R. Layman, T. Mann, B. McBee, H. Moberly, C. Nett, R. Noe, R. Preston, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Strong, G. Stumbo, R. Turner.

HB 225 (Mar 28) YEAS 80—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 7—J. Barrows, G. Cline, C. Crupper, B. Gregory, H. Hancock, D. McNutt, J. Meyer.

HB 226 (Mar 12) YEAS 50—A. Arnold, J. Barrows, G. Bendl, F. Brown, T. Burch, J. Clarke, F. Cowan, F. Curd, R. Cyrus, M. Farrow, P. Freibert, B. Gregory, H. Hancock, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, J. LeMaster, B. Lear, P. Lefevers, M. Long, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, R. Noe, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, B. Smith, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington. NAYS 45—W. Allen, A. Bennett, W. Blevins, J. Bronger, M. Brown, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, H. Dawahare, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, L. Guenthner, B. Handy, K. Harper, B. Heleringer, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lile, J. Lyne, L. Mack, J. Maggard, D. McNutt, L. Napier, C. Nett, C. Noland, V. Pearman, H. Rattliff, J. Reinhardt, T. Riner, D. Seum, M. Stewart, P. Stone, P. Strong, T. Todd, J. Yates.

HB 228 (Jan 22) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 229 (Feb 11) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 231 (Feb 28) YEAS 8—W. Blevins, D. Gedling, B. Gregory, B. Heleringer, S. Keith, V. Pearman, C. Siler, G. Stumbo. NAYS 68—W. Allen, A. Arnold, J. Barrows, G. Bendl, J. Bronger, T. Burch, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, J. Gray, H. Hancock, J. Harper, K. Harper, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, M. Stewart, P. Strong, T. Todd, R. Turner, D. Williams.

HB 234 (Mar 24) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 235 (Jan 28) YEAS 91—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith,

T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 237 (Jan 28) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 238 (Feb 28) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 238 (Mar 26) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 0.

HB 239 (Jan 22) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 241 (Jan 27) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B.

Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

HB 241 (Feb 25) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 243 (Feb 3) YEAS 79—W. Allen, A. Arnold, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 9—J. Clarke, T. Jones, L. Mack, H. Moberly, R. Noe, H. Rattliff, E. Scorsone, P. Strong, C. White.

HB 245 (Mar 12) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—B. Heleringer, C. Nett.

HB 246 (Jan 17) YEAS 73—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, P. Worthington. NAYS 13—B. Caldwell, L. Clapp, J. Clarke, J. Ellington, M. Farrow, P. Freibert, B. Lile, H. Moberly, H. Rattliff, B. Richardson, J. Rose, B. Smith, D. Williams.

HB 246 (Mar 6) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 4—B. Caldwell, P. Freibert, D. Gedling, C. White.

HB 255 (Feb 5) YEAS 50—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J.

Bronger, F. Brown, M. Brown, T. Burch, L. Clark, P. Clark, F. Cowan, R. Cyrus, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, C. Hines, T. Jones, T. Kerr, B. Lear, B. Lile, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, R. Noe, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, P. Richardson, T. Riner, E. Scorsone, D. Seum, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 46—W. Allen, B. Brinkley, B. Burnette, B. Caldwell, L. Clapp, J. Clarke, G. Cline, C. Crupper, F. Curd, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, B. Gregory, L. Guenthner, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, S. Keith, R. Layman, J. LeMaster, P. Lefevers, C. Little, J. Lyne, D. McNutt, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, T. Todd, R. Turner, D. Williams.

HB 262 (Mar 11) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—W. Allen, H. Hancock, S. Keith, R. Layman.

HB 262 (Apr 1) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 7—W. Allen, G. Cline, J. Ellington, B. Gregory, H. Hancock, S. Keith, R. Layman.

HB 263 (Feb 21) YEAS 95—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 264 (Jan 27) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 264 (Feb 19) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B.

Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—D. Ford, L. Napier.

HB 265 (Jan 27) YEAS 73—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, C. White, P. Worthington. NAYS 20—W. Allen, J. Bruce, B. Burnette, G. Cline, C. Crupper, M. Farrow, D. Ford, D. Gedling, H. Hancock, R. Layman, C. Little, B. McBee, R. Morris, L. Napier, C. Noland, J. Rose, P. Strong, S. Thomas, R. Turner, D. Williams.

HB 266 (Mar 3) YEAS 75—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, B. Smith, P. Stone, G. Stumbo, T. Todd, C. White, P. Worthington, J. Yates. NAYS 12—M. Farrow, D. Ford, J. Gray, T. Jensen, T. Kerr, R. Layman, C. Little, R. Overstreet, J. Rose, M. Stewart, P. Strong, D. Williams.

HB 268 (Jan 28) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 269 (Mar 17) YEAS 81—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 10—W. Allen, J. Ellington, M. Farrow, D. Ford, T. Jensen, S. Keith, M. Long, J. Lyne, L. Napier, T. Todd.

HB 270 (Jan 28) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C.

Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 274 (Jan 29) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 277 (Feb 4) YEAS 92—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Clarke, R. Overstreet, E. Scorsone.

HB 277 (Feb 20) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—M. Farrow, H. Hancock, E. Holloway, J. Meyer, B. Richardson.

HB 278 (Feb 5) YEAS 49—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, L. Clark, P. Clark, G. Cline, F. Cowan, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, L. Guenthner, B. Handy, J. Harper, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, B. Lile, C. Little, L. Mack, B. McBee, S. McElroy, D. McNutt, J. Meyer, C. Nett, C. Noland, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, E. Scorsone, D. Seum, M. Stewart, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White. NAYS 31—F. Brown, B. Burnette, L. Clapp, J. Clarke, C. Crupper, F. Curd, J. Ellington, M. Farrow, D. Ford, J. Gray, B. Gregory, H. Hancock, R. Head, R. Layman, J. LeMaster, B. Lear, M. Long, J. Lyne, J. Maggard, H. Moberly, R. Morris, L. Napier, M. O'Brien, R. Overstreet, J. Richards, J. Rose, C. Siler, B. Smith, P. Stone, P. Strong, D. Williams.

HB 279 (Jan 27) YEAS 74—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington. NAYS 14—W. Allen, J. Ellington, D. Ford, L. Guenthner, J. Harper, T. Jensen, S. Keith, R. Layman, P. Lefevers, C. Little, L. Napier, R. Noe, J. Rose, D. Williams.

HB 282 (Jan 27) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 3—R. Layman, J. Reinhardt, M. Stewart.

HB 282 (Feb 19) YEAS 59—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Gedling, J. Gray, B. Gregory, J. Harper, R. Head, C. Hines, E. Holloway, T. Jones, T. Kerr, J. LeMaster, B. Lear, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, P. Stone, P. Strong, G. Stumbo, C. White, D. Williams, J. Yates. NAYS 24—W. Allen, B. Burnette, M. Farrow, D. Ford, P. Freibert, H. Hancock, K. Harper, C. Holbrook, T. Jensen, B. Jones, S. Keith, R. Layman, P. Lefevers, B. Lile, M. Long, L. Napier, C. Noland, R. Overstreet, R. Preston, J. Reinhardt, B. Smith, M. Stewart, S. Thomas, R. Turner.

HB 283 (Feb 11) YEAS 82—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, D. Williams, P. Worthington. NAYS 10—J. Barrows, B. Heleringer, H. Moberly, R. Overstreet, B. Richardson, E. Scorsone, D. Seum, R. Turner, C. White, J. Yates.

HB 284 (Mar 17) YEAS 90—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

HB 285 (Jan 28) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Barrows, J. Clarke, H. Moberly, E. Scorsone.

HB 285 (Mar 19) YEAS 83—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer,

C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—J. Barrows, J. Clarke, B. Lear, M. Long, H. Moberly, E. Scorsone.

HB 286 (Feb 18) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Ellington, J. Meyer, R. Overstreet.

HB 286 (Mar 28) YEAS 83—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 1—J. Meyer.

HB 287 (Feb 7) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 292 (Jan 24) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 293 (Feb 5) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D.

Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 294 (Mar 6) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—B. Burnette, C. Crupper, J. Ellington, D. McNutt.

HB 296 (Feb 7) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Turner.

HB 298 (Mar 10) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

HB 301 (Feb 20) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Barrows, B. Heleringer.

HB 302 (Mar 13) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington. NAYS 9—J. Barrows, J. Bruce, J. Clarke, B. Gregory, T. Jones, C. Little, D. McNutt, R. Noe, E. Scorsone.

HB 305 (Mar 4) YEAS 73—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 17—W. Allen, J. Barrows, J. Clarke, C. Crupper, H. Deskins, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, B. Lear, D. McNutt, R. Overstreet, E. Scorsone, C. Siler, P. Strong, S. Thomas.

HB 306 (Jan 27) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 310 (Mar 24) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—J. Barrows, F. Cowan, K. Harper, T. Kerr, E. Scorsone.

HB 310 (Mar 31) YEAS 82—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 8—G. Bendl, J. Clarke, F. Cowan, H. Hancock, B. Lear, M. Long, H. Moberly, E. Scorsone.

HB 310 (Apr 14) YEAS 52—W. Allen, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, F. Curd, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, J. Maggard, B. McBee, L. Napier, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, T. Todd, R. Turner, D. Williams, J. Yates. NAYS 44—A. Arnold, J. Barrows, G. Bendl, D. Blandford, J. Bruce, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Gray, H. Hancock, C. Hines, L. Johnson, B. Jones, T. Jones, J. LeMaster, B. Lear, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, A. Pritchett, K. Rapier, P. Richardson, T. Riner, E. Scorsone, D. Seum, P. Strong, G. Stumbo, S. Thomas, P. Worthington.

HB 311 (Mar 13) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R.

Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Ellington, C. Little.

HB 311 (Apr 1) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—W. Allen.

HB 313 (Feb 11) YEAS 55—A. Arnold, A. Bennett, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clapp, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, R. Head, E. Holloway, T. Jensen, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, S. McElroy, R. Morris, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, P. Stone, P. Strong, G. Stumbo, R. Turner, C. White, J. Yates. NAYS 33—W. Allen, J. Barrows, B. Caldwell, L. Clark, J. Clarke, H. Dawahare, M. Farrow, P. Freibert, L. Guenthner, J. Harper, K. Harper, B. Heleringer, L. Johnson, B. Jones, T. Jones, R. Layman, J. LeMaster, B. Lear, M. Long, L. Mack, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, H. Rattliff, E. Scorsone, M. Stewart, S. Thomas, D. Williams, P. Worthington.

HB 315 (Feb 4) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—H. Hancock.

HB 315 (Mar 6) YEAS 82—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, K. Harper, R. Head, B. Heleringer, C. Holbrook, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 7—J. Barrows, B. Caldwell, J. Ellington, H. Hancock, T. Jensen, S. Keith, R. Turner.

HB 316 (Feb 26) YEAS 52—A. Bennett, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, B. Burnette, L. Clapp, L. Clark, G. Cline, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, T. Kerr, R. Layman, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, J. Meyer, H. Moberly, R. Morris, R. Noe, M. O'Brien, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, T. Todd, P. Worthington, J. Yates. NAYS 40—W. Allen, J. Barrows, G. Bendl, T. Burch, B. Caldwell, P. Clark, J. Clarke, F. Cowan, C. Crupper, B. Donnermeyer, M. Farrow, P. Freibert, L. Guenthner, K. Harper, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson,

B. Jones, T. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, M. Long, T. Mann, B. McBee, D. McNutt, L. Napier, C. Nett, C. Noland, V. Pearman, H. Rattliff, J. Reinhardt, T. Riner, C. Siler, M. Stewart, S. Thomas, R. Turner.

HB 317 (Feb 24) YEAS 64—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, B. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, J. Yates. NAYS 24—W. Allen, B. Caldwell, J. Clarke, J. Ellington, D. Ford, P. Freibert, L. Guenthner, K. Harper, B. Heleringer, C. Holbrook, T. Jensen, S. Keith, R. Layman, P. Lefevers, J. Lyne, B. McBee, L. Napier, R. Preston, J. Reinhardt, J. Richards, B. Smith, M. Stewart, R. Turner, D. Williams.

HB 322 (Feb 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 323 (Feb 24) YEAS 95—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 323 (Apr 1) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 325 (Feb 18) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Turner.

HB 326 (Mar 11) YEAS 50—A. Arnold, A. Bennett, D. Blandford, B. Brinkley, F. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, B. Gregory, L. Guenthner, H. Hancock, K. Harper, B. Heleringer, C. Hines, B. Jones, T. Kerr, P. Lefevers, B. Lile, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, R. Noe, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington. NAYS 42—W. Allen, J. Barrows, G. Bendl, W. Blevins, M. Brown, B. Burnette, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Handy, J. Harper, E. Holloway, T. Jensen, T. Jones, S. Keith, J. LeMaster, B. Lear, M. Long, J. Lyne, L. Mack, H. Moberly, L. Napier, C. Nett, R. Overstreet, R. Preston, A. Pritchett, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, T. Todd, R. Turner, D. Williams, J. Yates.

HB 329 (Mar 4) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 4—H. Dawahare, R. Morris, R. Preston, D. Seum.

HB 329 (Mar 21) YEAS 86—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Barrows, T. Mann.

HB 332 (Feb 4) YEAS 96—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 333 (Feb 5) YEAS 57—W. Allen, A. Arnold, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, L. Guenthner, B. Handy, J. Harper, R. Head, T. Jensen, S. Keith, R. Layman, B. Lile, M. Long, J. Maggard, D. McNutt, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, J. Reinhardt, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 33—J. Barrows, G. Bendl, D. Blandford, J. Clarke, G. Cline, F. Cowan, P. Freibert, J. Gray, B. Gregory, H. Hancock, K. Harper, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, J. Lyne, L. Mack, S. McElroy, H. Moberly, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, B. Smith, P. Strong, S. Thomas, C. White.

HB 334 (Feb 5) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R.

Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—W. Allen.

HB 339 (Mar 5) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 343 (Mar 12) YEAS 79—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 11—J. Barrows, W. Blevins, B. Brinkley, M. Farrow, D. Ford, H. Hancock, B. Jones, J. LeMaster, D. McNutt, H. Moberly, T. Todd.

HB 344 (Feb 26) YEAS 70—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 20—J. Barrows, G. Bendl, J. Clarke, F. Curd, B. Donnermeyer, P. Freibert, L. Guenthner, B. Heleringer, T. Jones, J. LeMaster, B. Lear, M. Long, T. Mann, B. McBee, D. McNutt, J. Meyer, C. Nett, J. Richards, E. Scorsone, S. Thomas.

HB 346 (Jan 6) YEAS 91—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 1—R. Preston.

HB 346 (Mar 4) YEAS 92—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A.

Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—D. Seum.

HB 347 (Jan 6) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—K. Harper, E. Holloway.

HB 347 (Mar 24) YEAS 86—W. Allen, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 348 (Mar 13) YEAS 93—W. Allen, A. Arnold, J. Barrows, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 353 (Feb 21) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer. C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet. V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 353 (Mar 24) YEAS 75—A. Arnold, J. Barrows, G. Bendl, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 356 (Feb 4) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark,

P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 359 (Feb 28) YEAS 69—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, D. Williams, P. Worthington, J. Yates. NAYS 18—D. Ford, K. Harper, C. Holbrook, B. Jones, S. Keith, R. Layman, B. Lear, M. Long, J. Lyne, B. McBee, D. McNutt, L. Napier, H. Rattliff, J. Richards, B. Richardson, B. Smith, T. Todd, R. Turner.

HB 360 (Mar 7) YEAS 61—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, D. Ford, J. Gray, B. Handy, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, B. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, J. Yates. NAYS 25—A. Arnold, B. Caldwell, M. Farrow, P. Freibert, L. Guenthner, H. Hancock, J. Harper, K. Harper, C. Holbrook, E. Holloway, T. Jensen, S. Keith, R. Layman, B. Lear, M. Long, J. Lyne, D. McNutt, J. Richards, T. Riner, B. Smith, M. Stewart, T. Todd, R. Turner, C. White, D. Williams.

HB 360 (Mar 20) YEAS 72—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Handy, R. Head, B. Heleringer, C. Hines, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, P. Worthington, J. Yates. NAYS 17—W. Allen, J. Barrows, M. Farrow, P. Freibert, L. Guenthner, H. Hancock, J. Harper, K. Harper, C. Holbrook, T. Jensen, R. Layman, B. Lear, M. Long, J. Lyne, B. Richardson, B. Smith, M. Stewart.

HB 362 (Mar 4) YEAS 61—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, L. Napier, R. Noe, R. Overstreet, V. Pearman, D. Priddy, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 23—J. Clarke, C. Crupper, M. Farrow, D. Ford, P. Freibert, H. Hancock, K. Harper, C. Holbrook, E. Holloway, B. Jones, S. Keith, R. Layman, M. Long, J. Lyne, D. McNutt, R. Morris, M. O'Brien, R. Preston, J. Richards, B. Richardson, B. Smith, M. Stewart, T. Todd.

HB 366 (Feb 5) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier,

H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 367 (Feb 7) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—D. McNutt, J. Richards.

HB 368 (Feb 5) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—S. Keith.

HB 372 (Feb 13) YEAS 78—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 8—T. Jones, B. Lear, B. McBee, V. Pearman, B. Richardson, P. Richardson, C. Siler, P. Strong.

HB 372 (Mar 28) YEAS 65—J. Barrows, G. Bendl, A. Bennett, D. Blandford, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, C. White, J. Yates. NAYS 9—W. Allen, G. Cline, C. Crupper, M. Farrow, D. Ford, D. Gedling, B. Lear, L. Napier, J. Reinhardt.

HB 374 (Mar 24) YEAS 79—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 8—L. Guenthner, H. Hancock, S. Keith, J. Meyer, R. Overstreet, P. Richardson, M. Stewart, D. Williams.

HB 376 (Feb 13) YEAS 49—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, M. Brown, J. Bruce, T. Burch, L. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Gray, H. Hancock, B. Handy, J. Harper, C. Hines, B. Jones, T. Jones, B. Lear, C. Little,

M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Noe, R. Overstreet, R. Preston, D. Priddy, K. Rapier, J. Richards, J. Rose, E. Scorsone, D. Seum, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 42—W. Allen, B. Burnette, B. Caldwell, L. Clapp, P. Clark, J. Clarke, G. Cline, J. Ellington, M. Farrow, D. Ford, P. Freibert, B. Gregory, L. Guenthner, K. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, D. McNutt, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, A. Pritchett, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, C. Siler, B. Smith, M. Stewart, T. Todd, R. Turner, D. Williams.

HB 376 (Mar 25) YEAS 69—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, B. Jones, S. Keith, B. Lear, P. Lefevers, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, M. O'Brien, R. Preston, A. Pritchett, K. Rapier, J. Richards, J. Rose, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 9—W. Allen, B. Caldwell, B. Lile, L. Napier, R. Overstreet, V. Pearman, J. Reinhardt, M. Stewart, R. Turner.

HB 381 (Feb 13) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 382 (Feb 13) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 383 (Feb 4) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 388 (Feb 10) YEAS 52—A. Arnold, J. Barrows, A. Bennett, W. Blevins, B. Brinkley, M. Brown, J. Bruce, B. Caldwell, L. Clapp, L. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, R. Head, C. Hines, R. Layman, P. Lefevers, C. Little, J. Maggard, R. Morris, L. Napier, C. Noland, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 32—W. Allen, G. Bendl, T. Burch, J. Clarke, F. Cowan, P. Freibert, L. Guenthner, H. Hancock, J. Harper,

K. Harper, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, J. LeMaster, B. Lear, B. Lile, J. Lyne, L. Mack, T. Mann, D. McNutt, J. Meyer, H. Moberly, C. Nett, M. O'Brien, J. Reinhardt, E. Scorsone, M. Stewart, S. Thomas, R. Turner.

HB 389 (Feb 10) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

| **HB 390** (Jan 29) YEAS 91—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—W. Allen, J. Barrows, T. Jones, S. Keith.

HB 390 (Mar 20) YEAS 85—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—W. Allen, J. Barrows, L. Guenthner, T. Jensen, S. Keith, B. Richardson.

HB 392 (Feb 25) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 398 (Mar 11) YEAS 98—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—W. Allen.

HB 398 (Apr 1) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—D. McNutt, M. Stewart.

HB 399 (Feb 11) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 399 (Mar 24) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 400 (Feb 25) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 401 (Feb 24) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 402 (Feb 10) YEAS 69—A. Arnold, J. Barrows, D. Blandford, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clapp, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, K. Harper, R. Head, B.

Heleringer, C. Hines, C. Holbrook, T. Jensen, T. Jones, S. Keith, T. Kerr, B. Lear, P. Lefevers, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington. NAYS 20—W. Allen, G. Bendl, A. Bennett, W. Blevins, J. Bronger, B. Caldwell, L. Clark, J. Clarke, D. Ford, E. Holloway, B. Jones, B. Lile, T. Mann, R. Morris, C. Nett, R. Overstreet, D. Priddy, E. Scorsone, R. Turner, J. Yates.

HB 404 (Mar 20) YEAS 94—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 405 (Feb 14) YEAS 42—A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, T. Burch, B. Burnette, L. Clapp, P. Clark, F. Cowan, R. Cyrus, H. Deskins, B. Donnermeyer, J. Gray, H. Hancock, B. Handy, B. Heleringer, C. Holbrook, B. Jones, T. Jones, J. LeMaster, M. Long, J. Lyne, J. Maggard, D. McNutt, H. Moberly, R. Noe, M. O'Brien, V. Pearman, R. Preston, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, P. Stone, G. Stumbo, S. Thomas, J. Yates. NAYS 37—F. Brown, M. Brown, J. Bruce, B. Caldwell, L. Clark, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, J. Harper, K. Harper, R. Head, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, L. Mack, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, T. Riner, M. Stewart, R. Turner.

HB 406 (Mar 20) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 408 (Mar 18) YEAS 23—J. Barrows, G. Bendl, D. Blandford, M. Brown, F. Cowan, C. Crupper, J. Gray, B. Gregory, H. Hancock, C. Hines, C. Holbrook, T. Jones, B. Lear, M. Long, L. Mack, H. Moberly, R. Noe, V. Pearman, P. Richardson, E. Scorsone, P. Strong, G. Stumbo, S. Thomas. NAYS 61—B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, G. Cline, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, T. Todd, R. Turner, C. White, D. Williams, P. Worthington.

HB 409 (Mar 5) YEAS 14—J. Barrows, D. Blandford, J. Clarke, B. Donnermeyer, H. Hancock, C. Hines, C. Holbrook, T. Jones, J. Meyer, C. Nett, R. Noe, K. Rapier, G. Stumbo, S. Thomas. NAYS 83—W. Allen, A. Arnold, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B.

Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates.

HB 410 (Mar 5) YEAS 45—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, J. Bronger, M. Brown, J. Bruce, B. Caldwell, J. Clarke, F. Cowan, B. Donnermeyer, D. Gedling, H. Hancock, B. Handy, K. Harper, B. Heleringer, C. Hines, C. Holbrook, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, M. Long, J. Lyne, T. Mann, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, E. Scorsone, B. Smith, G. Stumbo, C. White, P. Worthington. NAYS 47—W. Allen, A. Bennett, B. Brinkley, F. Brown, T. Burch, B. Burnette, L. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, L. Guenthner, J. Harper, R. Head, E. Holloway, T. Jensen, L. Johnson, R. Layman, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, B. McBee, S. McElroy, R. Overstreet, V. Pearman, R. Preston, H. Rattliff, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, D. Williams.

HB 412 (Feb 21) YEAS 88—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 413 (Feb 20) YEAS 87—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Barrows, R. Turner.

HB 417 (Feb 24) YEAS 80—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, J. Bruce, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, R. Morris, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 6—J. Barrows, D. Gedling, H. Moberly, L. Napier, R. Overstreet, D. Williams.

HB 417 (Mar 6) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 4—J. Barrows, B. Jones, H. Moberly, D. Williams.

HB 418 (Feb 19) YEAS 83—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F.

Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 8—W. Allen, J. Ellington, D. Ford, R. Layman, B. McBee, R. Overstreet, R. Preston, M. Stewart.

HB 418 (Mar 5) YEAS 83—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, P. Worthington, J. Yates. NAYS 7—W. Allen, B. Caldwell, J. Ellington, D. Ford, T. Jensen, T. Todd, C. White.

HB 419 (Mar 13) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 419 (Mar 28) YEAS 83—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 420 (Feb 18) YEAS 92—W. Allen, A. Arnold, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 421 (Mar 12) YEAS 64—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Kerr, C. Little, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, R. Morris, C. Nett, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P.

Worthington, J. Yates. NAYS 25—W. Allen, J. Barrows, G. Cline, H. Deskins, M. Farrow, D. Ford, B. Gregory, H. Hancock, B. Heleringer, T. Jensen, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, D. McNutt, J. Meyer, H. Moberly, C. Noland, R. Overstreet, D. Seum, M. Stewart, R. Turner, D. Williams.

HB 422 (Jan 6) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Clarke, J. Reinhardt.

HB 427 (Mar 5) YEAS 77—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, D. Williams, P. Worthington, J. Yates. NAYS 16—W. Allen, J. Bruce, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Harper, K. Harper, T. Jensen, S. Keith, D. McNutt, R. Morris, J. Reinhardt, B. Richardson, C. Siler, R. Turner.

HB 428 (Feb 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 428 (Mar 24) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 431 (Feb 20) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose,

E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 431 (Mar 24) YEAS 89—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 433 (Mar 17) YEAS 90—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—G. Bendl, E. Scorsone.

HB 434 (Feb 5) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—B. Heleringer.

HB 435 (Feb 27) YEAS 73—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 5—B. Donnermeyer, M. Farrow, B. Jones, B. McBee, R. Preston.

HB 436 (Feb 26) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Meyer.

HB 436 (Mar 20) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W.

Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 438 (Feb 11) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 440 (Feb 11) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 441 (Mar 24) YEAS 86—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. LeMaster.

HB 443 (Feb 21) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 444 (Feb 27) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B.

Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 447 (Mar 17) YEAS 68—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, B. Jones, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 17—W. Allen, F. Brown, J. Ellington, D. Ford, D. Gedling, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, P. Lefevers, J. Maggard, C. Noland, R. Overstreet, T. Todd, D. Williams.

HB 449 (Feb 20) YEAS 94—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 450 (Mar 24) YEAS 40—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, F. Cowan, R. Cyrus, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, K. Harper, C. Holbrook, B. Jones, T. Kerr, B. Lear, B. Lile, J. Lyne, B. McBee, S. McElroy, D. McNutt, R. Morris, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Richards, J. Rose, G. Stumbo, S. Thomas, D. Williams, P. Worthington. NAYS 54—W. Allen, J. Barrows, J. Bronger, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, H. Dawahare, H. Deskins, M. Farrow, D. Ford, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, T. Jones, S. Keith, R. Layman, J. LeMaster, P. Lefevers, C. Little, M. Long, L. Mack, J. Maggard, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, K. Rapier, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, C. White, J. Yates.

HB 451 (Feb 28) YEAS 41—A. Arnold, A. Bennett, D. Blandford, W. Blevins, F. Brown, M. Brown, L. Clapp, P. Clark, J. Clarke, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, H. Hancock, C. Hines, T. Jones, T. Kerr, R. Layman, B. Lear, B. Lile, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, D. Priddy, A. Pritchett, K. Rapier, J. Richards, P. Richardson, P. Strong, G. Stumbo, T. Todd, C. White, P. Worthington. NAYS 29—W. Allen, B. Brinkley, J. Bronger, T. Burch, L. Clark, G. Cline, F. Cowan, J. Ellington, D. Ford, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, T. Jensen, B. Jones, P. Lefevers, C. Little, M. Long, L. Napier, C. Noland, R. Overstreet, H. Rattliff, J. Reinhardt, C. Siler, M. Stewart, P. Stone, D. Williams.

HB 452 (Feb 20) YEAS 48—W. Allen, A. Bennett, D. Blandford, W. Blevins, J. Bronger, M. Brown, T. Burch, L. Clapp, L. Clark, P. Clark, F. Cowan, H. Dawahare, B. Donnermeyer, D. Ford, J. Gray, B. Gregory, L. Guenthner, B. Handy, C. Hines, T. Jensen, B. Jones, T. Jones, B. Lear, B. Lile, M. Long, J. Lyne, J. Maggard, J. Meyer, R. Noe, C. Noland, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 48—A. Arnold, J. Barrows, G. Bendl, B. Brinkley, F. Brown, B. Caldwell, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, B. Smith, P. Stone, G. Stumbo, D. Williams.

HB 453 (Mar 3) YEAS 76—A. Arnold, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 15—J. Barrows, G. Bendl, W. Blevins, J. Clarke, L. Guenthner, C. Hines, C. Holbrook, J. LeMaster, B. Lear, J. Meyer, H. Moberly, R. Preston, B. Richardson, E. Scorsone, C. White.

HB 454 (Feb 25) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, J. Yates. NAYS 3—J. Ellington, D. Williams, P. Worthington.

HB 455 (Feb 7) YEAS 82—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 7—B. Caldwell, S. Keith, C. Nett, C. Noland, H. Rattliff, J. Richards, B. Smith.

HB 460 (Feb 4) YEAS 78—A. Arnold, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, B. Lear, B. Lile, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 9—J. Clarke, H. Deskins, B. Jones, S. Keith, C. Little, L. Mack, M. O'Brien, J. Rose, E. Scorsone.

HB 462 (Feb 7) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B.

Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, C. Holbrook, H. Rattliff.

HB 464 (Feb 27) YEAS 47—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, J. Bronger, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, F. Cowan, C. Crupper, F. Curd, B. Donnermeyer, P. Freibert, J. Gray, B. Gregory, H. Hancock, B. Handy, R. Head, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, M. Long, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, M. O'Brien, V. Pearman, A. Pritchett, K. Rapier, P. Richardson, E. Scorsone, B. Smith, G. Stumbo, S. Thomas, C. White, J. Yates. NAYS 46—W. Allen, A. Bennett, B. Brinkley, F. Brown, M. Brown, B. Caldwell, P. Clark, G. Cline, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, D. Gedling, L. Guenthner, J. Harper, K. Harper, B. Heleringer, T. Jensen, S. Keith, R. Layman, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, R. Morris, L. Napier, C. Noland, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, D. Seum, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, D. Williams.

HB 466 (Feb 14) YEAS 75—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, V. Pearman, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 6—L. Clapp, K. Harper, J. LeMaster, B. Lile, A. Pritchett, H. Rattliff.

HB 467 (Mar 20) YEAS 90—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, B. Heleringer, J. Rose.

HB 468 (Mar 17) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

HB 470 (Feb 21) YEAS 41—G. Bendl, D. Blandford, W. Blevins, J. Bronger, M. Brown, J. Bruce, L. Clark, P. Clark, J. Clarke, F. Cowan, H. Deskins, J. Ellington, D. Gedling, B. Handy, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Kerr, M. Long, L. Mack, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, T. Riner, D. Seum, M. Stewart, D. Williams, J. Yates. NAYS 43—J. Barrows, B. Brinkley, B. Burnette, B. Caldwell, L. Clapp, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R.

Head, T. Jones, S. Keith, R. Layman, B. Lear, P. Lefevers, C. Little, J. Maggard, T. Mann, B. McBee, L. Napier, R. Noe, R. Preston, H. Rattliff, B. Richardson, P. Richardson, J. Rose, C. Siler, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington.

HB 470 (Feb 25) YEAS 70—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, L. Clark, P. Clark, J. Clarke, F. Cowan, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, H. Hancock, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 25—W. Allen, J. Barrows, B. Caldwell, L. Clapp, G. Cline, C. Crupper, F. Curd, H. Dawahare, M. Farrow, D. Ford, B. Gregory, K. Harper, S. Keith, R. Layman, P. Lefevers, B. McBee, L. Napier, R. Noe, C. Noland, R. Overstreet, R. Preston, H. Rattliff, B. Richardson, P. Richardson, J. Rose.

HB 470 (Mar 12) YEAS 74—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Kerr, J. LeMaster, B. Lear, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 15—W. Allen, J. Barrows, B. Brinkley, M. Farrow, B. Gregory, T. Jones, S. Keith, R. Layman, P. Lefevers, M. Long, C. Noland, R. Preston, B. Richardson, P. Stone, R. Turner.

HB 471 (Feb 18) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. LeMaster, R. Preston.

HB 473 (Mar 10) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—D. Gedling, K. Harper, R. Overstreet.

HB 476 (Mar 21) YEAS 80—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—W. Allen, C. Crupper, B. Jones, L. Napier.

HB 477 (Feb 11) YEAS 97—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 477 (Feb 25) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 481 (Feb 19) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—A. Bennett, P. Clark.

HB 482 (Mar 5) YEAS 80—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington. NAYS 13—W. Allen, B. Burnette, J. Ellington, L. Guenthner, E. Holloway, T. Jensen, S. Keith, R. Layman, P. Lefevers, R. Overstreet, R. Preston, C. Siler, D. Williams.

HB 485 (Feb 25) YEAS 88—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—D. Gedling, T. Kerr.

HB 488 (Mar 24) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W.

Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—D. Seum.

HB 489 (Feb 10) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—W. Allen, J. Ellington, C. Siler, B. Smith.

HB 489 (Feb 27) YEAS 84—A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington. NAYS 3—W. Allen, D. Gedling, T. Kerr.

HB 490 (Mar 6) YEAS 79—W. Allen, A. Arnold, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, B. McBee, S. McElroy, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 13—J. Barrows, G. Bendl, M. Brown, L. Clark, J. Clarke, M. Farrow, H. Hancock, J. LeMaster, B. Lear, L. Mack, D. McNutt, J. Meyer, H. Moberly.

HB 490 (Mar 25) YEAS 74—W. Allen, A. Arnold, G. Bendl, D. Blandford, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, R. Layman, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 12—A. Bennett, W. Blevins, R. Cyrus, B. Donnermeyer, J. Ellington, H. Hancock, K. Harper, B. Heleringer, J. LeMaster, B. McBee, J. Meyer, C. Noland.

HB 492 (Feb 28) YEAS 68—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T.

Jones, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, M. O'Brien, R. Overstreet, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Strong, G. Stumbo, C. White, D. Williams, P. Worthington, J. Yates. NAYS 11—W. Allen, M. Brown, D. Gedling, S. Keith, T. Kerr, R. Layman, V. Pearman, R. Preston, C. Siler, M. Stewart, R. Turner.

HB 494 (Mar 6) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 495 (Mar 13) YEAS 94—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—G. Bendl.

HB 497 (Feb 20) YEAS 77—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, R. Layman, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—J. Clarke, F. Cowan, H. Deskins, L. Guenthner, K. Harper, C. Holbrook, B. Jones, T. Kerr, J. LeMaster, E. Scorsone.

HB 499 (Mar 5) YEAS 39—G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clark, P. Clark, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Gray, B. Handy, B. Heleringer, C. Hines, L. Johnson, T. Kerr, B. Lile, C. Little, J. Maggard, S. McElroy, J. Meyer, C. Nett, C. Noland, D. Priddy, J. Reinhardt, T. Riner, J. Rose, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, J. Yates. NAYS 51—W. Allen, A. Arnold, J. Barrows, W. Blevins, B. Caldwell, L. Clapp, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, R. Layman, B. Lear, P. Lefevers, M. Long, J. Lyne, L. Mack, B. McBee, D. McNutt, H. Moberly, R. Noe, R. Overstreet, V. Pearman, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, B. Smith, M. Stewart, T. Todd, R. Turner, D. Williams, P. Worthington.

HB 500 (Feb 28) YEAS 84—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D.

Williams, P. Worthington, J. Yates. NAYS 6—G. Bendl, B. Caldwell, S. Keith, T. Mann, H. Moberly, P. Richardson.

HB 500 (Mar 24) YEAS 84—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—W. Allen, T. Burch, B. Caldwell, K. Harper, S. Keith, R. Turner.

HB 502 (Feb 25) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—D. Williams.

HB 504 (Feb 19) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—H. Rattliff.

HB 507 (Mar 10) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 1—K. Rapier.

HB 509 (Feb 19) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 7—J. Barrows, J. Ellington, B. Gregory, C. Holbrook, J. LeMaster, B. McBee, E. Scorsone.

HB 510 (Mar 7) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Ellington.

HB 511 (Feb 27) YEAS 73—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, D. Seum, M. Stewart, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 12—L. Guenthner, C. Holbrook, J. Lyne, S. McElroy, D. McNutt, H. Rattliff, J. Richards, C. Siler, P. Stone, T. Todd, R. Turner, D. Williams.

HB 512 (Mar 21) YEAS 42—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, F. Brown, M. Brown, T. Burch, L. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, B. Donnermeyer, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, C. Hines, C. Holbrook, B. Jones, J. LeMaster, B. Lear, M. Long, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, P. Richardson, J. Rose, P. Strong, G. Stumbo, S. Thomas. NAYS 44—W. Allen, B. Brinkley, J. Bronger, J. Bruce, B. Caldwell, G. Cline, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, L. Guenthner, K. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, J. Reinhardt, J. Richards, B. Richardson, C. Siler, B. Smith, M. Stewart, P. Stone, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates.

HB 512 (Mar 24) YEAS 54—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, J. Clarke, F. Cowan, F. Curd, R. Cyrus, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, R. Head, C. Hines, E. Holloway, J. LeMaster, B. Lear, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, V. Pearman, R. Preston, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, B. Smith, P. Strong, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 26—W. Allen, A. Bennett, J. Bronger, B. Caldwell, C. Crupper, H. Dawahare, D. Ford, L. Guenthner, J. Harper, K. Harper, B. Heleringer, T. Jensen, S. Keith, T. Kerr, R. Layman, B. Lile, C. Noland, R. Overstreet, D. Priddy, H. Rattliff, J. Reinhardt, C. Siler, M. Stewart, R. Turner, C. White, D. Williams.

HB 515 (Feb 27) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 2—S. Keith, C. White.

HB 516 (Feb 27) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B.

Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—P. Richardson.

HB 517 (Mar 5) YEAS 91—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, J. Meyer, R. Turner.

HB 518 (Mar 3) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 519 (Mar 3) YEAS 85—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—K. Harper, C. Holbrook, J. LeMaster, J. Meyer, R. Preston, B. Richardson.

HB 520 (Mar 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 521 (Feb 25) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L.

Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 1—F. Curd.

HB 521 (Mar 24) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 523 (Mar 4) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 524 (Feb 21) YEAS 85—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—B. Donnermeyer, T. Mann, B. McBee.

HB 524 (Mar 20) YEAS 91—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 525 (Mar 24) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—M. Stewart.

HB 526 (Feb 21) YEAS 82—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 526 (Mar 26) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 527 (Mar 13) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 528 (Feb 19) YEAS 27—J. Barrows, A. Bennett, B. Brinkley, J. Bruce, B. Burnette, P. Clark, J. Clarke, R. Cyrus, H. Dawahare, H. Deskins, J. Gray, R. Head, J. LeMaster, C. Little, J. Maggard, T. Mann, S. McElroy, D. McNutt, H. Moberly, R. Morris, R. Noe, R. Overstreet, D. Priddy, A. Pritchett, E. Scorsone, P. Stone, J. Yates. NAYS 61—W. Allen, A. Arnold, D. Blandford, W. Blevins, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, K. Harper, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, B. McBee, J. Meyer, L. Napier, C. Nett, C. Noland, V. Pearman, R. Preston, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington.

HB 529 (Mar 4) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—R. Overstreet, H. Rattliff.

HB 534 (Mar 6) Roll call not available due to voting machine malfunction.

HB 535 (Mar 19) YEAS 70—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, R. Head, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L.

Mack, T. Mann, B. McBee, D. McNutt, H. Moberly, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, T. Riner, J. Rose, D. Seum, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 17—W. Allen, D. Ford, P. Freibert, L. Guenthner, K. Harper, B. Heleringer, E. Holloway, T. Jensen, S. Keith, R. Layman, B. Lile, L. Napier, C. Noland, H. Rattliff, B. Smith, M. Stewart, R. Turner.

HB 535 (Mar 31) YEAS 73—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 12—W. Allen, B. Brinkley, J. Bruce, J. Ellington, D. Ford, P. Freibert, R. Layman, D. McNutt, L. Napier, C. Siler, M. Stewart, T. Todd.

HB 537 (Mar 5) YEAS 47—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bruce, T. Burch, B. Burnette, L. Clark, J. Clarke, F. Cowan, C. Crupper, B. Donnermeyer, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, C. Hines, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, R. Morris, R. Noe, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, P. Richardson, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington. NAYS 44—W. Allen, B. Brinkley, J. Bronger, F. Brown, M. Brown, B. Caldwell, L. Clapp, G. Cline, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, B. Jones, B. Lear, P. Lefevers, B. Lile, C. Little, D. McNutt, H. Moberly, C. Nett, M. O'Brien, R. Preston, J. Reinhardt, J. Richards, B. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, R. Turner, D. Williams.

HB 540 (Feb 21) YEAS 94—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 543 (Mar 17) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—J. Barrows, J. Clarke, T. Kerr, L. Mack, T. Mann, E. Scorsone.

HB 543 (Mar 28) YEAS 84—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 544 (Feb 21) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—R. Overstreet, P. Strong.

HB 546 (Mar 24) YEAS 80—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Handy, J. Harper, R. Head, C. Hines, E. Holloway, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—H. Rattliff.

HB 546 (Mar 28) YEAS 74—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, H. Hancock, J. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 547 (Mar 12) YEAS 91—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington, J. Yates. NAYS 2—V. Pearman, R. Turner.

HB 548 (Feb 19) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—R. Cyrus, J. Gray, C. Little, J. Rose.

HB 549 (Mar 17) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman,

J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—R. Overstreet.

HB 552 (Feb 28) YEAS 83—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Barrows, H. Hancock.

HB 553 (Mar 4) YEAS 95—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 555 (Feb 25) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, P. Worthington, J. Yates. NAYS 14—W. Allen, J. Ellington, J. Harper, B. Heleringer, S. Keith, R. Layman, P. Lefevers, J. Maggard, R. Morris, C. Noland, R. Preston, C. Siler, M. Stewart, R. Turner.

HB 556 (Mar 17) YEAS 82—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—H. Hancock, S. Keith.

HB 557 (Feb 24) YEAS 84—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, L. Mack, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 558 (Mar 25) YEAS 90—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 561 (Mar 5) YEAS 95—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 563 (Mar 17) YEAS 83—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—J. Barrows, B. Caldwell, J. Clarke, P. Freibert, B. Jones, M. Long.

HB 567 (Mar 13) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 568 (Mar 11) YEAS 86—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, M. Farrow, D. Ford.

HB 569 (Mar 17) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock,

B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 570 (Mar 11) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 571 (Feb 27) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 571 (Mar 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 572 (Feb 25) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Meyer.

HB 574 (Mar 6) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S.

McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Clarke, B. Jones, V. Pearman, B. Richardson.

HB 579 (Feb 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—B. Lile, C. Nett.

HB 579 (Mar 4) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, C. White, P. Worthington, J. Yates. NAYS 1—R. Morris.

HB 582 (Feb 21) YEAS 89—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 583 (Mar 12) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 583 (Mar 24) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 585 (Mar 3) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—B. Caldwell, P. Freibert, K. Harper, B. Jones, H. Rattliff.

HB 585 (Mar 28) YEAS 71—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, A. Pritchett, H. Rattliff, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—B. Caldwell, K. Harper, C. Holbrook, R. Preston, J. Reinhardt, R. Turner.

HB 586 (Feb 19) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 586 (Mar 6) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 588 (Feb 28) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 589 (Mar 6) YEAS 83—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B.

Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—G. Bendl, F. Cowan, H. Deskins, J. Gray, C. Hines, B. Jones, T. Jones, H. Moberly, R. Overstreet, E. Scorsone.

HB 589 (Mar 28) YEAS 78—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 6—G. Bendl, F. Cowan, B. Jones, H. Moberly, R. Overstreet, E. Scorsone.

HB 592 (Feb 25) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—W. Allen, B. Jones.

HB 596 (Feb 21) YEAS 68—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, H. Dawahare, B. Donnermeyer, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, M. Stewart, P. Strong, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 19—J. Barrows, M. Brown, J. Clarke, C. Crupper, R. Cyrus, H. Deskins, M. Farrow, J. Gray, R. Head, S. Keith, R. Morris, L. Napier, R. Preston, B. Richardson, P. Richardson, C. Siler, R. Turner, C. White, D. Williams.

HB 600 (Feb 28) YEAS 66—A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, G. Cline, C. Crupper, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, D. Gedling, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 23—W. Allen, B. Burnette, B. Caldwell, L. Clapp, J. Clarke, F. Curd, J. Ellington, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, R. Layman, J. LeMaster, M. Long, L. Napier, C. Nett, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, M. Stewart, R. Turner.

HB 603 (Feb 25) YEAS 66—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Rose, E. Scorsone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 25—W. Allen, G. Bendl, B. Burnette, B. Caldwell, J.

Ellington, M. Farrow, D. Ford, K. Harper, T. Jensen, R. Layman, P. Lefevers, B. Lile, D. McNutt, L. Napier, M. O'Brien, R. Overstreet, J. Reinhardt, J. Richards, B. Richardson, D. Seum, B. Smith, M. Stewart, P. Stone, T. Todd, R. Turner.

HB 604 (Feb 28) YEAS 88—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—B. Jones.

HB 606 (Mar 18) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 606 (Mar 28) YEAS 78—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, M. O'Brien, R. Preston, A. Pritchett, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—C. Noland, V. Pearman, J. Reinhardt.

HB 607 (Feb 21) YEAS 92—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—D. McNutt.

HB 607 (Apr 1) YEAS 74—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, L. Johnson, B. Jones, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 19—W. Allen, C. Crupper, F. Curd, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, H. Hancock, T. Jensen, S. Keith, T. Kerr, P. Lefevers, J. Lyne, J. Meyer, L. Napier, C. Noland, V. Pearman, R. Preston, C. Siler.

HB 608 (Feb 25) YEAS 77—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, R. Layman, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 12—J. Barrows, H. Deskins, D. Gedling, L. Guenthner, H. Hancock, S. Keith, T. Kerr, C. Little, J. Meyer, R. Overstreet, J. Rose, D. Williams.

HB 609 (Mar 17) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 611 (Mar 3) YEAS 82—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington, J. Yates. NAYS 9—B. Caldwell, T. Kerr, B. Lile, H. Moberly, C. Nett, R. Overstreet, R. Preston, M. Stewart, D. Williams.

HB 612 (Feb 21) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Clarke, H. Hancock.

HB 613 (Mar 6) YEAS 46—W. Allen, A. Arnold, W. Blevins, B. Brinkley, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, P. Clark, G. Cline, F. Curd, H. Dawahare, J. Ellington, D. Ford, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, T. Kerr, P. Lefevers, B. Lile, J. Lyne, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, C. Siler, P. Stone, T. Todd, R. Turner, D. Williams, P. Worthington. NAYS 30—J. Barrows, J. Bronger, F. Brown, L. Clark, J. Clarke, F. Cowan, H. Deskins, P. Freibert, L. Guenthner, B. Heleringer, C. Hines, B. Jones, T. Jones, J. LeMaster, B. Lear, M. Long, T. Mann, B. McBee, J. Meyer, H. Moberly, V. Pearman, R. Preston, P. Richardson, J. Rose, E. Scorsone, M. Stewart, P. Strong, S. Thomas, C. White, J. Yates.

HB 614 (Mar 17) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C.

Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 7—B. Caldwell, J. Clarke, M. Farrow, P. Freibert, H. Hancock, B. Jones, D. McNutt.

HB 614 (Apr 1) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 1—H. Moberly.

HB 618 (Mar 4) YEAS 81—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, P. Worthington, J. Yates. NAYS 6—J. Bruce, M. Farrow, D. Gedling, R. Morris, L. Napier, R. Overstreet.

HB 621 (Mar 18) YEAS 83—A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 622 (Feb 28) YEAS 71—G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, D. Ford, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 13—W. Allen, J. Barrows, J. Clarke, H. Deskins, D. Gedling, B. Gregory, C. Little, H. Moberly, R. Overstreet, B. Richardson, J. Rose, B. Smith, G. Stumbo.

HB 626 (Mar 5) YEAS 99—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B.

Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 627 (Mar 5) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington. NAYS 0.

HB 628 (Mar 7) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—E. Holloway, R. Preston, B. Smith.

HB 630 (Mar 18) YEAS 90—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 1—C. Crupper.

HB 631 (Mar 3) YEAS 72—J. Barrows, G. Bendl, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, L. Guenthner, H. Hancock, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, J. Meyer, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington, J. Yates. NAYS 2—H. Moberly, M. Stewart.

HB 631 (Mar 28) YEAS 87—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

HB 632 (Mar 11) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W.

Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 633 (Mar 4) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 634 (Feb 28) YEAS 20—G. Bendl, A. Bennett, P. Clark, F. Cowan, L. Guenthner, H. Hancock, C. Holbrook, E. Holloway, L. Johnson, M. Long, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, D. Priddy, A. Pritchett, H. Rattliff, P. Richardson, E. Scorsone. NAYS 62—W. Allen, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, J. Harper, K. Harper, R. Head, B. Heleringer, T. Jensen, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, R. Morris, L. Napier, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, K. Rapier, B. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, R. Turner, C. White, D. Williams, P. Worthington, J. Yates.

HB 637 (Mar 21) YEAS 86—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

HB 642 (Mar 7) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 652 (Mar 13) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J.

Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 657 (Mar 13) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 659 (Feb 28) YEAS 85—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 2—B. Donnermeyer, B. Heleringer.

HB 660 (Mar 17) YEAS 74—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Jones, T. Kerr, B. Lear, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 11—B. Caldwell, J. Ellington, H. Hancock, K. Harper, T. Jensen, B. Jones, S. Keith, B. Lile, D. McNutt, H. Rattliff, P. Richardson.

HB 660 (Mar 31) YEAS 83—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—L. Guenthner, H. Hancock, B. Lile.

HB 662 (Mar 18) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 13—L. Clapp, C.

Crupper, J. Ellington, M. Farrow, D. Ford, B. Gregory, H. Hancock, E. Holloway, R. Layman, L. Napier, H. Rattliff, T. Todd, R. Turner.

HB 664 (Mar 24) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 665 (Mar 12) YEAS 57—W. Allen, A. Arnold, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, B. Burnette, G. Cline, C. Crupper, F. Curd, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, R. Head, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Noland, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, P. Stone, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 28—G. Bendl, A. Bennett, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, H. Deskins, P. Freibert, B. Handy, J. Harper, K. Harper, B. Heleringer, E. Holloway, B. Jones, B. Lear, B. Lile, C. Little, J. Meyer, C. Nett, R. Noe, M. O'Brien, D. Priddy, H. Rattliff, D. Seum, M. Stewart, G. Stumbo, J. Yates.

HB 666 (Mar 7) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—H. Hancock.

HB 667 (Mar 12) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 669 (Mar 21) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas. R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 670 (Mar 12) YEAS 99—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L.

Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 672 (Mar 5) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 677 (Mar 13) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 677 (Apr 1) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 678 (Mar 20) YEAS 66—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Jones, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 15—W. Allen, G. Cline, D. Ford, B. Gregory, J. Harper, E. Holloway, S. Keith, R. Layman, B. Lear, D. McNutt, H. Rattliff, C. Siler, B. Smith, T. Todd, R. Turner.

HB 680 (Mar 10) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J.

Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—T. Jones, J. LeMaster.

HB 681 (Mar 21) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 682 (Mar 5) YEAS 76—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 11—W. Allen, B. Caldwell, J. Clarke, D. Ford, P. Freibert, B. Heleringer, C. Holbrook, E. Holloway, D. McNutt, M. Stewart, R. Turner.

HB 684 (Mar 20) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 684 (Mar 28) YEAS 83—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

HB 685 (Mar 11) YEAS 95—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C.

Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—P. Freibert.

HB 686 (Mar 11) YEAS 93—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—S. Keith.

HB 686 (Mar 31) YEAS 69—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, S. Keith, T. Kerr, R. Layman, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 18—J. Barrows, J. Bronger, J. Bruce, C. Crupper, F. Curd, M. Farrow, P. Freibert, R. Head, T. Jensen, L. Johnson, J. LeMaster, B. Lear, P. Lefevers, H. Moberly, J. Reinhardt, B. Richardson, R. Turner, C. White.

HB 687 (Mar 12) YEAS 82—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 3—M. Farrow, H. Hancock, M. Long.

HB 691 (Mar 12) YEAS 68—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Kerr, B. Lear, B. Lile, C. Little, J. Lyne, T. Mann, H. Moberly, R. Morris, L. Napier, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington, J. Yates. NAYS 20—W. Allen, F. Cowan, J. Ellington, L. Guenthner, J. Harper, K. Harper, B. Heleringer, B. Jones, S. Keith, R. Layman, M. Long, L. Mack, B. McBee, S. McElroy, D. McNutt, V. Pearman, J. Reinhardt, M. Stewart, R. Turner, D. Williams.

HB 692 (Mar 6) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 693 (Mar 12) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 695 (Mar 19) YEAS 73—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, J. Rose, E. Scorsone, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 10—B. Caldwell, J. Ellington, D. Ford, S. Keith, D. McNutt, L. Napier, R. Overstreet, R. Preston, H. Rattliff, M. Stewart.

HB 696 (Mar 25) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, M. Long, J. Lyne, J. Maggard, T. Mann, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 3—B. Donnermeyer, L. Guenthner, B. McBee.

HB 697 (Mar 13) YEAS 63—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, J. LeMaster, B. Lear, B. Lile, L. Mack, T. Mann, S. McElroy, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, M. Stewart, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 31—W. Allen, J. Bronger, M. Brown, J. Clarke, C. Crupper, F. Curd, H. Deskins, M. Farrow, D. Ford, D. Gedling, H. Hancock, K. Harper, B. Heleringer, T. Jensen, B. Jones, S. Keith, T. Kerr, P. Lefevers, C. Little, J. Lyne, B. McBee, D. McNutt, J. Meyer, L. Napier, V. Pearman, R. Preston, J. Rose, B. Smith, P. Stone, P. Strong, C. White.

HB 698 (Mar 7) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—P. Lefevers, J. Rose.

HB 699 (Mar 19) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington,

M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 700 (Mar 4) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 700 (Mar 20) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Turner.

HB 704 (Mar 13) YEAS 80—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 14—W. Allen, J. Barrows, M. Farrow, C. Holbrook, T. Jones, R. Layman, P. Lefevers, M. Long, D. McNutt, R. Preston, J. Richards, M. Stewart, T. Todd, R. Turner.

HB 706 (Mar 11) YEAS 83—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 11—W. Allen, G. Bendl, B. Burnette, R. Cyrus, M. Farrow, D. Ford, J. Gray, B. Lile, L. Mack, D. Priddy, C. Siler.

HB 709 (Mar 11) YEAS 97—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway,

T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 710 (Mar 25) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 711 (Mar 17) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—H. Dawahare.

HB 716 (Feb 13) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, J. Yates. NAYS 2—M. Farrow, H. Hancock.

HB 716 (Mar 31) YEAS 69—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Noe, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, P. Worthington. NAYS 11—B. Caldwell, M. Farrow, D. Ford, T. Jensen, S. Keith, B. Lile, L. Napier, C. Noland, H. Rattliff, J. Reinhardt, C. Siler.

HB 718 (Mar 12) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 2—M. Farrow, S. Keith.

HB 722 (Mar 10) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—L. Guenthner.

HB 723 (Mar 24) YEAS 75—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jensen, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 8—B. Donnermeyer, B. Heleringer, E. Holloway, J. LeMaster, B. Lear, B. McBee, D. McNutt, H. Moberly.

HB 726 (Mar 6) YEAS 100—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 727 (Mar 19) YEAS 71—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, J. LeMaster, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 19—L. Clapp, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Harper, K. Harper, T. Jensen, S. Keith, T. Kerr, R. Layman, D. McNutt, L. Napier, C. Noland, H. Rattliff, J. Reinhardt, M. Stewart, T. Todd.

HB 731 (Mar 21) YEAS 84—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 2—K. Harper, J. Reinhardt.

HB 732 (Mar 17) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B.

Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 733 (Mar 19) YEAS 86—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 6—W. Allen, C. Holbrook, E. Holloway, S. Keith, M. O'Brien, R. Turner.

HB 736 (Mar 17) YEAS 32—J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Caldwell, J. Clarke, B. Donnermeyer, H. Hancock, B. Handy, K. Harper, C. Hines, C. Holbrook, B. Jones, T. Jones, T. Kerr, J. LeMaster, M. Long, L. Mack, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, B. Smith, S. Thomas. NAYS 61—W. Allen, A. Arnold, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, R. Head, B. Heleringer, T. Jensen, L. Johnson, S. Keith, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, S. McElroy, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, H. Rattliff, J. Reinhardt, T. Riner, J. Rose, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates.

HB 738 (Mar 5) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 741 (Mar 19) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Clarke.

HB 742 (Mar 17) YEAS 91—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J.

Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 743 (Mar 21) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 745 (Mar 13) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—L. Clark, B. Heleringer, M. Stewart.

HB 747 (Mar 13) YEAS 85—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, J. Clarke, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—W. Allen, B. Burnette, G. Cline, C. Crupper, F. Curd, J. Ellington, D. McNutt, T. Riner, B. Smith, R. Turner.

HB 747 (Mar 28) YEAS 82—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, J. Yates. NAYS 0.

HB 748 (Mar 12) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt,

J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Clarke.

HB 749 (Mar 17) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—W. Allen, J. Bruce, R. Layman, R. Morris, R. Overstreet, P. Strong.

HB 753 (Mar 12) YEAS 81—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Ellington, K. Harper, J. Meyer, J. Reinhardt.

HB 757 (Mar 24) YEAS 92—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—G. Stumbo.

HB 757 (Mar 31) YEAS 86—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 1—C. White.

HB 758 (Mar 17) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 760 (Mar 10) YEAS 94—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B.

Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—H. Hancock.

HB 764 (Mar 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—H. Hancock.

HB 765 (Mar 12) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 768 (Mar 24) YEAS 92—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 769 (Mar 10) YEAS 72—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 18—W. Allen, L. Clapp, C. Crupper, F. Curd, J. Ellington, M. Farrow, D. Ford, H. Hancock, K. Harper, E. Holloway, R. Layman, M. Long, D. McNutt, J. Meyer, H. Rattliff, J. Richards, C. Siler, B. Smith.

HB 772 (Mar 13) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington,

M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 4—H. Deskins, C. Nett, R. Overstreet, C. White.

HB 774 (Mar 19) YEAS 75—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, B. Smith, P. Stone, G. Stumbo, S. Thomas, T. Todd, D. Williams, J. Yates. NAYS 5—W. Allen, B. Heleringer, C. Siler, M. Stewart, R. Turner.

HB 775 (Mar 17) YEAS 92—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—G. Bendl, P. Strong, T. Todd.

HB 776 (Mar 17) YEAS 89—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—F. Cowan, S. Keith, J. Reinhardt, E. Scorsone.

HB 777 (Mar 18) YEAS 52—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clapp, P. Clark, J. Clarke, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Gray, C. Hines, C. Holbrook, E. Holloway, T. Jones, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, H. Moberly, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, E. Scorsone, D. Seum, P. Stone, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 31—B. Caldwell, L. Clark, G. Cline, C. Crupper, F. Curd, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, T. Jensen, S. Keith, R. Layman, B. Lile, D. McNutt, R. Morris, L. Napier, C. Noland, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, R. Turner.

HB 779 (Mar 21) YEAS 74—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, C. Nett, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P.

Worthington, J. Yates. NAYS 10—H. Deskins, S. Keith, L. Napier, R. Overstreet, R. Preston, J. Reinhardt, B. Richardson, E. Scorsone, B. Smith, R. Turner.

HB 780 (Mar 25) YEAS 76—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, V. Pearman, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 13—W. Allen, B. Caldwell, J. Clarke, G. Cline, J. Ellington, M. Farrow, D. Ford, J. LeMaster, J. Maggard, R. Overstreet, A. Pritchett, H. Rattliff, M. Stewart.

HB 781 (Mar 17) YEAS 88—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—W. Allen, C. Holbrook, S. Keith, J. Meyer, R. Preston.

HB 782 (Mar 24) YEAS 86—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Meyer, J. Reinhardt, M. Stewart.

HB 783 (Mar 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 783 (Mar 28) YEAS 89—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—K. Harper.

HB 785 (Mar 20) YEAS 90—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J.

Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—E. Scorsone.

HB 787 (Mar 21) YEAS 79—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 5—L. Guenthner, T. Jones, B. McBee, D. Seum, D. Williams.

HB 790 (Mar 20) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 794 (Mar 13) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, P. Worthington. NAYS 8—P. Clark, G. Cline, J. Ellington, D. Gedling, B. Gregory, T. Riner, R. Turner, J. Yates.

HB 798 (Mar 20) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 799 (Mar 24) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B.

Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 804 (Mar 24) YEAS 66—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, J. Harper, R. Head, C. Hines, E. Holloway, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, B. Smith, P. Stone, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 14—W. Allen, G. Cline, C. Crupper, D. Ford, R. Layman, J. LeMaster, D. McNutt, L. Napier, R. Overstreet, J. Reinhardt, C. Siler, M. Stewart, P. Strong, R. Turner.

HB 805 (Mar 21) YEAS 91—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—A. Bennett.

HB 806 (Mar 20) YEAS 94—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—P. Clark, H. Hancock.

HB 807 (Mar 19) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 808 (Mar 18) YEAS 63—G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, D. Gedling, J. Gray, L. Guenthner, H. Hancock, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, J. Meyer, R. Morris, C. Nett, R. Noe, C. Noland, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington. NAYS 17—B. Caldwell, J. Clarke, G. Cline, J. Ellington, M. Farrow, P. Freibert, B. Gregory, K. Harper, J. LeMaster, B. McBee, D. McNutt, H. Moberly, M. O'Brien, R. Overstreet, J. Reinhardt, M. Stewart, J. Yates.

HB 809 (Mar 24) YEAS 73—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F.

Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, L. Guenthner, J. Harper, K. Harper, R. Head, L. Johnson, B. Jones, T. Jones, T. Kerr, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, P. Richardson, T. Riner, J. Rose, E. Scorsone, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, P. Worthington, J. Yates. NAYS 10—W. Allen, B. Gregory, B. Heleringer, S. Keith, R. Preston, J. Richards, C. Siler, M. Stewart, R. Turner, C. White.

HB 810 (Mar 21) YEAS 62—W. Allen, A. Arnold, D. Blandford, J. Bruce, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, P. Lefevers, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 22—J. Barrows, G. Bendl, A. Bennett, W. Blevins, J. Bronger, T. Burch, F. Cowan, C. Crupper, H. Deskins, K. Harper, B. Heleringer, J. LeMaster, B. Lear, B. Lile, C. Little, T. Mann, J. Meyer, H. Moberly, R. Overstreet, D. Priddy, E. Scorsone, M. Stewart.

HB 810 (Mar 28) YEAS 55—W. Allen, A. Arnold, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, C. Nett, M. O'Brien, A. Pritchett, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, P. Stone, P. Strong, G. Stumbo, D. Williams, P. Worthington, J. Yates. NAYS 26—J. Barrows, J. Bronger, J. Bruce, B. Burnette, B. Caldwell, J. Clarke, J. Ellington, M. Farrow, P. Freibert, K. Harper, J. LeMaster, B. Lear, P. Lefevers, B. Lile, D. McNutt, H. Moberly, R. Morris, C. Noland, V. Pearman, J. Reinhardt, T. Riner, E. Scorsone, M. Stewart, T. Todd, R. Turner, C. White.

HB 811 (Mar 25) YEAS 89—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 815 (Mar 13) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 816 (Mar 13) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett,

R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 818 (Mar 19) YEAS 92—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Ellington, H. Hancock.

HB 825 (Mar 13) YEAS 67—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, J. Gray, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, P. Richardson, J. Rose, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, P. Worthington. NAYS 21—M. Brown, P. Clark, J. Clarke, G. Cline, J. Ellington, D. Ford, D. Gedling, B. Gregory, T. Jensen, L. Johnson, T. Jones, C. Little, L. Mack, H. Moberly, M. O'Brien, V. Pearman, J. Richards, T. Riner, E. Scorsone, B. Smith, J. Yates.

HB 832 (Mar 24) YEAS 32—G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bruce, B. Caldwell, L. Clark, P. Clark, B. Donnermeyer, B. Gregory, L. Guenthner, H. Hancock, K. Harper, B. Heleringer, C. Hines, E. Holloway, T. Jensen, B. Lear, P. Lefevers, T. Mann, S. McElroy, D. McNutt, C. Nett, C. Noland, D. Priddy, M. Stewart, P. Stone, S. Thomas, T. Todd, R. Turner, C. White, J. Yates. NAYS 41—W. Allen, W. Blevins, M. Brown, L. Clapp, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Ford, D. Gedling, B. Handy, R. Head, S. Keith, R. Layman, C. Little, M. Long, J. Lyne, L. Mack, B. McBee, H. Moberly, L. Napier, R. Overstreet, R. Preston, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Strong, G. Stumbo, D. Williams, P. Worthington.

HB 837 (Mar 21) YEAS 45—J. Barrows, G. Bendl, D. Blandford, W. Blevins, J. Bronger, M. Brown, T. Burch, B. Burnette, L. Clark, J. Clarke, H. Dawahare, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, L. Johnson, J. LeMaster, M. Long, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, M. O'Brien, R. Overstreet, A. Pritchett, J. Reinhardt, B. Richardson, P. Richardson, E. Scorsone, D. Seum, B. Smith, P. Stone, S. Thomas, P. Worthington, J. Yates. NAYS 22—A. Bennett, P. Clark, C. Crupper, D. Ford, J. Harper, K. Harper, T. Jensen, P. Lefevers, B. Lile, J. Maggard, L. Napier, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Rose, C. Siler, M. Stewart, P. Strong, T. Todd, R. Turner.

HB 839 (Mar 20) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 840 (Mar 20) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M.

Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Clarke, R. Overstreet.

HB 841 (Mar 20) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—S. Keith, T. Mann.

HB 842 (Mar 24) YEAS 52—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, J. Gray, B. Gregory, H. Hancock, K. Harper, C. Hines, C. Holbrook, L. Johnson, T. Jones, T. Kerr, R. Layman, M. Long, J. Lyne, B. McBee, D. McNutt, H. Moberly, R. Morris, R. Noe, R. Overstreet, R. Preston, K. Rapier, J. Richards, P. Richardson, T. Riner, E. Scorsone, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, J. Yates. NAYS 19—W. Allen, B. Caldwell, H. Dawahare, M. Farrow, D. Ford, P. Freibert, L. Guenthner, B. Heleringer, J. LeMaster, J. Maggard, J. Meyer, M. O'Brien, H. Rattliff, J. Reinhardt, B. Richardson, C. Siler, M. Stewart, T. Todd, R. Turner.

HB 843 (Mar 20) YEAS 85—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—F. Cowan, H. Dawahare, B. Richardson.

HB 843 (Mar 28) YEAS 49—D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, P. Clark, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, J. LeMaster, B. Lear, B. Lile, M. Long, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, J. Rose, D. Seum, M. Stewart, P. Stone, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 23—W. Allen, B. Caldwell, L. Clark, G. Cline, J. Ellington, M. Farrow, D. Ford, P. Freibert, B. Heleringer, T. Jensen, S. Keith, R. Layman, D. McNutt, L. Napier, A. Pritchett, H. Rattliff, B. Richardson, C. Siler, B. Smith, P. Strong, T. Todd, R. Turner, C. White.

HB 845 (Mar 24) YEAS 57—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, J. Clarke, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, B. Gregory, H. Hancock, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, J. Lyne, J. Maggard, S. McElroy, D. McNutt, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, R. Preston, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams. NAYS 18—W. Allen, B. Brinkley, L. Clark, J. Ellington, M. Farrow, J. Gray, L. Guenthner, B. Heleringer, B. Lile, M. Long, B. McBee, J. Meyer, H. Moberly, D. Priddy, A. Pritchett, M. Stewart, C. White, J. Yates.

HB 846 (Mar 24) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—L. Guenthner.

HB 852 (Mar 24) YEAS 89—W. Allen, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 854 (Mar 17) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—L. Guenthner, S. Keith, M. Stewart.

HB 859 (Mar 20) YEAS 72—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, P. Worthington, J. Yates. NAYS 8—D. Ford, P. Freibert, T. Jensen, S. Keith, J. Lyne, D. McNutt, R. Overstreet, T. Todd.

HB 867 (Mar 21) YEAS 86—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, J. Yates. NAYS 0.

HB 869 (Mar 21) YEAS 79—W. Allen, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, J.

Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—A. Arnold, J. Barrows, J. Clarke, M. Farrow, H. Hancock, J. LeMaster, L. Mack, D. McNutt, H. Moberly, E. Scorsone.

HB 871 (Mar 25) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 1—J. Rose.

HB 873 (Mar 17) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—W. Allen, J. Ellington.

HB 876 (Mar 25) YEAS 75—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, T. Kerr, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 13—W. Allen, C. Crupper, M. Farrow, L. Guenthner, H. Hancock, K. Harper, E. Holloway, B. Jones, S. Keith, B. Lear, M. Long, D. McNutt, H. Rattliff.

HB 878 (Mar 20) YEAS 61—W. Allen, A. Arnold, D. Blandford, J. Bronger, T. Burch, B. Burnette, B. Caldwell, P. Clark, J. Clarke, F. Cowan, H. Dawahare, J. Ellington, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, M. Long, J. Lyne, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 28—J. Barrows, A. Bennett, W. Blevins, B. Brinkley, F. Brown, J. Bruce, L. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, B. Donnermeyer, M. Farrow, J. Gray, R. Head, T. Jones, B. Lile, C. Little, J. Maggard, T. Mann, R. Noe, C. Noland, E. Scorsone, D. Seum, M. Stewart, P. Stone, P. Strong, R. Turner.

HB 878 (Mar 28) YEAS 67—A. Arnold, G. Bendl, D. Blandford, B. Brinkley, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, J. Gray, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 15—W. Allen, W. Blevins, B. Caldwell, G. Cline, F. Curd, M. Farrow, D. Ford, B. Gregory, T. Jensen, R. Layman, P. Lefevers, L. Napier, C. Noland, E. Scorsone, T. Todd.

HB 880 (Mar 20) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 881 (Mar 24) YEAS 86—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—H. Hancock.

HB 882 (Mar 24) YEAS 41—W. Allen, A. Arnold, M. Brown, T. Burch, B. Caldwell, L. Clapp, J. Clarke, F. Curd, H. Dawahare, D. Ford, P. Freibert, J. Harper, B. Heleringer, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, J. Maggard, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, B. Smith, M. Stewart, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 48—J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, L. Johnson, T. Jones, J. LeMaster, C. Little, M. Long, J. Lyne, L. Mack, B. McBee, S. McElroy, D. McNutt, J. Meyer, L. Napier, K. Rapier, T. Riner, J. Rose, E. Scorsone, D. Seum, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White.

HB 885 (Mar 21) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 886 (Mar 20) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—M. Farrow, R. Turner.

HB 887 (Mar 25) YEAS 66—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, M. Farrow, J. Gray, B. Gregory, H. Hancock, J. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, P.

Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, C. Nett, R. Noe, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, M. Stewart, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 17—W. Allen, J. Barrows, B. Caldwell, H. Dawahare, J. Ellington, D. Ford, P. Freibert, K. Harper, T. Jensen, B. Jones, M. Long, J. Meyer, L. Napier, H. Rattliff, C. Siler, B. Smith, R. Turner.

HB 888 (Mar 19) YEAS 82—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 12—B. Caldwell, M. Farrow, P. Freibert, L. Guenthner, H. Hancock, K. Harper, C. Holbrook, E. Holloway, B. Lear, J. Meyer, J. Reinhardt, C. White.

HB 892 (Mar 24) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 894 (Mar 21) YEAS 83—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 10—J. Bronger, G. Cline, H. Dawahare, J. Ellington, D. Gedling, L. Guenthner, B. Heleringer, S. Keith, T. Kerr, C. White.

HB 896 (Mar 17) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—W. Allen, J. Clarke.

HB 897 (Mar 19) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R.

Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 897 (Apr 1) YEAS 95—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 898 (Mar 24) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, R. Noe, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—B. Donnermeyer, R. Layman, B. McBee, J. Meyer, C. Noland, V. Pearman.

HB 899 (Mar 24) YEAS 82—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Meyer.

HB 899 (Mar 31) YEAS 80—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 7—W. Allen, J. Bruce, L. Clapp, L. Johnson, J. LeMaster, T. Mann, C. Nett.

HB 899 (Apr 14) YEAS 16—J. Ellington, D. Gedling, J. Harper, B. Heleringer, B. Jones, T. Jones, S. McElroy, R. Noe, V. Pearman, R. Preston, J. Richards, B. Richardson, C. Siler, B. Smith, T. Todd, D. Williams. NAYS 81—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates.

HB 902 (Mar 18) YEAS 96—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 902 (Apr 1) YEAS 94—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 905 (Mar 24) YEAS 89—W. Allen, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 908 (Mar 21) YEAS 36—A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, L. Clark, P. Clark, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, B. Gregory, T. Kerr, R. Layman, C. Little, J. Lyne, T. Mann, S. McElroy, J. Meyer, R. Morris, V. Pearman, D. Priddy, A. Pritchett, B. Richardson, J. Rose, E. Scorsone, P. Stone, G. Stumbo, S. Thomas, C. White, J. Yates. NAYS 50—W. Allen, A. Arnold, J. Barrows, W. Blevins, T. Burch, B. Caldwell, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, J. Ellington, M. Farrow, D. Ford, P. Freibert, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, L. Mack, B. McBee, D. McNutt, H. Moberly, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, T. Riner, C. Siler, B. Smith, M. Stewart, T. Todd, R. Turner, D. Williams.

HB 913 (Mar 24) YEAS 68—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, L. Guenthner, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, T. Jones, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, T. Mann, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, E. Scorsone, C. Siler, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 10—W. Allen, G. Cline, B. Gregory, H. Hancock, K. Harper, R. Layman, J. Maggard, B. McBee, D. McNutt, B. Richardson.

HB 916 (Mar 24) YEAS 78—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R.

Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 10—W. Allen, J. Ellington, D. Ford, S. Keith, R. Layman, C. Noland, R. Overstreet, J. Reinhardt, D. Seum, C. White.

HB 918 (Mar 24) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—B. Richardson.

HB 919 (Mar 19) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—T. Mann, H. Rattliff.

HB 924 (Mar 20) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HB 935 (Mar 25) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Clarke, K. Harper, D. McNutt, J. Meyer.

HB 936 (Mar 24) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—B. Donnermeyer, L. Guenthner, B. McBee.

HB 938 (Mar 19) YEAS 78—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 17—W. Allen, A. Arnold, J. Barrows, J. Clarke, C. Crupper, D. Ford, P. Freibert, L. Guenthner, L. Johnson, S. Keith, B. Lear, L. Mack, H. Rattliff, J. Reinhardt, E. Scorsone, B. Smith, M. Stewart.

HB 938 (Mar 28) YEAS 53—W. Allen, A. Arnold, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, G. Cline, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, D. Gedling, J. Gray, L. Guenthner, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Preston, J. Richards, J. Rose, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, P. Worthington, J. Yates. NAYS 29—G. Bendl, B. Caldwell, L. Clapp, P. Clark, J. Clarke, C. Crupper, F. Curd, J. Ellington, M. Farrow, P. Freibert, B. Gregory, H. Hancock, K. Harper, B. Jones, T. Jones, M. Long, B. McBee, D. McNutt, J. Meyer, V. Pearman, A. Pritchett, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, E. Scorsone, B. Smith, M. Stewart.

HB 946 (Mar 20) YEAS 86—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 946 (Mar 21) YEAS 84—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, R. Head, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—H. Hancock, K. Harper, C. Holbrook, J. LeMaster, T. Mann, J. Reinhardt.

HB 952 (Mar 24) YEAS 83—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 954 (Mar 19) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen,

L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—B. McBee.

HB 955 (Mar 19) YEAS 78—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, L. Mack, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington. NAYS 10—B. Caldwell, J. Clarke, J. Ellington, M. Farrow, P. Freibert, K. Harper, S. Keith, B. McBee, D. McNutt, M. Stewart.

HB 962 (Mar 25) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—D. Seum, B. Smith.

HB 964 (Mar 20) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—H. Hancock, C. Nett.

HB 964 (Mar 28) YEAS 86—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—W. Allen, H. Hancock.

HB 967 (Mar 20) YEAS 89—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 968 (Mar 20) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 2—M. Farrow, D. Gedling.

HB 970 (Mar 21) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—T. Jones.

HB 973 (Mar 24) YEAS 81—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 3—H. Hancock, J. Meyer, C. Nett.

HB 975 (Mar 19) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. LeMaster, B. Richardson, G. Stumbo.

HB 976 (Mar 24) YEAS 89—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—L. Guenthner, B. McBee.

HB 978 (Mar 24) YEAS 69—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, L. Johnson, S. Keith,

T. Kerr, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, P. Worthington, J. Yates. NAYS 17—W. Allen, J. Barrows, J. Clarke, D. Ford, P. Freibert, B. Gregory, L. Guenthner, K. Harper, T. Jensen, R. Layman, J. LeMaster, B. Lear, M. Long, L. Napier, H. Rattliff, M. Stewart, T. Todd.

HB 978 (Apr 1) YEAS 87—W. Allen, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 10—A. Arnold, J. Barrows, J. Clarke, M. Farrow, P. Freibert, T. Jones, J. LeMaster, H. Moberly, H. Rattliff, P. Worthington.

HB 979 (Mar 24) YEAS 47—J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, D. Gedling, B. Gregory, H. Hancock, B. Handy, C. Hines, T. Jones, T. Kerr, B. Lear, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, S. McElroy, J. Meyer, H. Moberly, R. Morris, R. Noe, M. O'Brien, D. Priddy, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, B. Smith, P. Stone, G. Stumbo, S. Thomas, J. Yates. NAYS 31—W. Allen, G. Bendl, B. Caldwell, G. Cline, C. Crupper, H. Dawahare, J. Ellington, M. Farrow, P. Freibert, J. Harper, K. Harper, E. Holloway, S. Keith, R. Layman, P. Lefevers, B. Lile, L. Mack, B. McBee, D. McNutt, L. Napier, C. Noland, R. Overstreet, R. Preston, J. Reinhardt, C. Siler, M. Stewart, P. Strong, T. Todd, R. Turner, C. White, D. Williams.

HB 981 (Mar 25) YEAS 66—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, L. Mack, J. Maggard, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, R. Overstreet, V. Pearman, R. Preston, K. Rapier, J. Reinhardt, J. Richards, J. Rose, E. Scorsone, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 15—J. Barrows, J. Ellington, M. Farrow, H. Hancock, K. Harper, R. Layman, B. McBee, S. McElroy, D. McNutt, A. Pritchett, H. Rattliff, B. Richardson, P. Richardson, C. White, D. Williams.

HB 982 (Mar 24) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HB 982 (Mar 31) YEAS 53—J. Barrows, G. Bendl, D. Blandford, W. Blevins, J. Bronger, F. Brown, T. Burch, B. Burnette, L. Clapp, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, H. Deskins, D. Ford, B. Gregory, H. Hancock, B. Handy, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, M. Long, J. Lyne, L. Mack, B. McBee, S. McElroy, J. Meyer, H. Moberly, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, A. Pritchett, K. Rapier, B. Richardson, P. Richardson, E. Scorsone, D. Seum, C. Siler, M. Stewart, G. Stumbo, S. Thomas, R. Turner, D. Williams. NAYS 44—W. Allen, A. Bennett, B. Brinkley, M. Brown, J. Bruce, B. Caldwell, L. Clark, G. Cline, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, L. Guenthner, J. Harper, K. Harper, R. Head, T. Jensen, L. Johnson, T. Kerr, R. Layman, B. Lile, C. Little, J. Maggard, T. Mann, D. McNutt, R. Morris, R. Overstreet, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, B. Smith, P. Stone, P. Strong, C. White, P. Worthington, J. Yates.

HB 984 (Mar 20) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HJR 1 (Jan 15) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 13—W. Allen, L. Clapp, J. Clarke, J. Ellington, D. Ford, S. Keith, R. Layman, C. Noland, R. Preston, H. Rattliff, C. Siler, T. Todd, R. Turner.

HJR 1 (Feb 27) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 4—W. Allen, J. Ellington, L. Napier, H. Rattliff.

HCR 5 (Feb 11) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 6 (Jan 21) YEAS 85—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—W. Allen, T. Jensen, S. Keith, L. Napier, R. Overstreet, H. Rattliff.

HCR 7 (Jan 28) YEAS 67—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, C.

Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, R. Head, T. Jensen, L. Johnson, S. Keith, T. Kerr, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, C. White, D. Williams, P. Worthington, J. Yates. NAYS 16—W. Allen, B. Caldwell, L. Clapp, J. Ellington, D. Ford, K. Harper, C. Holbrook, E. Holloway, B. Jones, R. Layman, B. Lear, D. McNutt, R. Overstreet, C. Siler, M. Stewart, R. Turner.

HCR 9 (Jan 14) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 20 (Feb 24) YEAS 95—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 21 (Jan 17) YEAS 83—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HJR 28 (Feb 26) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 39 (Feb 24) YEAS 84—A. Arnold, J. Barrows, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, B. Lile, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer,

H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—D. Ford, J. Harper, P. Lefevers, L. Napier.

HCR 40 (Feb 10) YEAS 93—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 46 (Feb 19) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—L. Guenthner, H. Rattliff.

HCR 51 (Feb 21) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—D. Priddy.

HJR 58 (Mar 21) YEAS 79—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HCR 62 (Feb 28) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 4—B. Burnette, L. Guenthner, R. Overstreet, C. White.

HCR 65 (Mar 11) YEAS 78—W. Allen, A. Arnold, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, E. Scorsone, C. Siler, B. Smith, M. Stewart, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 20—J. Barrows, G. Bendl, A. Bennett, F. Brown, B. Burnette, L. Clapp, R. Cyrus, H. Deskins, J. Gray, R. Head, C. Hines, C. Little, J. Maggard, C. Nett, D. Priddy, P. Richardson, J. Rose, P. Stone, P. Strong, G. Stumbo.

HCR 66 (Feb 28) YEAS 88—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Turner.

HR 69 (Feb 27) YEAS 93—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 74 (Mar 21) YEAS 80—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 75 (Mar 5) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 2—M. Stewart, D. Williams.

HJR 78 (Feb 28) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T.

Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HJR 78 (Apr 1) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 0.

HJR 80 (Mar 19) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 7—W. Allen, G. Cline, M. Farrow, H. Hancock, S. Keith, J. Meyer, A. Pritchett.

HJR 81 (Mar 5) YEAS 97—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 85 (Mar 20) YEAS 84—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, J. Yates. NAYS 2—J. Ellington, K. Harper.

HR 86 (Mar 12) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose,

E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 114 (Mar 19) YEAS 66—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Caldwell, J. Clarke, F. Cowan, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, S. Keith, T. Kerr, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, R. Preston, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 27—W. Allen, L. Clapp, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, J. Ellington, D. Ford, P. Freibert, J. Gray, T. Jensen, L. Johnson, R. Layman, J. LeMaster, B. Lear, B. Lile, J. Maggard, D. McNutt, L. Napier, C. Nett, R. Overstreet, V. Pearman, H. Rattliff, B. Smith, T. Todd, R. Turner.

HCR 114 (Mar 31) YEAS 94—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HJR 115 (Mar 25) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 117 (Mar 20) YEAS 91—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—B. Richardson.

HCR 121 (Mar 21) YEAS 74—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, L. Guenthner, H. Hancock, J. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HJR 126 (Mar 25) YEAS 86—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F.

Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—J. Clarke, J. LeMaster, D. McNutt, H. Rattliff, R. Turner.

HCR 131 (Mar 20) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Overstreet.

HCR 132 (Mar 24) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 135 (Mar 20) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 136 (Mar 25) YEAS 75—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 14—W. Allen, B. Caldwell, J. Clarke, J. Ellington, D. Ford, P. Freibert, H. Hancock, R. Layman, M. Long, R. Preston, H. Rattliff, C. Siler, T. Todd, R. Turner.

HJR 139 (Mar 13) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T.

Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 141 (Mar 28) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams. NAYS 0.

HCR 145 (Mar 21) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HCR 147 (Mar 24) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

HR 158 (Mar 19) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

HR 186 (Mar 27) YEAS 78—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 2 (Feb 26) YEAS 83—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 3 (Feb 11) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—B. Lile, J. Meyer.

SB 10 (Feb 27) YEAS 80—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, B. Smith, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 16—A. Arnold, B. Brinkley, P. Clark, F. Curd, J. Ellington, B. Heleringer, L. Johnson, P. Lefevers, C. Noland, R. Overstreet, H. Rattliff, T. Riner, M. Stewart, P. Stone, R. Turner, P. Worthington.

SB 12 (Mar 27) YEAS 73—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, K. Harper, R. Head, C. Holbrook, E. Holloway, B. Jones, T. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, J. Yates. NAYS 13—W. Allen, G. Bendl, B. Caldwell, F. Cowan, D. Ford, L. Guenthner, T. Jensen, S. Keith, R. Layman, L. Napier, C. Noland, E. Scorsone, T. Todd.

SB 13 (Feb 25) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 16 (Feb 7) YEAS 88—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K.

Harper, R. Head, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—W. Allen, T. Jensen, R. Turner.

SB 17 (Mar 28) YEAS 83—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams. NAYS 0.

SB 20 (Mar 24) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—J. Barrows, L. Guenthner.

SB 21 (Feb 13) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 3—S. Keith, R. Turner, C. White.

SB 22 (Mar 26) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 24 (Jan 13) YEAS 84—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E.

Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 9—W. Allen, M. Farrow, D. Ford, J. Lyne, L. Napier, C. Noland, R. Overstreet, C. Siler, R. Turner.

SB 28 (Feb 28) YEAS 51—A. Arnold, J. Barrows, G. Bendl, D. Blandford, J. Bronger, F. Brown, M. Brown, T. Burch, L. Clark, P. Clark, F. Cowan, F. Curd, H. Deskins, B. Donnermeyer, J. Gray, L. Guenthner, H. Hancock, K. Harper, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, K. Rapier, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, P. Strong, G. Stumbo, S. Thomas, T. Todd. NAYS 25—W. Allen, B. Caldwell, G. Cline, C. Crupper, J. Ellington, D. Ford, B. Gregory, J. Harper, E. Holloway, T. Jensen, S. Keith, R. Layman, P. Lefevers, L. Napier, C. Noland, R. Overstreet, V. Pearman, R. Preston, H. Rattliff, J. Reinhardt, M. Stewart, R. Turner, C. White, D. Williams, P. Worthington.

SB 29 (Feb 13) YEAS 74—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, R. Head, C. Hines, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 25—W. Allen, B. Caldwell, D. Ford, P. Freibert, L. Guenthner, J. Harper, K. Harper, B. Heleringer, C. Holbrook, T. Jensen, S. Keith, R. Layman, P. Lefevers, B. Lile, L. Napier, C. Noland, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, C. Siler, M. Stewart, T. Todd, R. Turner, D. Williams.

SB 35 (Mar 17) YEAS 64—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, J. Bronger, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, F. Curd, R. Cyrus, B. Donnermeyer, J. Ellington, P. Freibert, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, T. Mann, S. McElroy, D. McNutt, J. Meyer, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, S. Thomas, T. Todd, R. Turner, P. Worthington. NAYS 25—W. Allen, W. Blevins, B. Brinkley, F. Brown, J. Bruce, C. Crupper, H. Dawahare, H. Deskins, M. Farrow, D. Gedling, S. Keith, R. Layman, C. Little, L. Mack, J. Maggard, B. McBee, R. Morris, L. Napier, C. Noland, R. Overstreet, E. Scorsone, P. Stone, P. Strong, C. White, D. Williams.

SB 37 (Mar 27) YEAS 63—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, R. Head, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, J. Yates. NAYS 20—W. Allen, J. Barrows, B. Caldwell, G. Cline, J. Ellington, D. Ford, K. Harper, C. Holbrook, T. Jensen, S. Keith, B. Lear, P. Lefevers, D. McNutt, C. Noland, R. Overstreet, R. Preston, J. Reinhardt, E. Scorsone, C. Siler, D. Williams.

SB 42 (Mar 28) YEAS 60—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, L. Johnson, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, L. Napier, C. Noland, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams. NAYS 4—P. Freibert, T. Jensen, C. Siler, M. Stewart.

SB 43 (Feb 19) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M.

Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 47 (Mar 26) YEAS 89—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

SB 47 (Apr 1) YEAS 81—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 50 (Mar 5) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—B. Heleringer.

SB 51 (Feb 25) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 52 (Mar 5) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet,

V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—M. Farrow, R. Turner.

SB 53 (Feb 25) YEAS 16—A. Bennett, D. Blandford, W. Blevins, J. Bruce, J. Lyne, J. Maggard, T. Mann, B. McBee, R. Morris, R. Noe, V. Pearman, G. Stumbo, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 74—W. Allen, A. Arnold, J. Barrows, G. Bendl, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, M. O'Brien, R. Overstreet, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, S. Thomas, T. Todd.

SB 54 (Mar 6) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—T. Jones.

SB 55 (Mar 6) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 56 (Mar 6) YEAS 95—W. Allen, A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—G. Bendl, M. Long.

SB 57 (Feb 25) YEAS 82—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Kerr, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—W. Allen, J. Harper, T. Jensen, H. Rattliff, R. Turner.

SB 58 (Mar 6) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—C. Crupper, P. Freibert, T. Jones, T. Mann, H. Moberly.

SB 59 (Mar 6) YEAS 96—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 60 (Mar 24) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 61 (Mar 12) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—C. Holbrook.

SB 63 (Feb 11) YEAS 100—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 67 (Mar 28) YEAS 78—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, B. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, D. Williams, J. Yates. NAYS 3—W. Allen, D. Ford, L. Napier.

SB 69 (Feb 19) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 70 (Mar 26) YEAS 85—A. Arnold, J. Barrows, G. Bendl, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams. NAYS 1—B. Gregory.

SB 72 (Feb 21) YEAS 95—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 73 (Feb 5) YEAS 76—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, S. Keith, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, P. Worthington, J. Yates. NAYS 5—G. Cline, J. Ellington, H. Hancock, R. Layman, R. Turner.

SB 76 (Mar 10) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack,

J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

SB 82 (Mar 26) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—L. Clark, E. Scorsone.

SB 84 (Mar 21) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 86 (Mar 10) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, S. Keith, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 11—B. Burnette, J. Clarke, H. Hancock, K. Harper, C. Holbrook, E. Holloway, T. Kerr, J. LeMaster, D. McNutt, H. Moberly, B. Richardson.

SB 86 (Mar 31) YEAS 42—W. Allen, J. Barrows, G. Bendl, A. Bennett, W. Blevins, B. Brinkley, M. Brown, T. Burch, L. Clark, P. Clark, F. Cowan, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, L. Guenthner, B. Handy, J. Harper, B. Heleringer, C. Hines, T. Jensen, T. Jones, P. Lefevers, B. Lile, L. Mack, J. Meyer, C. Noland, V. Pearman, R. Preston, D. Priddy, J. Reinhardt, B. Richardson, J. Rose, E. Scorsone, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, C. White, P. Worthington, J. Yates. NAYS 46—A. Arnold, F. Brown, B. Burnette, B. Caldwell, L. Clapp, J. Clarke, G. Cline, C. Crupper, F. Curd, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, K. Harper, R. Head, C. Holbrook, E. Holloway, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, M. O'Brien, R. Overstreet, A. Pritchett, H. Rattliff, J. Richards, P. Richardson, T. Riner, B. Smith, D. Williams.

SB 88 (Mar 28) YEAS 78—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone,

C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, T. Todd, D. Williams. NAYS 5—W. Allen, S. Keith, J. LeMaster, D. McNutt, J. Yates.

SB 91 (Mar 17) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 92 (Feb 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 95 (Mar 26) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Barrows, T. Jones, H. Moberly, R. Noe.

SB 95 (Apr 1) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 0.

SB 98 (Feb 18) YEAS 54—J. Barrows, G. Bendl, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, F. Cowan, F. Curd, B. Donnermeyer, M. Farrow, D. Ford, J. Gray, L. Guenthner, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, B. Richardson, J. Rose, E. Scorsone, C. Siler, P. Stone, P. Strong, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 37—W. Allen, A. Bennett, J. Bronger, F. Brown, B. Caldwell, L. Clapp, J. Clarke, G. Cline, C. Crupper, R. Cyrus, H. Dawahare, J. Ellington, P. Freibert, D. Gedling, B. Gregory, H. Hancock, K. Harper, C. Holbrook, E. Holloway, L. Johnson, B. Jones, S. Keith, B. McBee, S. McElroy, D. McNutt, J. Meyer, L. Napier, M. O'Brien, R. Overstreet, V. Pearman, H. Rattliff, J. Richards, T. Riner, B. Smith, M. Stewart, T. Todd, D. Williams.

SB 99 (Mar 20) YEAS 94—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 100 (Mar 20) YEAS 95—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 1—S. Keith.

SB 101 (Mar 20) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 104 (Jan 6) YEAS 66—W. Allen, J. Barrows, A. Bennett, D. Blandford, W. Blevins, M. Brown, B. Burnette, L. Clapp, L. Clark, P. Clark, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, B. Handy, B. Heleringer, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 27—A. Arnold, G. Bendl, B. Brinkley, F. Brown, B. Caldwell, J. Clarke, G. Cline, F. Cowan, F. Curd, B. Donnermeyer, P. Freibert, L. Guenthner, H. Hancock, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, J. LeMaster, B. Lear, P. Lefevers, L. Mack, D. McNutt, H. Moberly, C. Nett, R. Noe.

SB 105 (Mar 6) YEAS 83—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 15—M. Brown, L. Clark, P. Clark, C. Crupper, M. Farrow, D. Gedling, S. Keith, T. Kerr, R. Layman, B. Lile, T. Mann, R. Preston, D. Priddy, H. Rattliff, C. White.

SB 106 (Mar 6) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—F. Cowan, C. Holbrook.

SB 107 (Jan 6) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Overstreet.

SB 108 (Mar 25) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 110 (Mar 25) YEAS 90—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—D. Gedling, J. Rose.

SB 110 (Mar 25) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 111 (Mar 25) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 117 (Mar 28) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 1—P. Worthington.

SB 119 (Mar 28) YEAS 83—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 120 (Mar 20) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—B. Brinkley, K. Harper, J. Meyer, R. Turner.

SB 124 (Mar 26) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 127 (Mar 17) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R.

Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Barrows, M. Farrow, J. LeMaster, B. Lear.

SB 128 (Mar 17) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—H. Moberly, R. Turner.

SB 130 (Mar 13) YEAS 94—W. Allen, A. Arnold, J. Barrows, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 134 (Mar 26) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 139 (Mar 21) YEAS 87—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

SB 141 (Mar 26) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland,

M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—M. Stewart.

SB 142 (Feb 18) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—B. Brinkley, D. Gedling, B. Heleringer, L. Johnson, P. Stone.

SB 153 (Mar 26) YEAS 86—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, B. Heleringer, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—S. Keith.

SB 154 (Mar 24) YEAS 92—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 155 (Mar 4) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—M. Stewart.

SB 156 (Feb 28) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Turner.

SB 158 (Feb 27) YEAS 85—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 159 (Mar 20) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—L. Clark, J. Gray, K. Harper, S. Keith, J. Meyer, D. Seum.

SB 162 (Mar 27) YEAS 86—W. Allen, A. Arnold, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, C. Hines, C. Holbrook, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 178 (Feb 19) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 182 (Mar 12) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 193 (Mar 18) YEAS 91—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B.

Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Barrows.

SB 196 (Mar 26) YEAS 59—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, L. Guenthner, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, T. Jones, T. Kerr, B. Lear, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, P. Stone, P. Strong, G. Stumbo, S. Thomas, P. Worthington, J. Yates. NAYS 24—W. Allen, A. Bennett, J. Bronger, G. Cline, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, J. Harper, S. Keith, P. Lefevers, B. Lile, C. Little, L. Napier, C. Noland, R. Preston, H. Rattliff, C. Siler, B. Smith, M. Stewart, T. Todd, R. Turner, C. White.

SB 198 (Mar 25) YEAS 90—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 5—W. Allen, B. Caldwell, R. Preston, M. Stewart, R. Turner.

SB 199 (Mar 25) YEAS 96—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 204 (Mar 25) YEAS 89—A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 207 (Mar 5) YEAS 75—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D.

Williams, P. Worthington, J. Yates. NAYS 21—W. Allen, J. Ellington, D. Ford, P. Freibert, L. Guenthner, J. Harper, K. Harper, C. Holbrook, E. Holloway, T. Jensen, S. Keith, R. Layman, P. Lefevers, L. Napier, C. Noland, R. Preston, H. Rattliff, J. Reinhardt, C. Siler, M. Stewart, R. Turner.

SB 208 (Mar 5) YEAS 91—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 210 (Mar 21) YEAS 80—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, L. Johnson, B. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 0.

SB 211 (Mar 18) YEAS 91—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 3—B. Heleringer, J. Rose, C. White.

SB 212 (Mar 19) YEAS 84—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 1—M. Stewart.

SB 213 (Mar 19) YEAS 92—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 214 (Mar 21) YEAS 52—J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, T. Burch, B. Burnette, B. Caldwell, L. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, P. Freibert, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Kerr, B. Lear, P. Lefevers, M. Long, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, H. Moberly, C. Nett, C. Noland, M. O'Brien, R. Overstreet, D. Priddy, K. Rapier, H. Rattliff, J. Richards, T. Riner, E. Scorsone, D. Seum, B. Smith, S. Thomas, C. White, D. Williams, P. Worthington. NAYS 37—W. Allen, B. Brinkley, J. Bronger, M. Brown, J. Bruce, P. Clark, G. Cline, C. Crupper, J. Ellington, M. Farrow, D. Ford, D. Gedling, R. Head, B. Heleringer, T. Jensen, S. Keith, R. Layman, B. Lile, C. Little, J. Lyne, L. Mack, B. McBee, R. Morris, L. Napier, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, B. Richardson, P. Richardson, J. Rose, M. Stewart, P. Stone, G. Stumbo, T. Todd, R. Turner, J. Yates.

SB 220 (Mar 24) YEAS 93—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 224 (Mar 27) YEAS 83—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, J. Yates. NAYS 0.

SB 225 (Mar 24) YEAS 90—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 227 (Mar 28) YEAS 73—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, M. O'Brien, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, J. Yates. NAYS 6—W. Allen, J. Ellington, M. Farrow, R. Layman, C. Noland, V. Pearman.

SB 229 (Mar 27) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H.

Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, J. Yates. NAYS 0.

SB 233 (Mar 13) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 2—J. Ellington, B. Heleringer.

SB 234 (Mar 28) YEAS 87—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—J. Bronger.

SB 236 (Mar 21) YEAS 88—W. Allen, A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 3—J. Barrows, J. Clarke, L. Mack.

SB 237 (Mar 21) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington, J. Yates. NAYS 3—J. Barrows, J. Clarke, L. Mack.

SB 239 (Mar 21) YEAS 99—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P.

Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 240 (Mar 10) YEAS 92—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—R. Head.

SB 241 (Mar 28) YEAS 81—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, R. Morris, L. Napier, C. Nett, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, D. Williams, J. Yates. NAYS 4—D. McNutt, J. Meyer, C. Noland, C. White.

SB 242 (Mar 20) YEAS 81—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Barrows, S. Keith, H. Moberly, C. Siler.

SB 243 (Mar 24) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington, J. Yates. NAYS 2—S. Keith, C. White.

SB 244 (Mar 27) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 245 (Mar 12) YEAS 82—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, G. Cline, F.

Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 8—J. Clarke, H. Deskins, K. Harper, B. Lear, J. Meyer, R. Overstreet, J. Reinhardt, R. Turner.

SB 249 (Mar 18) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—D. Ford, T. Jensen, J. LeMaster.

SB 251 (Mar 25) YEAS 97—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 252 (Mar 25) YEAS 60—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, C. Hines, L. Johnson, T. Jones, T. Kerr, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, B. McBee, S. McElroy, J. Meyer, H. Moberly, R. Morris, C. Nett, C. Noland, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, J. Rose, E. Scorsone, C. Siler, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, P. Worthington, J. Yates. NAYS 31—W. Allen, J. Barrows, B. Caldwell, L. Clapp, J. Clarke, G. Cline, J. Ellington, M. Farrow, D. Ford, P. Freibert, H. Hancock, K. Harper, B. Heleringer, C. Holbrook, E. Holloway, B. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, M. Long, L. Mack, D. McNutt, L. Napier, M. O'Brien, H. Rattliff, P. Richardson, B. Smith, M. Stewart, T. Todd, R. Turner.

SB 255 (Mar 21) YEAS 34—A. Bennett, D. Blandford, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Burnette, F. Cowan, F. Curd, R. Cyrus, B. Donnermeyer, J. Ellington, D. Ford, D. Gedling, B. Gregory, R. Head, T. Kerr, C. Little, J. Lyne, B. McBee, S. McElroy, D. McNutt, R. Morris, V. Pearman, D. Priddy, A. Pritchett, B. Richardson, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 38—J. Barrows, G. Bendl, J. Bronger, L. Clark, P. Clark, J. Clarke, C. Crupper, H. Deskins, M. Farrow, P. Freibert, L. Guenthner, H. Hancock, J. Harper, B. Heleringer, C. Holbrook, L. Johnson, B. Jones, T. Jones, S. Keith, B. Lear, P. Lefevers, B. Lile, M. Long, L. Mack, J. Meyer, H. Moberly, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, K. Rapier, H. Rattliff, J. Reinhardt, E. Scorsone, C. Siler, T. Todd, R. Turner.

SB 260 (Mar 13) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C.

Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 263 (Mar 26) YEAS 93—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 264 (Mar 20) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, B. Jones, T. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—B. Heleringer, L. Johnson, S. Keith.

SB 265 (Mar 20) YEAS 89—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 4—F. Curd, B. Heleringer, B. Jones, S. Keith.

SB 266 (Mar 24) YEAS 77—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, L. Johnson, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 1—J. Reinhardt.

SB 267 (Mar 28) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 268 (Mar 28) YEAS 84—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams. NAYS 0.

SB 269 (Mar 28) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, J. Yates. NAYS 0.

SB 270 (Mar 27) YEAS 89—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 271 (Mar 19) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—J. Clarke, L. Johnson, T. Riner, E. Scorsone.

SB 273 (Mar 27) YEAS 85—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, C. White, D. Williams, J. Yates. NAYS 0.

SB 274 (Mar 19) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack,

J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 0.

SB 275 (Mar 19) YEAS 94—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—S. Keith.

SB 277 (Mar 20) YEAS 90—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 278 (Mar 19) YEAS 85—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, J. Lyne, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—W. Allen, B. Lile, L. Mack, H. Rattliff.

SB 281 (Mar 27) YEAS 83—W. Allen, A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, J. Yates. NAYS 0.

SB 283 (Mar 27) YEAS 51—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, T. Burch, B. Burnette, B. Caldwell, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, K. Harper, R. Head, B. Heleringer, C. Holbrook, E. Holloway, L. Johnson, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, M. Long, J. Maggard, T. Mann, B. McBee, J. Meyer, R. Morris, R. Noe, C. Noland, R. Overstreet, V. Pearman, A. Pritchett, J. Reinhardt, J. Richards, P. Richardson, T. Riner, D. Seum, G. Stumbo, S. Thomas, J. Yates. NAYS 32—J. Barrows, F. Brown, M. Brown, J. Bruce, L. Clapp, L. Clark, F. Cowan, H. Dawahare, J. Ellington, M. Farrow, D. Ford, J. Gray, J. Harper, T. Jensen, S. Keith, B. Lile, L. Mack, S. McElroy, D. McNutt, C. Nett, M. O'Brien, R. Preston, H. Rattliff, B. Richardson, J. Rose, E. Scorsone, C. Siler, M. Stewart, P. Strong, T. Todd, C. White, D. Williams.

SB 284 (Mar 20) YEAS 75—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, J. Yates. NAYS 18—C. Crupper, J. Ellington, D. Ford, P. Freibert, B. Heleringer, T. Jensen, S. Keith, R. Layman, P. Lefevers, L. Napier, C. Noland, R. Overstreet, H. Rattliff, C. Siler, M. Stewart, T. Todd, R. Turner, D. Williams.

SB 288 (Mar 24) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 290 (Mar 28) YEAS 64—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, L. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, B. McBee, S. McElroy, D. McNutt, L. Napier, C. Noland, M. O'Brien, R. Overstreet, R. Preston, D. Priddy, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 16—W. Allen, A. Bennett, J. Bruce, B. Caldwell, C. Crupper, J. Ellington, D. Ford, H. Hancock, K. Harper, E. Holloway, T. Jensen, P. Lefevers, J. Meyer, R. Morris, C. Siler, T. Todd.

SB 291 (Mar 27) YEAS 84—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 299 (Mar 26) YEAS 86—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 301 (Mar 21) YEAS 92—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack,

J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—K. Harper, B. Lear.

SB 302 (Mar 24) YEAS 91—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 303 (Mar 24) YEAS 86—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—C. Holbrook.

SB 304 (Mar 24) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, J. Yates. NAYS 2—C. Holbrook, B. Jones.

SB 305 (Mar 25) YEAS 93—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—B. Heleringer, J. LeMaster.

SB 306 (Mar 27) YEAS 61—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, R. Head, B. Heleringer, C. Hines, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, P. Stone, G. Stumbo, S. Thomas, C. White, J. Yates. NAYS 27—W. Allen, B. Caldwell, G. Cline, C. Crupper, D. Ford, P. Freibert, L. Guenthner, K. Harper, T. Jensen, S. Keith, R. Layman, P. Lefevers, B. Lile, M. Long, L. Napier, C. Nett, C. Noland, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, C. Siler, B. Smith, M. Stewart, T. Todd, D. Williams.

SB 309 (Mar 27) YEAS 75—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, H. Hancock, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—W. Allen, B. Heleringer.

SB 310 (Mar 26) YEAS 75—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, L. Johnson, B. Jones, T. Jones, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, P. Stone, G. Stumbo, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 17—W. Allen, A. Arnold, J. Barrows, B. Caldwell, D. Ford, C. Holbrook, T. Jensen, S. Keith, T. Kerr, R. Layman, J. Meyer, L. Napier, R. Overstreet, R. Preston, P. Richardson, M. Stewart, T. Todd.

SB 311 (Mar 28) YEAS 60—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, C. Hines, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, M. Long, J. Lyne, L. Mack, B. McBee, D. McNutt, H. Moberly, C. Nett, R. Noe, M. O'Brien, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, E. Scorsone, D. Seum, B. Smith, G. Stumbo, S. Thomas, R. Turner, C. White, P. Worthington. NAYS 27—W. Allen, B. Brinkley, J. Bruce, B. Burnette, L. Clapp, G. Cline, R. Cyrus, M. Farrow, D. Ford, J. Gray, R. Head, C. Holbrook, E. Holloway, B. Lile, C. Little, J. Maggard, J. Meyer, R. Morris, L. Napier, R. Overstreet, R. Preston, H. Rattliff, C. Siler, M. Stewart, P. Stone, D. Williams, J. Yates.

SB 312 (Mar 24) YEAS 91—W. Allen, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 1—S. Keith.

SB 316 (Mar 27) YEAS 87—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 1—J. Barrows.

SB 317 (Mar 27) YEAS 55—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, B. Caldwell, L. Clark, P. Clark, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, J. Harper, R. Head, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, B. Lile, M. Long, J. Lyne, T. Mann, B. McBee, S. McElroy, L. Napier, C. Nett, R. Noe, C. Noland, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, P. Stone, G. Stumbo, S. Thomas, C.

White. NAYS 18—W. Allen, J. Barrows, L. Clapp, H. Dawahare, B. Heleringer, S. Keith, P. Lefevers, D. McNutt, J. Meyer, M. O'Brien, R. Preston, H. Rattliff, B. Richardson, D. Seum, B. Smith, M. Stewart, T. Todd, J. Yates.

SB 319 (Mar 27) YEAS 82—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 325 (Mar 25) YEAS 94—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 327 (Mar 27) YEAS 70—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, J. Ellington, D. Ford, D. Gedling, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, B. Lear, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Stone, G. Stumbo, S. Thomas, T. Todd, C. White, J. Yates. NAYS 10—W. Allen, J. Barrows, L. Clapp, F. Curd, B. Donnermeyer, M. Farrow, P. Freibert, L. Guenthner, D. McNutt, J. Meyer.

SB 330 (Mar 21) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 331 (Mar 28) YEAS 69—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, B. Lile, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, S. McElroy, D. McNutt, J. Meyer, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, B. Smith, P. Stone, D. Williams. NAYS 13—W. Allen, D. Ford, P. Freibert, T. Jensen, S. Keith, R. Layman, P. Lefevers, J. Lyne, L. Napier, C. Noland, M. Stewart, T. Todd, C. White.

SB 337 (Mar 27) YEAS 87—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark,

G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 337 (Mar 27) YEAS 84—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 339 (Mar 28) YEAS 90—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams. NAYS 0.

SB 340 (Mar 27) YEAS 85—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams, J. Yates. NAYS 0.

SB 340 (Apr 1) YEAS 98—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 1—L. Guenthner.

SB 343 (Mar 25) YEAS 81—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P.

Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—W. Allen, C. Crupper, L. Guenthner, B. Heleringer, S. Keith, R. Noe.

SB 343 (Mar 26) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—C. Holbrook, E. Holloway.

SB 344 (Mar 28) YEAS 80—A. Arnold, G. Bendl, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Holbrook, T. Jensen, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 1—P. Freibert.

SB 346 (Mar 24) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 346 (Apr 1) YEAS 95—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 350 (Mar 24) YEAS 84—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 3—J. Barrows, H. Moberly, R. Turner.

SB 352 (Mar 28) YEAS 74—G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H.

Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, R. Layman, P. Lefevers, B. Lile, C. Little, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, D. McNutt, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 13—B. Caldwell, J. Clarke, F. Curd, P. Freibert, K. Harper, B. Jones, T. Kerr, J. LeMaster, B. Lear, M. Long, J. Meyer, M. Stewart, P. Stone.

SB 352 (Apr 1) YEAS 88—W. Allen, A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 6—J. Barrows, B. Gregory, H. Hancock, B. Heleringer, T. Kerr, J. Meyer.

SB 353 (Mar 28) YEAS 65—G. Bendl, A. Bennett, D. Blandford, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, F. Curd, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, C. Hines, T. Jensen, L. Johnson, B. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, D. McNutt, L. Napier, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SB 354 (Mar 26) YEAS 88—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 360 (Mar 26) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, T. Jensen, L. Johnson, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 8—W. Allen, D. Gedling, C. Holbrook, E. Holloway, J. LeMaster, S. McElroy, D. McNutt, P. Stone.

SB 361 (Mar 25) YEAS 68—A. Arnold, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, M. O'Brien, V. Pearman, D. Priddy, K. Rapier, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, B. Smith, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, P. Worthington, J. Yates. NAYS 22—W. Allen, B. Caldwell, G. Cline, J.

Ellington, D. Ford, P. Freibert, L. Guenthner, J. Harper, T. Jensen, S. Keith, R. Layman, L. Napier, R. Noe, C. Noland, R. Preston, H. Rattliff, J. Reinhardt, C. Siler, M. Stewart, T. Todd, R. Turner, D. Williams.

SB 370 (Mar 27) YEAS 75—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 4—W. Allen, B. Gregory, L. Guenthner, D. McNutt.

SB 372 (Mar 28) YEAS 60—A. Arnold, J. Barrows, D. Blandford, W. Blevins, J. Bronger, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clapp, J. Clarke, F. Cowan, C. Crupper, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, B. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, C. Little, M. Long, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, R. Noe, C. Noland, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, R. Turner, P. Worthington. NAYS 19—G. Bendl, B. Brinkley, L. Clark, P. Clark, G. Cline, F. Curd, J. Gray, B. Gregory, B. Lile, D. McNutt, J. Meyer, L. Napier, M. O'Brien, V. Pearman, H. Rattliff, J. Reinhardt, P. Strong, C. White, J. Yates.

SB 374 (Mar 26) YEAS 94—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, H. Moberly, R. Morris, L. Napier, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SB 377 (Mar 28) YEAS 43—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, B. Brinkley, J. Bronger, J. Bruce, T. Burch, B. Burnette, L. Clapp, P. Clark, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, D. Gedling, B. Gregory, H. Hancock, J. Harper, R. Head, C. Hines, T. Jones, J. LeMaster, B. Lear, J. Maggard, T. Mann, D. McNutt, J. Meyer, R. Morris, R. Noe, V. Pearman, D. Priddy, B. Richardson, E. Scorsone, D. Seum, P. Stone, G. Stumbo, S. Thomas, C. White, J. Yates. NAYS 43—W. Allen, F. Brown, M. Brown, B. Caldwell, L. Clark, F. Curd, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, L. Guenthner, B. Handy, K. Harper, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, B. Jones, S. Keith, R. Layman, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, L. Napier, C. Nett, C. Noland, M. O'Brien, R. Overstreet, R. Preston, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, C. Siler, B. Smith, M. Stewart, P. Strong, T. Todd, D. Williams.

SB 379 (Mar 27) YEAS 72—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, P. Clark, G. Cline, F. Cowan, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Ford, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, S. Keith, R. Layman, J. LeMaster, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, B. Smith, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 12—W. Allen, J. Barrows, B. Caldwell, P. Freibert, K. Harper, T. Kerr, B. Lear, J. Meyer, H. Rattliff, J. Reinhardt, E. Scorsone, M. Stewart.

SB 389 (Mar 28) YEAS 79—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, R. Head, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne,

L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, C. Nett, R. Noe, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, C. White, D. Williams. NAYS 6—K. Harper, S. Keith, L. Napier, C. Noland, H. Rattliff, T. Todd.

SCR 2 (Mar 26) YEAS 92—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, J. Bronger, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 2—F. Cowan, R. Preston.

SJR 7 (Feb 11) YEAS 91—A. Arnold, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, L. Johnson, B. Jones, T. Jones, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, P. Worthington, J. Yates. NAYS 4—W. Allen, J. Ellington, C. Nett, R. Turner.

SJR 26 (Mar 17) YEAS 87—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, P. Worthington, J. Yates. NAYS 5—W. Allen, R. Layman, L. Napier, R. Overstreet, D. Williams.

SCR 30 (Mar 27) YEAS 81—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, H. Rattliff, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SCR 38 (Mar 27) YEAS 70—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, F. Brown, M. Brown, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, R. Cyrus, H. Deskins, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, C. Nett, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, C. White, D. Williams, J. Yates. NAYS 0.

SJR 44 (Mar 27) YEAS 66—A. Arnold, J. Barrows, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, B. Jones, T. Jones, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, J. Meyer, R. Morris, C. Nett, M. O'Brien, V. Pearman, R. Preston, A. Pritchett, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, J. Rose, E. Scorsone, M. Stewart, P. Stone, P. Strong, G. Stumbo, C. White, D. Williams, J. Yates. NAYS 12—B. Burnette, J. Ellington, D. Ford, T. Jensen, S. Keith, T. Kerr, D. McNutt, R. Noe, C. Noland, R. Overstreet, H. Rattliff, T. Todd.

SJR 54 (Mar 26) YEAS 94—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, H. Hancock, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SCR 57 (Mar 24) YEAS 95—W. Allen, A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, T. Jensen, L. Johnson, B. Jones, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, B. McBee, S. McElroy, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SCR 59 (Mar 19) YEAS 87—W. Allen, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clapp, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Dawahare, H. Deskins, B. Donnermeyer, J. Ellington, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, B. Heleringer, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, B. McBee, D. McNutt, J. Meyer, H. Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, A. Pritchett, K. Rapier, H. Rattliff, J. Reinhardt, J. Richards, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, R. Turner, C. White, D. Williams, P. Worthington, J. Yates. NAYS 0.

SJR 78 (Mar 27) YEAS 77—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, M. Brown, T. Burch, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, J. Ellington, M. Farrow, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, D. Williams, J. Yates. NAYS 5—J. Bruce, H. Deskins, L. Guenthner, S. Keith, R. Overstreet.

SCR 91 (Mar 28) YEAS 82—A. Arnold, J. Barrows, G. Bendl, D. Blandford, B. Brinkley, J. Bronger, F. Brown, M. Brown, B. Caldwell, L. Clark, P. Clark, J. Clarke, G. Cline, F. Cowan, C. Crupper, F. Curd, R. Cyrus, H. Deskins, B. Donnermeyer, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, L. Guenthner, H. Hancock, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, H.

Moberly, R. Morris, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Reinhardt, J. Richards, P. Richardson, T. Riner, J. Rose, E. Scorsone, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, T. Todd, R. Turner, C. White, D. Williams, P. Worthington. NAYS 0.

SCR 97 (Mar 28) YEAS 56—G. Bendl, D. Blandford, B. Brinkley, F. Brown, M. Brown, J. Bruce, T. Burch, B. Burnette, L. Clark, G. Cline, F. Cowan, C. Crupper, F. Curd, H. Dawahare, J. Ellington, M. Farrow, D. Ford, P. Freibert, D. Gedling, J. Gray, B. Gregory, H. Hancock, B. Handy, J. Harper, R. Head, C. Hines, T. Jensen, B. Jones, S. Keith, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, T. Mann, D. McNutt, L. Napier, C. Noland, V. Pearman, R. Preston, J. Reinhardt, B. Richardson, P. Richardson, J. Rose, D. Seum, M. Stewart, P. Stone, P. Strong, G. Stumbo, S. Thomas, T. Todd, C. White, D. Williams. NAYS 0.

SCR 98 (Mar 27) YEAS 81—A. Arnold, J. Barrows, G. Bendl, A. Bennett, D. Blandford, W. Blevins, B. Brinkley, J. Bronger, F. Brown, J. Bruce, T. Burch, B. Burnette, B. Caldwell, L. Clark, P. Clark, G. Cline, F. Cowan, C. Crupper, R. Cyrus, H. Dawahare, H. Deskins, J. Ellington, M. Farrow, D. Ford, P. Freibert, J. Gray, B. Gregory, L. Guenthner, B. Handy, J. Harper, K. Harper, R. Head, C. Hines, C. Holbrook, E. Holloway, T. Jensen, L. Johnson, T. Jones, S. Keith, T. Kerr, R. Layman, J. LeMaster, B. Lear, P. Lefevers, B. Lile, C. Little, M. Long, J. Lyne, L. Mack, J. Maggard, T. Mann, B. McBee, S. McElroy, D. McNutt, J. Meyer, L. Napier, C. Nett, R. Noe, C. Noland, M. O'Brien, R. Overstreet, V. Pearman, R. Preston, D. Priddy, A. Pritchett, J. Richards, B. Richardson, P. Richardson, T. Riner, J. Rose, E. Scorsone, D. Seum, C. Siler, B. Smith, M. Stewart, P. Stone, P. Strong, G. Stumbo, C. White, D. Williams, J. Yates. NAYS 0.

HISTORY OF HOUSE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading.
Sponsors are indicated on the page of introduction.)
*Voting modifications appear at the member's name in the subject index.

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 1	3	19	475	475	524	1269	2351	2958	540 2472	1269 2472	45 69 289 534 667 1273
HB 2	3	19									257
HB 3	3	19	343	343	372	435	911	970	346	435	28 107 379 448
HB 4	3	19	77	77	138	183	690	747		183	50 107 144
HB 5	3	19	140	140	145	251	533	540	141	251	68 170 268 290
HB 6	3	19									45 229
HB 7	3	19	36	36	50	106	293	324	38	106	28 53 107 342
HB 8	3	19	237	238	257	324	1743	2004	238 239 1989	324 1991	45 69 188 273 331 360 375 1995
HB 9	3	19									45 268
HB 10	3	19	343	346	372	506	2036	2681	347 449 2374	506 2374	139 144 375 379 521
HB 11	3	19	96	96	138	252	1051	1188		252	28 210 255 290
HB 12	3	19	527	527	537	651			528	651	268 385 542
HB 13	3	19	55	55	105	183	533	539		183	28 112
HB 14	3	19									
HB 15	3	19									
HB 16	3	19	310	310	341				311		142 453 2042
HB 17	3	19	884	884	898	1191	3160	3173	885	1191	290 910 1263
HB 18	3	19									

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	19	3	19	201	201	229				203		32 68 69 107 139 233 237 268 375 403 521 906
HB	20	3	19	30	30	45	68			31	68	48 107 234
HB	21	3	19									
HB	22	3	19									45 69
HB	23	3	19	62	62	105	145	880	883	62	145	28 112 901
HB	24	4	19	1308	1308	1399	2223			1310 1996	2223	69 233 254 268 331 448 1918
HB	25	4	19									1268 1365
HB	26	4	19	62	62	105	145	533	901	750	145 750	28 112
HB	27	4	19									
HB	28	4	19	911	911	1116	1268			912	1268	233 1212
HB	29	4	19	843	843	878	1191	2838	3006	843	1191	506 910 1210 1262
HB	30	4	19	117	117	145	257	690	747		257	32 68 69 107 139 210 233 268 290 331
HB	31	4	19									69 139
HB	32	4	19	570	583	651	746			586 714	746	527 673
HB	33	4	19									21 143 1358 1995
HB	34	4	19	96	96	138	229	3196		188 3209	229	45 107 144 3210 3243 3244 3295 3309

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	35	4	19	36	38	50	138	684	707	69	138	28 53 106 745
HB	36	4	19	55	56	105						28 69 107 211 233
HB	37	4	19	96	99	138	258	2413		101 255 2538	258	45 170 2542 3005 3028 3160 3173 3210 3309
HB	38	4	19									1766
HB	39	4	19	366	366	382	525				525	233 408
HB	40	4	19	62	63	105	2366	3196	3311	2075 2076 3199	2366 3284	28 69 112 1210 1789 2075 2269 3082 3199 3244 3247 3248 3249 3283 3290
HB	41	4	19	243	243	257	341	1126	1190	248	341	32 68 69 183 273 373
HB	42	4	19									50
HB	43	4	19	754	754	837	900				900	509 873
HB	44	4	19	96	101	138	231				231	45 69 107 170
HB	45	4	19	55	57	105				57 254 758		28 32 45 69 107 210
HB	46	5	19	1144	1144	1237	1401				1401	710 1277 1428
HB	47	5	19	55	58	105	146	548	589		146	28 112
HB	48	5	19	55	58	105	145	897	901		145	28 112
HB	49	5	19	53	53	105	145	745	1116	840	145 840	50 112
HB	50	5	19	2120	2120	2221	2464				2464	385 2351

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	51	5	19	2200	2200	2296				2204		448 653 2821
HB	52	5	19	134	134	145	251	1211	1270		252	68 210 290
HB	53	5	19	1717	1717	1753	2528	3196	3211	1722 2237 2490	2528	32 69 233 375 403 521 531 707 906 1772 1993 1995 2237 2351 2464 2519
HB	54	5	19									
HB	55	5	19									906
HB	56	5	19	243	249	257	324				324	68 273 360
HB	57	5	19	1717	1723	1753	2306				2306	371 1918 1995
HB	58	5	19	117	118	145	229				230	28 170 233 234
HB	59	5	19	211	211	251	2224	2537	2681	1789 1790 2001	2224	107 167 1268 1789 1993 1995 2267
HB	60	5	19	237	239	257	324	2528	2532		324	188 273
HB	61	5	19	590	591	683	879	1364	1773	713 759 1704	879 1704	551 691 894
HB	62	5	19	26	26	45	68	273	287		68	21 48
HB	63	5	19	74	74	138	183	378	402		183	28 144 234
HB	64	5	19	336	336	372	1332	3160	3173	449 1196 1197 1198 1271	1333	268 379 895
HB	65	5	19	26	27	45	684				684	21 74 139 667 685 714
HB	66	5	19									69
HB	67	5	19	475	475	524						45 107 289 448 534

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	68	5	19	48	48	68	139	378	402	49	139	28 45 69 74 107 143 150
HB	69	5	19									1851
HB	70	6	19	590	599	683	2464	3087	3160	2238	2464	587 762 1789 2237 2351
HB	71	6	19	273	273	323	433			277 285 286 332 406 407	434	167 336 434 448 519
HB	72	6	19	34	34	50	138				138	53 150
HB	73	6	19	673	677	707	838			679	838	107 188 717
HB	74	6	19	34	35	50	138				138	74 139 150
HB	75	6	19	779	780	878	1242	2268	2351		1242	268 710 896 1126 1273
HB	76	6	19	2200	2208	2296	2532	3160	3173	2208 2211 2477	2532	69 107 257 268 667 2350 2412 2413 3082
HB	77	6	19	260	260	286	372			262	372	167 294 373 402
HB	78	6	19	843	843	878	964	2537	2681	847	964	257 898
HB	79	6	19									
HB	80	6	19	134	136	145	252				252	68 210 255 290
HB	81	6	19	227	227	251	287				287	144 257
HB	82	6	19									50
HB	83	6	19									45 69
HB	84	6	19									1428
HB	85	6	19									
HB	86	6	19									884 898 3082
HB	87	6	19									375 1210 3082

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	88	6	19									50
HB	89	6	19									
HB	90	6	19									
HB	91	6	19									
HB	92	6	19									
HB	93	6	19									758
HB	94	6	19	112	112	145						21 105 273
HB	95	6	19									21 143
HB	96	6	19									32 1275
HB	97	6	19									
HB	98	7	19									906
HB	99	7	19									21 188 1766
HB	100	7	19									
HB	101	7	19									
HB	102	7	19									107
HB	103	7	19									107
HB	104	7	19									21 143
HB	105	7	19	1308	1311	1399	1754				1754	32 45 69 139 254 331 894 1363 1432 1770 1995
HB	106	7	19									255
HB	107	7	19									
HB	108	7	19									21 143 1766
HB	109	7	19	76	76	138	184			76	184	28 32 45 69 107 144 234 1275
HB	110	7	19									107 188
HB	111	7	19									884
HB	112	7	19	112	117	145						21 139 211
HB	113	7	19									
HB	114	7	19									21 143
HB	115	7	19									
HB	116	7	19	76	76	138	184	378	402	146	184	28 144 234
HB	117	7	19	702	702	745				703		375 378 521 873

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 118	7	19	26	27	45	139				139	21 74
HB 119	7	19	1798	1798	1984	2471	3160	3173		2471	531 1244 2351
HB 120	7	19	726	726	837	1242			729 1048	1242	29 268 331 521 524 1126 1273
HB 121	7	19									21 143 903
HB 122	7	19									
HB 123	7	19									329
HB 124	8	19	590	600	683	880	2413	3311	621 2542	880 3289	551 691 894 2543 3006 3028 3174 3208 3210 3285 3307
HB 125	8	19	62	64	105				64		28 45 69 112
HB 126	8	19	570	570	651	2296	3005	3085	578 759 1272 1790 1798 1906 1908 2001 2184	2296	32 139 331 343 521 762 1204 1790 1996 2041 2350 3206
HB 127	8	19	74	74	138	184	378	402		184	28 144 375
HB 128	8	19									385 884
HB 129	8	19									29
HB 130	8	19									69
HB 131	8	19									884
HB 132	8	19	170	170	229	258			170	258	68 237 290
HB 133	8	19									
HB 134	8	19	1144	1144	1237				1145 1340 1709 1779 1907 2231 2490		188 1744

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	135	8	19	691	691	745	899	2838	3006	693 695 758	899	273 762 906 1363
HB	136	8	19	23	24	45						32 48
HB	137	8	19									
HB	138	8	19									234 385 541 653 667
HB	139	8	19	222	222	251	288			222	288	107 144 257 2350
HB	140	8	19	222	222	251	288	1743	2221	223 1991	288 1991	107 144 257 1995
HB	141	8	19									
HB	142	8	19	343	347	372	435	1743	1755		435	69 107 139 233 375 379 448 519
HB	143	8	19	735	735	837	900	2221	2268	744 871	900	167 873 2350
HB	144	8	19	717	717	837	900			717	900	28 873 1048
HB	145	8	19									
HB	146	8	19									45 255
HB	147	8	19	77	82	138	232	690	747		232	50 170
HB	148	9	19	321	321	341	382	3021	3160	3096	382 3096	107 254 363 402
HB	149	9	19	336	336	372	1772			1277 1761	1772	45 69 183 233 524 903 1277 1363 1432
HB	150	9	19	211	214	251	900				901	68 363 688 725 758 873 896 906 1263 1363
HB	151	9	19									
HB	152	9	19	1132	1132	1237	1773			1140 1265 1426 1710	1773	21 143 898 1277

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 153	9	19									653
HB 154	9	19	211	218	251	326	690	747	219 221	326	29 68 69 107 273 331 360 530
HB 155	9	19									
HB 156	9	19									289 884
HB 157	9	19									69
HB 158	9	19	237	239	257	325	684	707		325	188 273 745
HB 159	9	19									32 45 69 371 2385
HB 160	9	19									
HB 161	9	19	23	25	45				26		32 112 331 667
HB 162	9	19	294	294	341				298 299 403 520 521		32 257 524
HB 163	9	19	419	419	506	538	1211	1270	425	538	268 524
HB 164	9	19									254
HB 165	9	19									28 290
HB 166	9	19									
HB 167	9	19									
HB 168	9	19									
HB 169	9	19	201	203	229	258	548	901	750	258 751	109 237 268 290
HB 170	9	19	2120	2121	2221	2465	3160	3173	2121 2376	2465	1852 2351 2520
HB 171	9	19									
HB 172	9	19	1458	1458	1753	2229	2838	3085	1465 3013 3018	2229 3020	188 2042 2349 3082
HB 173	9	19									
HB 174	9	19	58	58	105	146	2268	2351	106	146	50 69 112
HB 175	9	19									
HB 176	10	19	590	642	683	899	3005	3160	871 3094	900 3094	45 69 551 762 906 3202
HB 177	10	19									
HB 178	10	19	134	136	145	230	690	901	137 187 752	230 753	68 170 233

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	179	10	19	108	108	138	184	288	323	109	184	28 144
HB	180	10	19									
HB	181	10	19	222	223	251	372	1743	2221	331 360 1992	372 1992	144 273 326 331 402 519
HB	182	10	19	294	299	341	382			299	382	109 363
HB	183	10	19	1300	1300	1399				1301		109 1744 2041
HB	184	10	19									109
HB	185	10	19									109
HB	186	10	19									69
HB	187	10	19									290
HB	188	10	19	96	103	138	232				232	45 170
HB	189	10	19	53	54	105	146	378	402		146	50 112
HB	190	10	19									
HB	191	10	19									1717
HB	192	10	19	1458	1470	1753	2225			1471	2225	884 1993
HB	193	10	19									869
HB	194	10	19									
HB	195	10	19									
HB	196	10	19									
HB	197	10	19	2238	2238	2296	2464	3196	3245	2315 2477 3199	2464	448 758 1742 1993 2351 3082 3200 3243
HB	198	10	19	307	307	341	383				383	68 188 363
HB	199	10	19	117	118	145	230	684	901	188 752	230 752	68 170 753
HB	200	10	19									1851
HB	201	10	19	2430	2430	2528	2962			2477	2962	21 143 2042 2821 2998
HB	202	10	19	551	551	657	882	3005	3311	554 3094	882 3251	45 762 3095 3211 3244 3250 3307
HB	203	10	19	1342	1342	1399	1774	3208	3219	1344	1774	527 1744 1995
HB	204	18	22									

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	205	18	22	243	249	257	1754			250 1277	1754	68 139 331 336 903 1277 1432 1995
HB	206	18	23									
HB	207	18	23									
HB	208	18	23	1043	1043	1116	1332				1332	653 1126 1358
HB	209	18	22	565	565	651	708	1267	3311	566 1335	708	50 331 673 1335 1850 2967 3006 3290 3307
HB	210	18	22	62	64	105	326	838	873		326	50 112 142 222 273 360
HB	211	18	23	873	873	898	1332				1332	385 910 1358
HB	212	18	22									
HB	213	18	23	475	482	524	548	911	1190	484 1118	548 1118	289 534
HB	214	18	23	1144	1145	1237	1401	3005	3020		1401	884 1277
HB	215	18	23	1144	1146	1237	1701	3005	3020	1427	1701	884 1277
HB	216	18	23	534	534	547	684			536	684	254 590 714
HB	217	18	22	222	224	251	323			225 451	323 433	50 257 360 433
HB	218	18	23	117	119	145	230	1364	1773	119 1704	230 1704	68 170 234
HB	219	18	22	303	303	341	1401	2351	2413	1126 1128	1402	68 268 363 688 1126 1277
HB	220	18	23	307	307	341	506	1431	1789	403 449 1757	506 1757	143 363 519
HB	221	18	23	1144	1146	1237	1402	3005	3020		1402	551 1277 1428
HB	222	18	23	117	119	145	230	3160	3250	3185	231 3190	68 170 3202
HB	223	19	23	117	119	145	231	533	539		231	68 170 234

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 225	19	22	1099	1102	1188	1399	3087	3250	1103 3180	1399 3180	341 1268 1428 3202
HB 226	20	22	1355	1355	1399	1985	2528	2532	1356	1985	758 1244 1744 1995 2520
HB 227	20	22									50
HB 228	20	23	117	121	145	231	911	970	126	231	68 107
HB 229	21	23	475	484	524	549	911	970		549	68 109 289 534
HB 230	21	23									
HB 231	22	33	971	971	1116	1238				1238	754 1126 1262 1273
HB 232	22	33									
HB 233	22	33									
HB 234	22	33	453	453	524	2681	3208	3219	460 2385	2681	268 691 1851 2385 2522 2998
HB 235	22	33	237	240	257	325	911	970		325	188 273 360
HB 236	22	33	53	55	105						50 112 903 2677
HB 237	29	33	117	127	145	323	911	970	270 291	323	68 170 2677
HB 238	29	33	971	972	1116	1238	2838	3085	973 3021 3025	1238 3026	69 754 1126 1273 3082
HB 239	29	33	117	127	145	231	911	970	134	231	68 170 234
HB 240	29	33									167
HB 241	29	33	201	204	229	286	838	1190	208 967	286 968	68 139 237 268 290 331
HB 242	29	33									69
HB 243	29	33	260	263	286	372				372	167 294 402
HB 244	29	33									144

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	245	29	33	1277	1277	1399	1984	2528	2532	1278	1985	331
												375
												667
												758
												869
												903
												906
												1210
												1275
												1363
												1744
												1995
HB	246	30	33	58	61	105	146	1364	1773	1704	146	50
										1705	1705	112
HB	247	30	33									1358
HB	248	30	33									109
HB	249	33	48									139
HB	250	33	48	1798	1801	1984					2672	290
												2351
HB	251	33	48									69
												385
HB	252	33	48									
HB	253	33	48									255
HB	254	33	47									
HB	255	47	53	243	250	257	433	3083	3160	251	433	107
										291		183
										332		273
										405		
HB	256	47	53									911
HB	257	47	53									71
												358
HB	258	47	53									
HB	259	47	53									142
HB	260	47	53									
HB	261	47	53									69
												1275
HB	262	51	53	1496	1496	1753	1847	2528	3311	1499	1848	400
										1766	3282	1210
										1781		1358
										2693		1771
												2520
												2696
												2997
												3006
												3008
												3028
												3078
												3208
												3281
												3282
HB	263	47	53	673	679	707	880	2528	2532	680	880	254
										870		717
												894
HB	264	47	53	227	228	251	288	525	901	229	288	105
										749	750	257
HB	265	47	53	222	225	251	288	525	533		288	144
												257
HB	266	47	53	726	734	837	1270	2268	2351	734	1271	144
												1126
HB	267	47	53									
HB	268	47	53	237	240	257	325	911	970		325	188
												273
HB	269	47	53	1408	1408	1699	2222	3196	3211	1412	2223	107
												1918
HB	270	47	53	237	240	257	325	2413	2464		325	188
												273
												360

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	271	51	53									183 707
HB	272	51	53									107
HB	273	51	53									
HB	274	51	53	170	171	229	341	533	539	188 269 331	341	68 237 287 323 329
HB	275	51	53									898
HB	276	51	53									343
HB	277	51	53	321	321	341	383	690	1116	322 840	383 840	167 363 519 753
HB	278	51	53	294	300	341	434	745	762		434	71 363
HB	279	51	53	222	226	251	289	409	434	227	289	105 257 453
HB	280	51	53	1365	1365	1699						167 375 403 448 1918 2490
HB	281	51	53									
HB	282	51	53	227	229	251	287	548	901	229 751	287 751	105 257 869
HB	283	52	74	475	484	524	549	2528	2532		549	385 534
HB	284	52	74	1744	1744	1772	2222	3160	3173	1746	2222	884 1918
HB	285	52	74	237	237	257	325	2268	2681	2374	325 2375	142 233 273
HB	286	52	73	551	555	651	708	3083	3250	556 3175	708 3175	167 673 685 3202
HB	287	52	73	303	305	341	525	1771	1789	306 520	525	143 363
HB	288	52	74									167
HB	289	52	74									
HB	290	52	74									142
HB	291	52	74									
HB	292	52	74	182	182	229	257	897	901		257	142 237 290
HB	293	52	74	310	312	341	436				436	257 379
HB	294	52	74	1132	1141	1237	1703	3005	3020		1703	898 1365
HB	295	52	73									683
HB	296	52	73	379	379	433	526	2351	2413		526	188 342 453
HB	297	52	73									3201
HB	298	70	73	303	306	341	1772	2838	3006		1772	233 363 667 903 1210 1277 1432 1995

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 299	70	73							2317 2318		254 2385
HB 300	70	73	316	316	341				317		143 363
HB 301	70	73	673	673	707	837	3208		673 3212	838	290 717 3212 3245 3246 3247 3290 3295
HB 302	70	73	1798	1804	1984	2041	2537	2681		2041	403 1358 1993 2196
HB 303	70	73									
HB 304	70	74	237	242	257				242		144 379 1262
HB 305	70	73	884	885	898	1332			885	1332	385 910
HB 306	70	73	201	208	229	287	838	873		287	143 237 290 409
HB 307	70	73									
HB 308	70	74									
HB 309	70	73									
HB 310	70	74	2120	2122	2221	2684	3208	3250	2122 2126 2235 2490 3212	2684 3213 3316	1204 2522 2998 3312 3316
HB 311	70	73	1747	1748	1772	2038	3160	3311	1748 3190	2038 3290	233 268 331 343 1918 3190 3243 3244 3290 3307
HB 312	70	73									331
HB 313	70	74	475	485	524	549			540	549	289 534
HB 314	70	73									107 234
HB 315	70	74	310	313	341	383	1364	1773	314 375 1706	383 1706	107 139 257 363 375 403
HB 316	70	74	774	774	878	1117			775 1048	1117	107 537 910 1275
HB 317	70	74	590	643	683	902	1850	1919	644	902	268 551 873
HB 318	70	74									
HB 319	70	73									
HB 320	70	74									

		Introduced	Referred	Reported	Readings 1st	2nd	3rd	Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
HB	321	70	73									268 528
HB	322	70	73	201	208	229	286	548	901	751	286 752	143 237 268
HB	323	70	73	657	657	683	898	2528	3311	661 2696	899 3292	268 378 691 895 2696 3008 3096 3173 3211 3212 3291 3295
HB	324	71	73									1993
HB	325	73	112	542	542	651	708	3087	3160		708	371 673
HB	326	73	112	385	386	433	1847			390 521 540 1188	1847	343 448 531 590 688 898 1188 1744 1905
HB	327	73	112									183
HB	328	73	112									289 329
HB	329	73	112	1080	1080	1188	1334	2413	2958	1085 2543	1334 2543	884 1268
HB	330	73	112									
HB	331	73	112									
HB	332	73	112	294	301	341	383	2221	2268	303	383	188 363
HB	333	107	112	310	314	341	436				436	257 379
HB	334	107	112	343	348	372	435			348	435	233 379 448
HB	335	107	112									
HB	336	107	112									
HB	337	107	112									402
HB	338	107	112									1757
HB	339	108	112	1106	1106	1188	1405	2413	2464	1110	1405	508 509 906 1210 1277 1429 3082
HB	340	108	112									167 188 373 653

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
HB 341	108	112									537 1268
HB 342	108	112	1051	1051	1188				1051		251 1268 1406
HB 343	108	112	1377	1377	1699	1987			1377	1988	898 1771
HB 344	108	112	873	873	898	1116			876	1117	167 894 910 1124 1770
HB 345	108	112									167 971
HB 346	108	112	366	368	382	507	1211	1773	1335	507 1335	167 408
HB 347	108	112	363	363	382	508	2528	3006	364 2697 2698	508 2698	257 408 521 531 758 2831
HB 348	108	112	475	485	524	2037	28388	3006	1789 1997	2037	139 233 289 375 521 542 758 1210 1274 1789 1993 2196
HB 349	108	112									
HB 350	108	112									707 1268
HB 351	108	112									371 2385
HB 352	108	112									1210
HB 353	108	112	703	703	745	881	2537	3006	2701	881 2701	683 762 894
HB 354	108	112									233
HB 355	111	144									
HB 356	111	144	307	308	341	384	1850	1919		384	188 363
HB 357	111	144									
HB 358	111	144									
HB 359	111	144	953	953	1116	1238	2268	2351	953	1239	188 1126 1273
HB 360	111	144	1132	1132	1237	1754	2351	2958	1272 1338 2472	1755 2474	188 1365 1769 1770 1905 1995
HB 361	111	144									188
HB 362	111	144	953	953	1116	1333			955	1333	188 1126 1358

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
HB	363	111	144	307	310	341				360 404		188 363 1850
HB	364	111	144	419	419	506				419		188 673 850
HB	365	111	144									188
HB	366	111	144	338	338	372	435	2528	2532		435	272 379
HB	367	112	144	379	379	433	526			404	526	188 453 540
HB	368	112	144	343	349	372	436				436	254 379 506
HB	369	112	144									
HB	370	112	144									233 2385
HB	371	112	144									
HB	372	140	144	475	488	524	651	3160	3250	3190 3191	651 3191	289 542
HB	373	140	144									371 403 2385
HB	374	140	144	1106	1110	1188	2684			1112 1423	2684	233 1212 2042 2237 2522 2998
HB	375	140	144									1428
HB	376	140	144	509	516	524	652	2537	3006	517 2966	652 2967	257 542
HB	377	140	144									
HB	378	140	144									
HB	379	140	144									
HB	380	140	144									233
HB	381	140	144	475	489	524	652	2528	2532		652	289 542
HB	382	140	144	475	490	524	652	2413	2464	491	652	385 542 667 2832
HB	383	167	169	321	322	341	384			322	384	254 363
HB	384	167	169									
HB	385	167	169	316	319	341						233 363
HB	386	167	169									
HB	387	167	169									
HB	388	167	169	437	437	506	537			438	537	257 524
HB	389	167	169	431	431	506	537	880	883		537	371 524 540 901
HB	390	167	169	260	263	286	341	2351	2958	267 2475	341 2475	188 294 375
HB	391	167	169									
HB	392	167	169	774	775	878	964	2528	2532		964	342 898
HB	393	167	169									
HB	394	167	169									
HB	395	167	169									
HB	396	167	169									341
HB	397	167	169									

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 398	200	210	1496	1501	1753	1848	2537	3311	1595 1776 1780 1781 1783 1786 1905 1906 2701	1849 3280	1358 1771 2805 2967 3006 3008 3028 3078 3208 3251 3283
HB 399	169	210	475	491	524	549	2528	3006	492 2698	549 2699	385 534
HB 400	169	210	779	780	878	964	3160	3173		964	710 898
HB 401	169	210	717	718	837	901	2268	2351	718	901	268 521 873 906
HB 402	169	210	431	432	506	538				538	524 1770
HB 403	169	210									269 758 903
HB 404	169	210	657	661	683	2467	3208	3219	2238 2489	2467	257 341 531 691 2042 2237 2351
HB 405	169	210	349	349	372	683				683	257 379 685 714
HB 406	187	210	2108	2108	2221	2465	3160	3173	2109	2465	537 540 707 2351
HB 407	187	210									290 2042
HB 408	187	210	1128	1128	1237	2304			1129 1906	2304	290 1277
HB 409	187	210	1128	1129	1237	1402			1131	1403	290 1277 1428
HB 410	187	210	1128	1131	1237	1403				1403	290 1277
HB 411	187	210									
HB 412	187	210	703	705	745	881	1771	1789		881	653 762
HB 413	187	210	673	673	707	839				839	254 375 717
HB 414	187	210									537
HB 415	187	210									760
HB 416	200	210	779	789	878						710 910 1993
HB 417	200	210	691	695	745	899	1364	1773	1706	899 1706	539 762
HB 418	200	210	462	462	524	747	1276	1773	588 670 1406	747 1406	329 673

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	419	200	210	1458	1471	1753	2040	3160	3250	1472 1473 3192	2041 3192	884 1918
HB	420	200	210	570	586	651	708	1771	1789	671	708	527 673
HB	421	200	210	1375	1376	1699	1987				1987	385 1771
HB	422	200	210	366	371	382	508	3160	3173		508	257 408 519
HB	423	200	210	590	644	683						551 873
HB	424	200	210	545	545	651				686		290 437 667 873
HB	425	200	210	1043	1044	1116				1045		653 1268
HB	426	210	236									
HB	427	210	236	1052	1052	1188	1400	2528	2532	1053	1400	289 1268 1428
HB	428	232	236	462	463	524	745	2528	3006	468 473 667 686 2699	745 2699	342 375 673 869
HB	429	232	236									290
HB	430	232	236									290
HB	431	232	236	673	674	707	839	2528	3006	2699	839 2699	268 385 667 717
HB	432	232	236									268 667 903 2042
HB	433	232	236	1747	1749	1772	2229			1750	2229	290 375 531 869 2042
HB	434	232	236	310	315	341	436	897	901		436	257 379
HB	435	232	236	702	703	745	1192	1771	1789	703	1192	290 506 1199
HB	436	232	236	754	755	837	1117	2351	2958	2476	1118 2476	403 437 910 1210 3082
HB	437	232	236									331 527
HB	438	232	236	453	460	524	549	2838	3006		550	268 273 331 534
HB	439	232	236									331
HB	440	232	236	453	461	524	550				550	268 273 331 534
HB	440	232	236	453	461	524	550				550	268 273 331 534

HISTORY OF HOUSE BILLS

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
HB 441	233	236	2420	2420	2528	2686	3160	3173	2421	2686	331
											527
											2544
											3082
											331
HB 442	233	236									268
HB 443	233	236	453	461	524	878			870	878	273
											331
											590
											760
HB 444	233	236	835	835	878	1190	2838	3006	1118	1190	331
											527
											898
											1263
											289
HB 445	233	236	349	350	372						409
											534
HB 446	233	236	841	841	878				842 843		540
											707
											898
HB 447	233	236	1717	1729	1753	2221	3087	3160	1732	2221	587
											1918
											2267
											257
HB 448	233	236	657	663	683				663 1925		403
											521
											717
											903
											1924
											2041
											2490
HB 449	233	236	673	680	707	839			682	839	290
											717
											869
HB 450	233	236	2200	2220	2296	2692			2220	2692	343
											2544
HB 451	236	256	726	735	837	1241	2268	2351		1241	527
											873
											1273
HB 452	236	256	437	445	506	838			446 758	838	371
											542
											667
											869
											904
											905
HB 453	236	257	884	885	898	1270				1270	448
											506
											758
											1212
											1275
											3311
HB 454	236	257	779	789	878	964	3087	3160	790	965	710
											898
HB 455	236	257	380	380	433	526	838	873		526	290
											453
											530
HB 456	252	257	1458	1473	1753				1473		1125
											1742
											1993
HB 457	252	256									
HB 458	252	256									
HB 459	252	257									
HB 460	252	256	294	303	341	384	897			384	268
											331
											363
											402
											448
											901

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
HB	461	252	256									
HB	462	252	257	380	380	433	526	3083		381 3176 3178	526	290 453 3178 3244 3247 3292
HB	463	253	257									343
HB	464	253	256	725	725	837	1189	1789	1919	725 1196	1189	290 341 873
HB	465	256	272									371 375 521 531 541 667 760
HB	466	256	272	410	410	506	683	2221	2268	418	683	341 524 685 714
HB	467	256	272	2015	2016	2221	2465			2025 2384	2465	341 2351
HB	468	256	272	1458	1474	1753	2222	3160	3173		2222	1268 1918
HB	469	256	272	1204	1209	1237						378 758 906 1744
HB	470	260	272	673	682	707	880	1789	2221	683 713 871 908 1992	880 964 1992	343 717 893 894 905 1048
HB	471	260	272	542	543	651	709	1267	1331		709	371 673
HB	472	260	272	657	663	683						331 378 762
HB	473	260	272	1144	1148	1237	1772			1149	1772	375 710 1432 1995
HB	474	260	272									331 378
HB	475	260	272									
HB	476	260	272	2112	2112	2221	2535	3208	3219	2112 2230 2652	2535	1789 2413
HB	477	260	272	509	517	524	550	880	1116	518 968	550 970	341 403 521 534 1210
HB	478	272	294									971
HB	479	272	294									
HB	480	272	294	394	394	433						341 542
HB	481	272	294	590	644	683	748	3005	3020	714	749	587 691
HB	482	272	294	1132	1141	1237	1403	2528	2532		1403	551 1277 1428

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 483	289	294	567	567	651						385 762
HB 484	289	294									437
HB 485	289	294	767	767	878	965	2528	2532	769	965	898 1124 342
HB 486	289	294									
HB 487	289	294									385
HB 488	289	294	2200	2211	2296	2692			2211	2693	448 521 2544 3082
HB 489	289	294	437	439	506	538	1051	1238	442 1192	538 1195	371 524 1263
HB 490	289	294	763	763	878	1700	2528	3085	764 1049 1338 1427 2965	1700 2966	1212
HB 491	293	335									371 1717
HB 492	293	335	971	974	1116	1239				1239	754 1126 1273
HB 493	293	335									506
HB 494	293	335	1099	1105	1188	1699			1106 1428	1699	1268 1363
HB 495	293	335	1458	1475	1753	2039	3005	3020		2039	1268 1918
HB 496	293	335									385
HB 497	293	335	590	645	683	839			758	839	691 869
HB 498	293	335									437
HB 499	293	335	953	956	1116	1401			961	1401	1212
HB 500	328	335	843	849	878	1242	2528	3006	857 2700	1242 2700	378 1126 1273
HB 501	328	335									448 653 758
HB 502	328	335	779	790	878	965	3005	3020		965	710 898 1124
HB 503	328	335	2238	2238	2296				1781 2247 2378 2477 3062		1993 2522
HB 504	328	335	654	654	683	747			654	748	537 541 691 1358
HB 505	328	335									531
HB 506	328	335									903
HB 507	328	335	1277	1278	1399	1773	2838	3006		1773	1744
HB 508	328	335									551
HB 509	328	335	654	655	683	747			655 656	747	691

		Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	510	328	335	1328	1328	1399	1755			1329 1714 1715	1755	531 758 869 1244 1363 1432 1995
HB	511	328	335	774	776	878	1190			779 908 1049	1190	551 898 1199
HB	512	328	335	2238	2247	2296	2533	3160	3173		2533 2682	903 2413 2677 2832 2998
HB	513	328	335									378
HB	514	329	335									
HB	515	329	335	590	646	683	1189	2351	2413		1189	538 691 1263
HB	516	329	335	551	556	651	1189			556 908 1119	1189	409 762 1263
HB	517	335	363	1144	1149	1237	1403	3005	3020		1403	911 1277
HB	518	335	363	971	974	1116	1269	3196	3211		1269	884 1126 1273
HB	519	335	363	971	974	1116	1269			974	1269	884 1126
HB	520	335	363	1458	1477	1753	2365	3160	3173		2365	884 1918
HB	521	335	362	843	865	878	965	2537	3006	2805	965 2805	537 894 898 1124
HB	522	335	362									375 403 903
HB	523	342	362	1052	1053	1188	1334	2268	2351		1334	898 1268
HB	524	342	362	551	557	651	882	2351	2958	2476	882 2476	527 762
HB	525	342	363	1974	1974	2036	2685				2685	587 1365 2522 2998
HB	526	342	362	551	560	651	883	2838	3085	3026	883 3027	530 762
HB	527	342	362	1855	1855	1984	2038	2838	3006	1857	2038	509 1993
HB	528	342	363	654	656	683	748			656	748	551 691
HB	529	342	362	1052	1054	1188	1334				1334	653 1268
HB	530	342	363									375 437
HB	531	342	363	2285	2285	2363						375 2237 2522
HB	532	342	363									653 1851
HB	533	342	363									
HB	534	362	378	1244	1244	1268	1701			1708	1701	653 1365

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 535	362	378	884	886	898	2367	3208	3250	886 888 2076 3213	2367 3216	587 683 1126 1789 2075 2269
HB 536	362	378	971	975	1116						403 754 906 1268
HB 537	362	378	1106	1112	1188	1400			1112 1708	1400	898 1268 1769
HB 538	362	378									758 1428
HB 539	362	378									527
HB 540	362	378	699	699	745	881	2268	2351		881	653 762
HB 541	362	378									
HB 542	362	378									537
HB 543	362	378	1882	1886	1984	2225	3160	3250	1887 3192	2225 3192	653 2041 3202
HB 544	362	378	551	564	651	879	2351	2413	565 871	879	509 717
HB 545	372	378	971	975	1116						754 1365 1789 2237
HB 546	373	378	1144	1149	1237	2680	3160	3250	1150 3192	2680 3192	710 1433 2237 2385 2522 2832 2998 3202
HB 547	373	378	1375	1376	1699	1987				1987	385 1771
HB 548	373	378	657	664	683	748	2679	2958	666	748	506 691 758
HB 549	373	378	1308	1311	1399	2223	3005	3020	1311 1312 2179	2223	509 1918
HB 550	373	378									437
HB 551	373	378	735	744	837				667 1271 1427		653 688 1126
HB 552	373	378	911	912	1116	1239	3160	3173		1239	509 1126 1262 1273
HB 553	373	378	1080	1095	1188	1334			1095	1334	653 1268 2237
HB 554	377	408									
HB 555	377	408	779	790	878	965	2351	2413		965	710 898
HB 556	377	408	1458	1477	1753	2225				2225	884 1993
HB 557	377	408	726	735	837	901	1743	1755		901	653 873
HB 558	377	408	2120	2126	2221	2958			2379	2958	884 2351
HB 559	377	408									683 971
HB 560	377	408									754

		Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	561	377	408	1106	1112	1188	1400			1114 1339	1400	754 1268 1428
HB	562	377	408									
HB	563	377	408	1342	1344	1399	2224			1999 2000	2224	1244 1918
HB	564	377	408	551	565	651				565		527 673 905 2004
HB	565	377	408	654	656	683				657 759 1708		537 691 1850
HB	566	377	408									
HB	567	377	408	1458	1478	1753	2038	3160	3173		2038	1268 1918
HB	568	377	408	1204	1209	1237	1846	3208	3219	1209	1846	537 1277 1995
HB	569	377	408	1798	1806	1984	2223	2838	3006		2223	1408 1993
HB	570	378	408	1308	1312	1399	1846	2528	2532	1313 1314 1426 1427	1846	509 906 1744
HB	571	378	408	754	756	837	1190	2268	2681	1119 2375	1190 2375	653 873 1263
HB	572	378	408	779	797	878	965	3005	3020		966	547 898 1124
HB	573	378	408									
HB	574	378	408	1244	1245	1268	1701				1701	509 1365
HB	575	384	408									
HB	576	384	408									
HB	577	384	408									
HB	578	384	408									894 1789 2350
HB	579	384	408	542	543	651	746	1267	1789	1336	746 1336	509 673
HB	580	384	408									
HB	581	384	408									
HB	582	385	408	699	700	745	881				881	653 762 894
HB	583	385	408	1377	1378	1699	1958	2528	3006	1379 2700	1958 2700	524 1771
HB	584	385	408									537 707
HB	585	408	452	914	914	1116	1270	3160	3250	915 3193	1270 3194	527 760 1212
HB	586	408	452	591	650	683	749	1364	1773	1706	749 1707	551 691
HB	587	408	452									
HB	588	436	452	884	889	898	1238			889 1196	1238	531 653 910 1262 1273 1275
HB	589	436	452	1204	1204	1237	1703	3083	3173	3165	1704 3170	448 707 1365

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 590	436	452									
HB 591	436	452									
HB 592	437	452	779	798	878	966	2528	2532	908	966	710 898
HB 593	437	452									653 2385
HB 594	437	452									
HB 595	437	452									
HB 596	437	452	699	702	745	881				881	653 762 894 2350
HB 597	437	452									
HB 598	437	452									
HB 599	437	452									
HB 600	437	452	1043	1045	1116	1239	3160	3173		1239	653 1126 1262 1273 1995
HB 601	437	452									
HB 602	452	524									
HB 603	452	523	843	866	878	966	1850	1919		966	537 898 1262 3202
HB 604	452	523	914	915	1116	1239	2838	3006	916	1239	688 1126 1262 1273
HB 605	452	523									688 1210 2042
HB 606	452	523	1929	1929	2036	2304	3160	3250	1935 3194	2304 3194	653 2041
HB 607	452	523	691	696	745	882	3083	3311	3178	882 3292	539 762 3180 3244 3245 3246 3248 3292 3311
HB 608	508	524	779	799	878	966	2838	3006	800	966	710 898
HB 609	508	523	1855	1858	1984	2226	3005	3020		2226	653 758 2042
HB 610	508	524									551
HB 611	508	523	754	756	837	1269	2838	3006		1269	537 1126 1770
HB 612	509	523	691	696	745	882	1431	1744		882	531 551 762
HB 613	509	523	1244	1245	1268	1701	3208	3219	1247 1708	1701	710 1365 1740

		Intro-duced	Re-ferred	Re-ported	Readings			Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	614	509	523	1855	1858	1984	2226	3005	3311	1917 2182 3095	2226 3293	653 2042 3095 3211 3244 3245 3246 3250 3292 3295
HB	615	523	534									551
HB	616	523	534									
HB	617	523	534	1408	1414	1699				1416		653 1993
HB	618	523	533	1052	1054	1188	1335	2268	2351	1055	1335	653 1268 1363
HB	619	523	534									
HB	620	523	533									
HB	621	523	534	1747	1750	1772	2303			1999 2233	2303	971 1918 2349
HB	622	527	534	971	976	1116	1240	2268	2351	977	1240	754 1126 1262 1263 1273
HB	623	527	533									
HB	624	527	534									
HB	625	527	533									653 1432
HB	626	533	542	1144	1151	1237	1404	2268	2351	1339 1340	1404	710 1277
HB	627	533	542	1106	1115	1188	1400	3005	3245	1263 3095	1400	653 1268 1428 1770 3096 3211
HB	628	533	542	767	771	878	1756	2838	3006		1756	653 1212 1769 1995
HB	629	533	542									
HB	630	533	542	1408	1416	1699	2304				2304	1274 1918
HB	631	533	542	914	917	1116	1270	3087	3250	870 937 3180 3181	1270 3182	688 1212 3202
HB	632	533	542	1458	1488	1753	1849	3005	3020	1490 1782	1849	884 1771
HB	633	538	542	953	961	1116	1333	2413	2464		1333	707 1212
HB	634	538	542	1043	1047	1116	1240			1048	1240	754 1126 1273
HB	635	542	590									
HB	636	542	590	1894	1896	1984						1363 1408 2413

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 637	551	590	2200	2211	2296	2533			2212	2533	683 2413 2677
HB 638	551	589									1432
HB 639	551	590	1212	1212	1268				1220 1225		707 1433 1789
HB 640	551	589									
HB 641	551	589									
HB 642	551	590	1244	1248	1268	1754	3160	3173	1708	1754	903 1365 1998
HB 643	551	590									
HB 644	551	590	1839	1839	1984						707 2269
HB 645	551	589									760 761
HB 646	551	589									688 2042
HB 647	589	672									1757
HB 648	589	672									1268 2042
HB 649	589	672	2015	2034	2221				2035		1757 2351 2805
HB 650	589	672									
HB 651	653	672									903 2042
HB 652	653	672	1458	1490	1753	2039				2039	1277 1918
HB 653	653	672									707
HB 654	653	672									1204 1275
HB 655	653	672	1277	1279	1399						903 1918
HB 656	653	672									
HB 657	653	672	1408	1416	1699	2038				2038	911 1918
HB 658	653	672									
HB 659	653	672	914	937	1116	1240	2351	2413	939	1240	683 1126 1263 1273
HB 660	653	672	1852	1852	1984	2226	3208	3250	1853 3216	2226 3216	841 2042 2267
HB 661	653	672	1717	1732	1753				1735 1737		707 2042
HB 662	653	672	911	913	1116	2305	3160	3173	914 2230 2231	2305	710 1162 1268 1924 2041
HB 663	653	672									
HB 664	653	672	2319	2319	2363	2680	3196	3211	2666	2680	2237 2267 2522 2998

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	665	653	672	717	721	837	1985			1776 1777	1985	667 688 869 910 1363 1995 2350 2520
HB	666	672	690	1052	1055	1188	1755			1064 1263 1340	1756	898 1432 1995
HB	667	672	690	1330	1330	1399	1986	2528	2532	1758	1986	837 1744
HB	668	672	690									754
HB	669	672	690	2004	2004	2221	2535			2010 2194 2196	2535	754 2351
HB	670	688	690	1408	1418	1699	1988	2528	2532	1418	1988	898 1771
HB	671	688	690									884 2385
HB	672	688	690	1144	1151	1237	1404			1338 1339	1404	841 1277 1429
HB	673	690	716									
HB	674	690	716	1132	1141	1237						898 1365 1428
HB	675	690	716									2220
HB	676	690	716									869 2237 2412
HB	677	709	716	1308	1314	1399	2036	2838	3311	1326 2000 3027	2037 3293	754 758 894 1363 1918 1995 1996 2350 3027 3173 3199 3211 3290 3293 3311
HB	678	709	716	2120	2126	2221	2465			2127 2383	2466	1125 2351 2520
HB	679	709	716									758
HB	680	709	716	1355	1356	1399	1773	3196	3211		1774	1244 1744
HB	681	709	716	2120	2128	2221	2536				2536	1993 2413
HB	682	709	716	1144	1185	1237	1404	3087	3160		1404	754 1277 1428
HB	683	709	716									
HB	684	709	716	1855	1859	1984	2471	3087	3250	3182 3183	2471 3183	754 2351 2520 3202

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
HB 685	709	716	1342	1347	1399	1846	2838	3006		1846	1244 1744
HB 686	709	716	1342	1349	1399	1847	3208	3250	3217 3218	1847 3218	1244 1744
HB 687	709	716	1342	1349	1399	1986	2838	3006		1986	1244 1744
HB 688	709	716									
HB 689	709	716									1742
HB 690	709	716									
HB 691	710	716	1144	1186	1237	1986				1986	754 1744
HB 692	710	716	914	940	1116	1700	3021	3085	940	1700	758 841 1365
HB 693	710	716	1377	1381	1699	1988	3083	3160	1780	1988	1268 1771
HB 694	710	716									
HB 695	710	716	1839	1843	1984	2369	3160	3173		2369	837 2269
HB 696	716	762	2391	2392	2461	2964				2964	1789 2042 2237 2821
HB 697	716	762	1717	1737	1753	2039			1738 2001 2002	2040	1268 1742 1918
HB 698	716	762	1106	1115	1188	1756	3087	3160	1423	1756	898 1432 1770 1995
HB 699	716	762	1925	1925	2036	2367	3160	3173	2472	2367	1204 2269 2412
HB 700	716	762	914	940	1116	1331	2221	2958		1332 2472	841 1212
HB 701	716	762									2522 2677
HB 702	753	762									1204
HB 703	753	762									2042
HB 704	753	762	1458	1492	1753	2040	3160	3173		2040	1277 1918
HB 705	754	762									
HB 706	754	762	1342	1350	1399	1847	2679	2958	1353	1847	1244 1744
HB 707	754	762									
HB 708	762	872									898
HB 709	762	872	914	941	1116	1846	3196	3211	1120 1263 1711 1776	1846	869 873 1210 1365
HB 710	762	873	2277	2277	2363	2964				2964	1432 2821 2998 3082
HB 711	840	872	1882	1887	1984	2226			1893	2226	1244 2042
HB 712	840	872									
HB 713	840	873									1757
HB 714	841	872									
HB 715	841	873									
HB 716	841	872	1408	1419	1699	1988	3196	3219	1419 1711 3208	1989 3209	1051 1771 1995 3311
HB 717	841	872									
HB 718	841	872	1365	1367	1699	1989				1989	1050 1771

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 719	841	872									1244
HB 720	841										894
HB 721	841	872									884 1995
HB 722	841	873	1342	1353	1399	1774	2528	2532		1774	1244 1744
HB 723	841	872	2326	2326	2363	2683				2683	2004 2522 2998
HB 724	841	873									1204
HB 725	841	872									1789
HB 726	841	872	1244	1248	1268	1702			1249 1707	1702	903 1365 1742
HB 727	841	872	1855	1860	1984	2369	3160	3173		2369	1244 2269 2412
HB 728	872	898									
HB 729	872	897									971 1851
HB 730	872	897									971 1851
HB 731	872	898	2285	2285	2363	2530	3160	3173		2530	1993 2413
HB 732	872	898	1855	1862	1984	2227	3208		1996 2234	2227	1244 2042
HB 733	872	898	1894	1898	1984	2369	3160	3173	1901	2369	1244 1995 2269 2412
HB 734	872	898									2042
HB 735	872	898									1408
HB 736	883	897	1277	1281	1399	2222			1289	2222	1125 1363 1771
HB 737	883	898									
HB 738	883	897	1052	1064	1188	1405	3005	3020	1066 1263	1405	898 1277
HB 739	883	897									
HB 740	883	898									1757
HB 741	883	898	1747	1752	1772	2373	3160	3173	1752 1753	2373	1274 1995 2269
HB 742	883	897	1408	1419	1699	2223	3208	3219		2223	1051 1918 3082
HB 743	883	898	1435	1435	1753	2530			1709 2229 2481	2531	1048 1358 1771
HB 744	883	898									1048 1268 2075
HB 745	883	898	1433	1433	1753	2041	2679	2958		2041	1125 1993
HB 746	883	898									1048 1993 2385
HB 747	883	898	1717	1738	1753	2040	3087	3250	1739 3184	2040 3184	911 918 3202
HB 748	884	897	1375	1376	1699	1989	3160	3173	1426	1989	971 1771 1995
HB 749	884	897	1798	1807	1984	2227			1807 1997	2227	1125 2042

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	750	884	897									2237
HB	751	884	898									1771
												2385
HB	752	884	898									2042
HB	753	897	910	1300	1301	1399	1986				1986	1188
												1744
HB	754	897	910									1188
HB	755	897	910									1188
HB	756	897	910									1122
HB	757	897	910	2430	2432	2528	2686	3208	3250	2669	2687	2042
										3236	3237	2544
HB	758	897	910	1965	1965	2036	2225			1973	2225	1358
												2041
HB	759	897	910									
HB	760	897	910	1300	1301	1399	1774	3208	3219	1302	1774	1204
												1744
HB	761	897	910	2200	2213	2296						1408
												2351
HB	762	902	910									1204
HB	763	902	910									1204
HB	764	902	910	1855	1863	1984	2365	3196	3211	2234	2365	1268
										2314		2042
HB	765	902	910	1377	1380	1699	1989	2528		3013	1989	1268
												1771
												3013
												3173
												3199
												3203
												3210
												3219
												3245
HB	766	902	910									1274
HB	767	902	910									1204
HB	768	902	910	2430	2436	2528	2687	3208	3219		2687	1358
												2544
HB	769	902	910	1300	1302	1399	1774				1774	1188
												1744
HB	770	910	1050									1852
												1905
HB	771	910	1050									1365
												1406
												1432
HB	772	910	1050	1747	1751	1772	2040	2838	3006		2040	1204
												1918
												2520
HB	773	910	1050									2318
HB	774	970	1050	1244	1249	1268	2364	3087	3160	2078	2364	1125
										2089		1433
												1789
												2269
HB	775	970	1050	1882	1882	1984	2227	3160	3173		2227	1717
												2042
HB	776	970	1050	1882	1882	1984	2227				2227	1717
												2042
HB	777	971	1050	1408	1421	1699	2303				2303	1204
												1918
												2349
HB	778	971	1050									
HB	779	971	1050	2200	2216	2296	2533				2533	1274
												2413
												2677
HB	780	971	1050	2522	2522	2679	2961				2961	2042
												2821
HB	781	971	1050	1458	1492	1753	2229			1783	2229	1204
												2042

	Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 782	971	1050	2391	2392	2461	2688			2393	2688	2237 2544
HB 783	971	1050	1925	1928	2036	2367	3160	3250	1928 3194	2367 3195	1244 2269 2412
HB 784	971	1050									1277 1852
HB 785	971	1050	2054	2054	2221	2466			2058	2466	1771 2351
HB 786	1050	1211									1408 1758
HB 787	1050	1211	2197	2197	2296	2533			2200	2533	1365 2413 2677
HB 788	1050	1211									1365
HB 789	1124										1200
HB 790	1124	1211	1929	1941	2036	2470				2470	1275 1406 1429 1717 1995 2351 3082
HB 791	1124	1211									1996 2267
HB 792	1124	1211									
HB 793	1124	1211									
HB 794	1124	1211	1365	1368	1699	2036	2528	2532	1374	2036	1210 1274 1993 2196 2520
HB 795	1124	1211									1274
HB 796	1124	1211									
HB 797	1124	1211									1277
HB 798	1124	1211	2112	2113	2221	2466	3160	3173		2466	1789 2351
HB 799	1124	1211	2326	2327	2363	2680	3196	3211		2680	1274 2522 2998
HB 800	1124	1211									1717
HB 801	1125	1211									1995
HB 802	1125	1211									
HB 803	1125	1211									
HB 804	1125	1211	2430	2436	2528	2680				2680	1851 2544 2998
HB 805	1126	1268	2200	2217	2296	2534			2217	2534	1358 2413 2677
HB 806	1126	1268	1894	1903	1984	2471	3208	3219		2471	1757 2351
HB 807	1126	1267	1809	1809	1984	2365	3160	3173	2232	2365	1358 2042
HB 808	1126	1211	1365	1374	1699	2303			2236	2304	1274 1771 2349 2520
HB 809	1200	1268	2430	2437	2528	2685			2439	2685	2237 2544 2832 2998 3082

		Intro-duced	Re-ferred	Re-ported		Readings		Senate Message	En-rolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	810	1200	1267	2108	2110	2221	2536	3160	3250	2110 2232 2234 3195 3196	2536 3196	1358 2413
HB	811	1200	1267	2269	2269	2363	2960				2960	1993 2544
HB	812	1200	1268									
HB	813	1200	1268									1758 2519
HB	814	1200	1267							1906		
HB	815	1200	1268	1458	1492	1753	2039	3160	3173		2039	1358 1918
HB	816	1200	1268	1458	1493	1753	2039	3160	3173		2039	1358 1918
HB	817	1200	1268									1717
HB	818	1200	1267	1960	1960	2036	2367	3160	3173		2367	1852 1905 2269
HB	819	1200	1268									1358
HB	820	1200	1267									
HB	821	1200	1267									1995
HB	822	1200	1267									
HB	823	1200	1268	2120	2130	2221				2131		1852 2522 2805
HB	824	1200	1268									
HB	825	1200	1211	1798	1808	1984	2036	2528	2532	1779 1781	2036	1244 1275 1993 1995
HB	826	1200	1268									
HB	827	1200	1268									1717
HB	828	1200	1267	2090	2090	2221						1789 2520 2544
HB	829	1200	1268									1717
HB	830	1200	1268									
HB	831	1201	1268									1789
HB	832	1201	1268	2200	2217	2296	2683			2675	2683	1408 2413 2534 2677 2998 3082
HB	833	1211	1276							1423 2315 2378		1432
HB	834	1211	1276									2413
HB	835	1243	1276									1995
HB	836	1243	1276									
HB	837	1243	1276	1929	1954	2036	2538	3160	3173		2538	1717 2413
HB	838	1243	1276									
HB	839	1243	1276	2112	2113	2221	2466	3160	3173	2115	2466	1358 2351
HB	840	1243	1276	2004	2012	2221	2467	3208	3219		2467	1358 2351
HB	841	1243	1276	2120	2132	2221	2467				2467	1789 2351
HB	842	1243	1276	2491	2491	2528	2689	3208	3219	2670 2671 2807	2690	1789 2544
HB	843	1243	1276	2090	2091	2221	2467	3160	3250	3193	2467 3193	1789 2351 3201 3202

	Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
				1st	2nd	3rd					
HB 844	1243	1276									1789
HB 845	1243	1276	2361	2361	2461	2689				2689	1919 2544
HB 846	1243	1276	2361	2362	2461	2690			2363	2690	1919 2544
HB 847	1243	1276									
HB 848	1243	1276									1408 2042
HB 849	1243	1276									
HB 850	1243	1276									1789 2042
HB 851	1243	1276									
HB 852	1243	1276	2407	2407	2461	2691			2408	2691	1408 2544
HB 853	1243	1276									
HB 854	1243	1276	1882	1883	1984	2228	3160	3173		2228	1361 1717 2042
HB 855	1267	1364									1758
HB 856	1267	1364									
HB 857	1267	1364									1717
HB 858	1267	1364									
HB 859	1267	1364	1974	1974	2036	2470			2313	2471	1717 2351 2520 3082
HB 860	1267	1364									1429 2237
HB 861	1267	1364	2108	2110	2221						1852 2522
HB 862	1267	1364									1717
HB 863	1273	1365									2042
HB 864	1273	1364									
HB 865	1273	1364									
HB 866	1273	1364	2269	2269	2363						1993 2522 2677
HB 867	1273	1364	2035	2035	2221	2530	3160	3173		2530	1850 1852 2351 2677
HB 868	1273	1364	2054	2069	2221				2074		1771 2414
HB 869	1273	1364	2112	2115	2221	2536	3160	3173	2376	2536	1429 1789 1995 2350 2413
HB 870	1273	1365									
HB 871	1273	1364	2430	2440	2528	2963	3208	3219		2963	2319 2821
HB 872	1273	1364									1717
HB 873	1273	1365	1894	1904	1984	2228	3005	3020	1905	2228	1757 2042
HB 874	1273	1364									
HB 875	1273	1364									1743
HB 876	1273	1364	2277	2280	2363	2965			2676	2965	1788 2821
HB 877	1273	1364									
HB 878	1274	1364	2112	2116	2221	2462	3196	3250	3200	2462 3200	1789 2351 2520
HB 879	1274	1364	1974	1981	2036						1717 2041 2306

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
HB	880	1274	1364	2054	2062	2221	2468			2063	2468	1771 2351 3082
HB	881	1274	1365	2332	2332	2363	2681	3208	3219	2314	2682	2042 2522 2831 2998
HB	882	1274	1365	2120	2132	2221	2684			2134	2685	1717 2522 2998
HB	883	1274	1364									2042
HB	884	1276	1432									1757 2350
HB	885	1276	1432	2120	2135	2221	2536				2536	1789 2413
HB	886	1276	1365	2120	2135	2221	2468	3196	3211		2468	1769 1789 2351
HB	887	1341	1432	2277	2282	2363	2959			2807	2959	1984 2522
HB	888	1341	1432	1809	1810	1984	2366	3160	3173	2313	2366	1432 2042 2412
HB	889	1341	1432									1771
HB	890	1341	1432									
HB	891	1341	1432									
HB	892	1341	1432	2392	2394	2461	2690	3208	3219		2690	1993 2544
HB	893	1341	1432									1850 1852
HB	894	1341	1432	2238	2249	2296	2534	3196	3211	2253 2254 2255	2534	2042 2413 3158 3202
HB	895	1341	1432									2042
HB	896	1341	1432	1855	1864	1984	2228			1873 2195	2228	1717 2042
HB	897	1341	1432	1919	1919	2036	2367	3160	3311	3196	2367 3294	1788 1905 1995 2269 3197 3244 3247 3249 3250 3294 3307
HB	898	1341	1432	2430	2443	2528	2687				2687	1789 2544 3082
HB	899	1341	1432	2420	2422	2528	2685	3208	3250	2423 2424 3218	2685 3219 3316	2237 2544 2998 3312 3313 3315
HB	900	1341	1432									
HB	901	1341	1432									

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	902	1341	1432	1809	1811	1984	2304	3208	3311	2182 3219 3229	2304 3295	1717 1993 2350 3230 3245 3246 3247 3248 3249 3295 3307
HB	903	1341	1432									1432
HB	904	1341	1432									
HB	905	1341	1432	2450	2450	2528	2685				2685	2318 2544 2998
HB	906	1341	1432									
HB	907	1341	1432									
HB	908	1341	1432	2120	2136	2221	2537			2676	2537	1758 2413
HB	909	1341	1432									
HB	910	1341	1432									
HB	911	1341	1432									
HB	912	1341	1432									
HB	913	1341	1432	2332	2333	2363	2682			2315	2682	2042 2522 2998
HB	914	1341	1432									
HB	915	1342	1432	2238	2255	2296						1429 1742 1789 1995 2414 3082
HB	916	1364	1743	2352	2352	2461	2691			2352	2691	1788 1905 2544
HB	917	1364	1743									2004
HB	918	1364	1743	2285	2286	2363	2682				2682	2042 2306 2522 2998
HB	919	1364	1743	2120	2137	2221	2366	3160	3173	2375	2366	1789 2269 2412
HB	920	1364	1743									
HB	921	1364	1743									
HB	922	1406	1743									2319 2350
HB	923	1406	1743									
HB	924	1406	1743	2004	2013	2221	2468	3208	3219	2013	2468	1771 2351 2520
HB	925	1406	1743									
HB	926	1406	1743									1788 1905
HB	927	1406	1743									1851
HB	928	1406	1743									
HB	929	1406	1743									
HB	930	1406	1743									
HB	931	1406	1743	2200	2218	2296						1851 2821 2965
HB	932	1406	1743									2042
HB	933	1407	1743									2042
HB	934	1407	1743									2042

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	935	1407	1743	2050	2050	2221	2961			2052	2961	1851 2350 2544 3082
HB	936	1407	1743	2200	2218	2296	2684				2684	1851 2522 2998
HB	937	1407	1743									2042
HB	938	1407	1743	2090	2103	2221	2373	3196	3250	3202	2373 3203	1789 2269 3201 3202
HB	939	1407	1743									
HB	940	1407	1743									
HB	941	1407	1743									
HB	942	1431	1771									1789
HB	943	1431	1771									
HB	944	1431	1771									
HB	945	1431	1771									
HB	946	1431	1771	2042	2042	2221	2467	3160	3245	1766 2049 2050 2666 3197	2468 2531	1789 2269 2306 2469 3197 3243 3245
HB	947	1431	1771	2120	2172	2221						1993 2544
HB	948	1431	1771									2237
HB	949	1431	1771									1995
HB	950	1431	1771									
HB	951	1431	1771									2004
HB	952	1431	1771	2269	2269	2363	2679	3208	3219		2679	1993 2522 2998
HB	953	1431	1771									
HB	954	1431	1771	1960	1960	2036	2368				2368	1788 1905 2269
HB	955	1431	1771	1960	1961	2036	2368	3021	3085	1961	2368	1851 1852 1905 2269
HB	956	1431	1771									1788
HB	957	1431	1771									2237
HB	958	1432	1771									1788
HB	959	1432	1771									1789
HB	960	1432	1771									1851
HB	961	1432	1771									2042
HB	962	1432	1771	2326	2327	2363	2965				2965	2004 2821
HB	963	1432	1771									
HB	964	1715	1771	2120	2173	2221	2468	3160	3250	3197	2468 3197	1789 2351 3082
HB	965	1716	1771									
HB	966	1716	1757	1809	1821	1984				1825 2182		1757 2414
HB	967	1716	1771	2120	2174	2221	2469			2376	2469	1789 2351
HB	968	1716	1743	2108	2110	2221	2469			2111	2469	1852 2351
HB	969	1716	1771									
HB	970	1716	1771	2285	2287	2363	2530			2291 2651	2530	2042 2413
HB	971	1716	1771									
HB	972	1716	1771									2004

		Introduced	Referred	Reported		Readings		Senate Message	Enrolled	Sub. or Amend	Voting*	Other Action
					1st	2nd	3rd					
HB	973	1716	1771	2120	2175	2221	2693			2693		1852 2544
HB	974	1716	1771									2004
HB	975	1716	1771	1960	1962	2036	2368	3021	3085		2368	1788 1905 2269
HB	976	1716	1771	2420	2424	2528	2686			2477	2686	2318 2349 2544
HB	977	1716	1771									1995 3082
HB	978	1716	1771	2491	2492	2528	2686	3208	3311	2497 2501 2667 3231	2686 3295	1851 2544 2998 3236 3245 3246 3247 3248 3294 3307
HB	979	1716	1771	2269	2270	2363	2680			2271	2681	1993 2522 2998
HB	980	1716	1743									
HB	981	1716	1779	2269	2271	2363	2965				2965	1993 2821 2998
HB	982	1716	1771	2414	2414	2528	2687	3208	3250	3230	2687 3231	2042 2544 3311
HB	983	1716	1779									
HB	984	1716	1771	2054	2063	2221	2469	3208	3219	2064	2469	1851 1995 2351
HB	985	1716	1743	2112	2119	2221				2235 2383		1851 1995 2544
HB	986	1716	1771									1851
HB	987	1716	1771									2522 2677
HB	988	1716	1771									2318
HB	989	1741	1743	2054	2064	2221				2064		1758 2414
HB	990	1741	1743									

HISTORY OF HOUSE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.)
*Voting modifications appear at the member's name in the subject index.

Bill No.		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Voting*	Other Action
HJR	1	2	19	30	31	45	106		1051	1744	106 1192	32 53 106 107 1192 1262
HR	2	2	523									
HCR	3	2	19									
HCR	4	2	19									
HCR	5	2	19	462	474	524	550		2351	2413	550	21 143 254 534
HCR	6	2	19	77	95	138	185		1211	1270	185	50 144
HCR	7	2	19	253	253	257	326				326	68 253 254 273 360 373 1261
HR	8	2						1262				
HCR	9	3	19	23	23	45	68				68	24 32 48
HR	10	11						11				
HR	11	11						11				
HR	12	11						12				
HR	13	2						2				
HR	14	11						20				20
HR	15	22						29				
HJR	16	22	33									
HR	17	30						2519				
HR	18	33						69				
HR	19	33						111				
HCR	20	51	53	717	723	837	902		2268	2351	902	385 873
HCR	21	52						149	340	373	149	148
HR	22	52						149				
HCR	23	52	74									107 270 710 884
HCR	24	71	73									
HCR	25	71	73									1275
HJR	26	71	73									
HR	27	71	523	1919	1919	2036						688 2269
HJR	28	108	112	779	800	878	1117		3005	3020	1117	710 801 910
HR	29	108						110				
HR	30	140						167				
HCR	31	140	144									

Bill No.	Intro-duced	Re-ferred	Re-ported	Readings 1st	2nd	3rd	Adopted	Senate Message	En-rolled	Voting*	Other Action
HR 32	169						185				
HR 33	169						186				
HCR 34	187	210									254
HJR 35	187	210									
HJR 36	201	210									
HR 37	233						234				
HJR 38	233	236									
HCR 39	233	236	754	757	837	902		1789	1919	902	273 873 906
HCR 40	233	236	380	381	433	537		1276	1401	537	290 453 531
HR 41	236						259				268
HR 42	256						260				
HR 43	256						327				
HR 44	256						291				
HR 45	260						269				
HCR 46	272	294	545	547	651	746		1789	1919	746	373 673
HJR 47	289	294									
HR 48	293						448				
HR 49	293						328				
HR 50	293						331				
HCR 51	293	335	591	650	683	882		1364	1401	882	551 713 762 894
HR 52	293						330				
HR 53	329						329				
HR 54	335						358				
HR 55	342						359				
HR 56	342	524	2120	2176	2221	2537				2537	1268 2412 2413
HR 57	342						360				
HJR 58	342	362	1809	1825	1984	2538				2538	375 841 1210 2413
HR 59	362						374				
HR 60	373	523	1375	1375	1699	2958				2958	551 1376 1771
HR 61	374						375				
HCR 62	378	408	971	1042	1116	1240		3005	3020	1241	754 1042 1043 1126 1273
HR 63	378						402				
HR 64	378						401				
HCR 65	385	408	779	801	878	1849				1850	538 667 802 898 903 1131 1198 1264 1337 1424 1425 1426 1744

Bill No.	Introduced	Referred	Reported	Readings			Adopted	Senate Message	Enrolled	Voting*	Other Action
				1st	2nd	3rd					
HCR 66	408	452	953	961	1116	1241		3005	3020	1241	707 1126 1273
HR 67	437						448				
HR 68	437						447				
HR 69	437	523	717	724	837	1189				1189	667 683 758 873 1210 1263
HR 70	452						525				525
HR 71	509						519				
HR 72	523						529				
HR 73	527						530				529 530
HCR 74	527	534	2004	2014	2221	2537		3208	3219	2537	653 2413
HCR 75	527	534	1144	1188	1237	1403		3005	3020	1403	754 1277 1428
HR 76	538						539				541
HR 77	542	590					685				
HJR 78	551	590	953	962	1116	1241		1771 2528	3311	1241 3296	707 1126 1273 2306 2967 3008 3201 3208 3210 3244 3295 3307
HR 79	551						587				
HJR 80	551	590	1894	1905	1984	2372				2372	1757 2269
HJR 81	672	690	1132	1143	1237	1403		3005	3020	1403	903 1277 1340 1905
HR 82	710						713				
HR 83	710						711				
HR 84	710						711				711
HCR 85	710	716	2004	2014	2221	2469				2470	754 2351
HR 86	754	762	1458	1493	1753	1987				1987	898 1771 1995
HR 87	841						869				
HR 88	841						905				
HR 89	872						891				
HR 90	884						890				894
HR 91	884						892				
HR 92	884						892				
HR 93	884						893				
HR 94	884						893				
HR 95	884	897									903
HR 96	897						903				906
HR 97	897						904				
HR 98	903						963				
HJR 99	971	1050									
HJR 100	971	1050									1365 2385
HR 101	971										

Bill No.	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Voting*	Other Action
HJR 102	971	1050									1268 1778
HR 103	1050						1123				1123 1210
HR 104	1125						2520				
HR 105	1125						1363				
HJR 106	1125	1211									
HJR 107	1125	1211									
HR 108	1201						1201				
HR 109	1201						1203				1210
HR 110	1201										
HR 111	1211						1337				1337
HR 112	1243						1361				
HR 113	1243						1261				1261
HCR 114	1243	1276	1855	1874	1984	2369		3208	3250	2369 3236	1717 1875 2269 2412 3236
HJR 115	1243	1276	2522	2523	2679	2962				2962	1993 2821
HJR 116	1267	1365									
HCR 117	1274	1365	2120	2176	2221	2470		3160	3173	2470	1852 2351
HR 118	1274						1275				
HR 119	1342						1360				
HR 120	1342						1361				
HCR 121	1342	1432	2054	2068	2221	2537		3208	3219	2537	1771 2413
HR 122	1342						1362				1362
HR 123	1342						1360				
HR 124	1342						1359				
HR 125	1342										
HJR 126	1407	1743	2522	2523	2679	2962		3196	3211	2962	2269 2821
HR 127	1407						1768				
HR 128	1407						1741				
HR 129	1407						2520				
HR 130	1407	1743									2318
HCR 131	1407	1432	2120	2177	2221	2470		3160	3173	2470	1758 2177 2351
HCR 132	1407	1743	2269	2275	2363	2683		3208	3219	2683	1993 2522 2998
HCR 133	1407	1743									
HR 134	1407	1743									2350
HCR 135	1407	1743	2120	2178	2221	2470				2470	1852 2351
HCR 136	1407	1743	2522	2524	2679	2961				2961	2318 2821 2998
HJR 137	1407	1743									
HR 138	1408						1429				
HJR 139	1432	1743	1809	1826	1984	2037		3005	3021	2037	1757 1917 1993 2350
HR 140	1716						1741				
HCR 141	1717	1788	3005	3005	3084	3171				3171	2522 2677 3155 3202
HR 142	1757						1768				
HR 143	1757						1767				
HR 144	1757						1769				

Bill No.	Intro-duced	Re-ferred	Re-ported	Readings			Adopted	Senate Message	En-rolled	Voting*	Other Action
				1st	2nd	3rd					
HCR 145	1788	1918	2285	2295	2363	2531		3160	3173	2531	2237 2413
HCR 146	1918	2004									
HCR 147	1993	2004	2414	2415	2528	2687		3196	3211	2688	2237 2416 2544
HR 148	1993						1995				2350
HR 149	1993						1994				
HR 150	2041						2266				
HR 151	2237						2267				
HR 152	2237						2410				
HR 153	2268						2364				
HR 154	2268						2298				
HR 155	2268						2298				
HR 156	2268						2349				
HCR 157	2318	2351									2522 2677
HR 158	2370						2372				
HR 159	2384						2411				
HR 160	2384						2410				
HR 161	2413						2519				
HR 162	2490						3319				
HR 163	2529						2529				2529
HR 164	2544						2835				
HR 165	2544						2960				
HR 166	2679						3028				
HR 167	2820						2833				
HR 168	2820						3081				
HR 169	2820						2833				
HR 170	2821						2836				
HR 171	2821						2834				
HR 172	2821						2995				
HR 173	2821						2835				
HR 174	2821						2993				
HR 175	2978						2991				
HR 176	2978						2992				
HR 177	2978						2997				
HR 178	2978						2994				
HR 179	2978						2997				
HR 180	2978						2996				
HR 181	2978						3080				
HR 182	2993						2993				
HR 183	3075						3081				3082
HR 184	3075										
HR 185	3075						3080				
HR 186	3076						3092				3202
HR 187	3076						3079				
HR 188	3076						3087				
HR 189	3155						3158				3158
HR 190	3096						3097				
HR 191	3155						3156				
HR 192	3155						3162				
HR 193	3155										
HR 194	3205						3206				
HR 195	3162						3163				
HR 196	3205										
HR 197	3201						3201				
HR 198	3237						3238				
HR 199	3241						3242				
HR 200	3242						3242				
HR 201	3242						3243				
HR 202	3250						3310				
HR 203	3250						3309				
HR 204	3310										
HR 205	3310						3314				
HR 206	3307						3308				
HR 207	3309						3310				

Bill No.	Introduced	Referred	Reported	Readings			Adopted	Senate Message	Enrolled	Voting*	Other Action
				1st	2nd	3rd					
HR 208	3307						3307				
HR 209	3313						3320				
HR 210	3315						3315				
HR 211	3317						3320				
HR 212	3316						3317				
HR 214	3317						3321				
HR 215	3317						3319				
HR 216	3317						3318				
HR 217	3317						3326				
HR 218	3323						3324				
HR 219	3323						3325				
HR 220	3323						3327				
HR 221	3323						3324				
HR 222	3325						3326				

HISTORY OF SENATE BILLS

(Numbers refer to page of House Journal. The text of the bill is given on first reading.)
*Voting modifications appear at the member's name in the subject index.

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub.or Amend.	Voting*	Other Action
					1st	2nd	3rd				
SB	2	210	236	779	802	878	1117	1191		1117	385 910
SB	3	210	236	338	339	372	548	751	403 519	548	272 524
SB	8	210	236	1308	1326	1399			1327 1328		653 1918 2384
SB	10	138	144	779	803	878	1191	1241	906	1192	710 898 1199 1263
SB	12	210	236	2858	2858	3006	3088	3160		3088	2318 3076
SB	13	210	236	779	805	878	966	1188		966	710 898
SB	16	210	236	385	385	433	526	548		527	343 453
SB	17	257	272	2332	2335	2363	3170	3174		3171	2042 2522 3202
SB	20	145	169	2430	2446	2528	2690	3006		2690	537 2544
SB	21	257	272	462	474	524	651	707		651	342 534
SB	22	145	169	2430	2447	2528	3011	3090		3011	2237 2979
SB	24	145	169	462	474	524	651	707		651	342 534 667
SB	28	293	335	971	977	1116	1241	1845	1040	1242	653 1126 1273
SB	29	210	236	475	492	524	652	707		652	385 542
SB	35	548	589	1377	1382	1699	2221	2305	2180 2231	2221	898 1993 2349
SB	37	589	672	2858	2858	3006	3088	3160		3088	2318 3076 3158
SB	38	1211	1276								
SB	42	340	363	2858	2860	3006	3172	3210		3172	2318 3155 3202
SB	43	210	236	542	545	651	746	839		746	673
SB	47	210	236	2352	2352	2461	3011	3311	2668 2977	3012 3306	1268 2979 3211 3306
SB	48	145	169	2430	2447	2528			3038 3103		2237 2979

		Senate Message	Re-ferred	Re-ported		Readings		En-rolled	Sub.or Amend.	Voting*	Other Action
					1st	2nd	3rd				
SB	50	251	257	1144	1186	1237	1404	1755		1405	551 1277 1428
SB	51	251	257	779	807	878	967	1188		967	551 898
SB	52	251	257	1144	1187	1237	1405	1755		1405	551 1277
SB	53	251	257	779	807	878	967			967	551 898
SB	54	251	257	1231	1231	1268	1702	1757		1702	551 1365
SB	55	257	272	1231	1235	1268	1702	1757		1702	551 1365
SB	56	257	272	1231	1235	1268	1702	1757		1702	551 1365
SB	57	257	272	779	808	878	967	1188		967	551 898
SB	58	257	272	1231	1235	1268	1702	1757		1702	551 1365
SB	59	257	272	1231	1236	1268	1703	1757		1703	551 1365
SB	60	548	590	2450	2455	2528	2688	3006		2688	1268 2544
SB	61	257	272	1458	1493	1753	1987	2037		1987	551 1771
SB	62	2838	2999								2999
SB	63	50	53	475	496	524	550	684		550	534
SB	67	533	542	2269	2276	2363	3198	3210	2276 2667 2668 2669 3031	3198	653 2413
SB	69	257	272	567	568	651	749	879		749	341 691
SB	70	378	408	2392	2396	2461	3009	3090	2396 2484 2487 2676 2817	3009	1993 2544
SB	72	533	542	691	698	745	878	901	879		551 762 894
SB	73	169	210	349	350	372	434	518	351	434	257 379
SB	76	409	452	1300	1304	1399	1775	1845	1758	1775	551 1744
SB	81	1771	1788								2384 2411
SB	82	409	452	1855	1875	1984	3007	3246	1876 2811	3008	903 2413
SB	83	210	236	1855	1876	1984			2232 2312 2316 2487		903 2042
SB	84	1743	1788	2238	2263	2296	2535	2959		2535	1993 2413
SB	86	409	452	1300	1306	1399	1775		1424 1711 1761	1775 3237	551 1744 2221 2375 2967 3006 3081 3083 3210 3237

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub.or Amend.	Voting*	Other Action
					1st	2nd	3rd				
SB	88	340	363	2858	2860	3006	3173		2863 3040 3064 3065 3153 3203	3174	2318 3155 3202
SB	91	210	236	1855	1877	1984	2224	2305		2224	903 1993
SB	92	257	272	567	569	651	746	839		747	341 673
SB	95	911	1050	2392	2396	2461	3008	3311	2399 3064	3008 3283	1244 2522 3173 3199 3208 3210 3211 3245 3283
SB	96	911	1050								1358
SB	98	257	272	509	509	524	707	879	512 588	707	371 542 710 714
SB	99	533	542	1435	1436	1753	2461	2529	1439 2235	2461	1244 1918
SB	100	273	294	1435	1439	1753	2461	2529		2461	1244 1918
SB	101	357	363	1435	1440	1753	2462	3087	1448 1449	2462	1244 1918
SB	102	169	210								
SB	104	169	210	349	351	372	507	525	450	507	257 408 507
SB	105	257	272	1231	1236	1268	1703	1757		1703	710 1365 1740
SB	106	257	272	1231	1237	1268	1703	1757		1703	551 1365
SB	107	145	169	338	339	372	508	525		508	272 408
SB	108	409	452	2277	2283	2363	2961	3009		2961	837 2544 2998
SB	110	293	335	2450	2459	2528	2964	3206	2459	2964	2318 2821 2964
SB	111	293	335	2450	2459	2528	2964	3206	2460	2964	2318 2821
SB	116	2537	2679								
SB	117	453	523	2838	2838	3006	3164	3174	3101 3147	3164	2384 3155 3202
SB	119	293	335	2858	2863	3006	3174	3210		3174	1408 3155 3202
SB	120	409	452	1342	1354	1399	2462	3087	1355 1908 2184 2195 2376	2463	683 1918
SB	124	880	898	2548	2548	2679	3010	3087		3010	2237 2979 3082
SB	127	525	534	1882	1884	1984	2224	2305		2225	1717 1993

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub.or Amend.*	Voting*	Other Action
					1st	2nd	3rd				
SB	128	378	408	1882	1893	1984	2228	2462	1894	2228	1717 2042
SB	130	257	272	1435	1451	1753	2037	2296		2037	753 898 1918
SB	134	897	910	2414	2416	2528	3011	3087		3011	2318 2979
SB	139	548	589	2004	2015	2221	2538	2959	2809 2810	2538	1125 2413
SB	140	257	272								2679 2821
SB	141	409	452	2548	2553	2679	3010	3087		3010	2237 2979 3082
SB	142	257	272	475	505	524	709	751		709	342 673
SB	143	2221	2268								
SB	148	1789	1918	2840	2840	3006					2318
SB	151	1743	1788								
SB	152	533	542	2004	2015	2221			2193 2231 2233 2307 2378 2383 2488 3150		653 2351
SB	153	378	408	2501	2501	2528	3012	3206	2502 2503 2967 2968 3033	3012	1268 2821
SB	154	548	590	2450	2460	2528	2688	3006		2688	1268 2544
SB	155	548	589	914	951	1116	1333	1755		1333	841 1212
SB	156	589	672	914	952	1116	1242	1332		1242	841 1126 1273
SB	158	293	335	779	809	878	1191	1700	1120	1191	538 910 1263
SB	159	684	690	1458	1494	1753	2462	2529	1496 2375	2462	1277 1771 2520
SB	162	548	590	2332	2338	2363	3087	3250	3037	3088	2042 2979
SB	178	409	452	590	590	683	749	879		749	538 691
SB	179	453	523								2237
SB	182	690	716	1277	1300	1399	1985	2037	1711 1966	1986	903 1432 1995
SB	185	2268	2351								2544
SB	193	690	716	1925	1929	2036	2305	2364		2305	1244 2041
SB	196	1771	1788	2548	2553	2679	3009	3087		3009	2237 2821
SB	198	1431	1771	2522	2525	2679	2962	3206	2526 2527 2806 2808	2962	2411 2821 2998
SB	199	880	897	1974	1983	2036	2959	3006		2959	1365 2351
SB	203	533	542								
SB	204	533	542	2108	2111	2221	2960	3006		2960	1919 1993 2522

	Senate Message	Re-ferred	Re-ported	1st	Readings 2nd	3rd	En-rolled	Sub.or Amend.	Voting*	Other Action
SB 207	525	533	1052	1068	1188	1399	1404		1399	898 1268
SB 208	690	716	1080	1096	1188	1405	1755		1405	884 1277 1428
SB 210	1276	1432	2054	2069	2221	2538	2959		2538	1717 2413
SB 211	589	672	1894	1894	1984	2305	2364		2305	1757 2042
SB 212	880	897	1929	1958	2036	2368	2462	2317 2318	2368	1788 2269
SB 213	525	533	1919	1920	2036	2368	2462	2183 2184	2369	683 2269
SB 214	1211	1276	2238	2263	2296	2535	3087	2264	2535	1789 2413
SB 220	690	716	2352	2353	2461	2691	3006		2691	898 2544 2832
SB 224	2268	2351	2979	2979	3006	3089	3206	2981	3089	2544 3076
SB 225	690	716	2430	2448	2528	2688	3006		2688	2237 2544
SB 227	911	1050	2858	2864	3006	3174	3210		3174	2318 3155 3202
SB 228	589	672								1788 1905 1984
SB 229	1850	1918	2858	2866	3006	3089	3246	2976	3089	2318 3076
SB 233	690	716	1408	1422	1699	2041	2221	1784	2041	1204 1993 2196
SB 234	2268	2351	2979	2982	3006	3164	3173	3099	3164	2544 3076 3201
SB 235	1364	1743								2237
SB 236	1743	1788	2090	2105	2221	2532	2959		2532	1851 2413
SB 237	1743	1788	2090	2106	2221	2533	2959		2533	1851 2413
SB 239	880	898	2319	2324	2363	2531	2959		2531	2042 2413
SB 240	897	910	1355	1357	1399	1775	1845	1763	1775	1244 1744
SB 241	2268	2351	2851	2851	3006	3175	3315	2969 3028	3175	2522 3155 3202 3243 3246 3247 3248 3306
SB 242	1211	1276	1919	1921	2036	2471	2529		2471	1743 2351 2520
SB 243	911	1050	1882	1884	1984	2693	3087	2180	2693	1717 2351
SB 244	1211	1276	2319	2324	2363	3085	3206	3036 3037	3085	2042 2544
SB 245	745	762	1458	1496	1753	1987	2037		1987	1274 1771
SB 249	1276	1364	1852	1855	1984	2305	2364		2305	1408 2042

		Senate Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Sub.or Amend.	Voting*	Other Action
SB	250	880	898	1882	1885	1984				2969	1757 2269 2373 2408
SB	251	1211	1276	1960	1962	2036	2960	3206	1962	2960	1432 2522
SB	252	1771	1788	2277	2284	2363	2961	3006		2961	2237 2544 2998 3082
SB	253	2268	2351								
SB	255	1211	1276	2120	2179	2221	2537			2537	1408 2413
SB	256	880	898	2112	2119	2221			2120 2668 2976		1851 2522 2960 2967 3010 3084
SB	257	897	910								
SB	260	1126	1267	1433	1434	1753	2038	2221		2038	1408 1429 1918
SB	262	1918	2197								2679 2821
SB	263	880	898	2319	2325	2363	3007	3087		3007	2042 2522
SB	264	1211	1276	1960	1962	2036	2463	3087	1963	2463	1788 1905 2269 2520
SB	265	1211	1276	1960	1963	2036	2463	2529		2463	1788 1905 2269
SB	266	1789	1918	2277	2284	2363	2683	2959		2683	2237 2522 2832 2998
SB	267	1364	1743	2858	2866	3006	3174	3210		3174	2318 3155 3202
SB	268	2413	2522	2858	2866	3006	3165		3102 3126	3165	2679 2805 3076
SB	269	1364	1743	2858	2869	3006	3175	3210		3175	2318 3155 3202
SB	270	1364	1743	2858	2870	3006	3090			3090	2318 3076
SB	271	897	910	1855	1880	1984	2372	3087	1880 1881 2194 2309	2373	1358 2269 2520
SB	273	2351	2413	2544	2544	2679	3087	3160	2805 3040	3087	2491 2520 3076 3158
SB	274	897	910	1809	1827	1984	2364	2462		2365	1358 1993 2412
SB	275	897	910	1809	1832	1984	2365	3087	2000	2365	1358 1993 2318
SB	276	911	1050								
SB	277	911	1050	1809	1833	1984	2461	2681		2461	1358 1993

	Senate Message	Re-ferred	Re-ported		Readings		En-rolled	Sub.or Amend.	Voting*	Other Action
				1st	2nd	3rd				
SB 278	1276	1432	1960	1963	2036	2370	2462		2370	1788 1905 2269
SB 279	3160	3208								
SB 280	1789	1918	3000	3001	3084			3001		2004 3155
SB 281	2351	2413	2544	2545	2679	3086	3206	2676 3036	3086	2491 2520 2979
SB 283	1267	1365	2332	2339	2363	3089		2348 2813 3069	3089	2042 2522 3243 3246 3247 3248 3249 3296
SB 284	1211	1276	1960	1964	2036	2463	2529		2463	1788 1905 2269
SB 286	2036	2268						2230		2384
SB 288	1364	1743	2392	2399	2461	2691	3006	2482	2691	2319 2349 2544
SB 289	2221	2268								
SB 290	2528	2679	2999	2999	3084	3164	3246	3000	3164	2677 2821 3155
SB 291	2537	2679	2840	2841	3006	3089	3160		3089	2821 2836 3076
SB 299	1743	1788	2420	2426	2528	3009	3087	2489 2670	3009	2237 2821
SB 301	1771	1788	2332	2348	2363	2531	2959		2532	2042 2413
SB 302	1211	1276	2352	2355	2461	2691	3087	2355	2692	1788 2544
SB 303	1211	1276	2352	2356	2461	2692	3087	2356	2692	1788 2544
SB 304	1211	1276	2352	2357	2461	2692	3006		2692	1788 2544 2821
SB 305	1771	1788	2430	2449	2528	2963	3009		2963	2237
SB 306	1743	1788	2851	2851	3006	3090	3160		3090	2220 3076
SB 309	1771	1788	2326	2328	2363	3085	3250	2331 2481 2977 2978 3037 3063	3085	2004 2821
SB 310	1743	1788	2319	2326	2363	3012	3206	2489 2810	3012	2042 2979
SB 311	1789	1918	2548	2558	2679	3160	3309	2633 2638	3161	2319 2821
SB 312	1211	1276	2352	2357	2461	2692	3006		2692	1788 2544
SB 313	1211	1276								1788
SB 314	2351	2413								2835
SB 315	2221	2268								2544
SB 316	1364	1743	2858	2870	3006	3090		2872	3090	2318 3076
SB 317	2221	2268	2548	2638	2679	3091	3246	2976 3029 3069 3072	3091	2269 2979 3011 3090 3158 3202

	Senate Message	Re-ferred	Re-ported		Readings		En-rolled	Sub.or Amend.	Voting*	Other Action
				1st	2nd	3rd				
SB 318	2537	2679						2806		
SB 319	1789	1918	2858	2876	3006	3091	3160		3091	2318 3076 3202
SB 320	2221	2268						2317		2544
SB 322	2268	2351								2544
SB 325	1743	1788	2238	2264	2296	2958	3087	2316	2959	2349 2351 2385 2522
SB 327	1850	1918	2501	2503	2528	3088		2516 2518 2976 3068	3088	2318 2544 3211 3245 3247 3248 3296
SB 330	1771	1788	2326	2331	2363	2532	3087	2482	2532	2004 2413
SB 331	2351	2413	3000	3001	3084	3171	3210		3171	2979 2997 3155 3202
SB 337	2528	2679	2979	2985	3006	3085	3174	3038	3086	2836 3076 3158
SB 339	2838	2979	3000	3002	3089	3171	3210		3171	2979 2997 3155 3202
SB 340	1789	1918	2858	2876	3006	3091	3311	2905 2941 2973	3091 3303	2491 3076 3202 3245 3247 3248 3249 3296
SB 341	1771	1788								
SB 343	1789	1918	2414	2416	2528	2963		2236 2417 2477 2478 2813	2963 3010	2042 2821 2967 3211 3245 3248 3249 3309
SB 344	1789	1918	2858	2944	3006	3172	3309	2947 2954 3126	3172	2318 3076 3202
SB 346	1850	1918	2414	2417	2528	2689	3311	2420	2689 3304	2237 2544 3008 3173 3199 3211 3304
SB 350	1789	1918	2269	2276	2363	2683	3087	2277 2812	2683	2237 2522 2998

		Senate Message	Re-ferred	Re-ported		Readings		En-rolled	Sub.or Amend.	Voting*	Other Action
					1st	2nd	3rd				
SB	352	2268	2351	2857	2857	3006	3197	3311	3097 3102	3198 3306	2677 3076 3163 3192 3202 3243 3246 3247 3248 3304
SB	353	2537	2679	3000	3004	3084	3172	3210		3172	2979 2998 3155 3202 3249
SB	354	2221	2268	2640	2640	2679	3011	3090		3011	2491 2520 2979
SB	356	2413	2522								
SB	358	1743	1788	2352	2358	2461			2360 2652		2220 2979
SB	359	2838	2999								
SB	360	1743	1788	2352	2360	2461	3006	3206	2361 2662 2668	3007	2220 2522
SB	361	1789	1918	2392	2400	2461	2958	3087		2958	2349 2522
SB	365	3005	3083								
SB	367	1771	1918								2220 2269 2835
SB	370	2413	2522	2847	2847	3006	3091	3160	3067	3091	2679 2833 3076 3202
SB	371	2351	2413	3083	3083	3160			3034		2821
SB	372	2351	2413	2821	2821	2958	3200	3250	2818 2831 3072 3147	3201	2491 2979 3311
SB	373	2413	2522								2544
SB	374	2268	2351	2640	2650	2679	3011	3087		3011	2491 2520 2979
SB	377	2351	2413	2851	2854	3006	3170			3170	2522 3155 3201 3311
SB	379	2351	2413	2847	2848	3006	3092	3174		3092	2528 2833 3076 3202
SB	385	3005	3083								
SB	387	2221	2268						2481		2544
SB	389	2351	2413	2999	3000	3084	3171		3000 3099 3104	3171	2491 3155 3202
SB	393	2537	2679								2979
SB	396	2413	2522						2969		

HISTORY OF SENATE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption.)
Joint Resolutions are designated SJR; concurrent resulutions are designated SCR.)
*Voting modifications appear at the member's name in the subject index.

Bill No.	Senate Message	Re-ferred	Re-ported	Readings			Adopted	En-rolled	Voting*	Other Action
				1st	2nd	3rd				
SCR 2	409	452	2420	2430	2528	3012		3090	3012	1125 2979 3082
SJR 7	273	294	409	409	506	548		684	548	341 524
SCR 10	145						186	252		
SJR 19	409	452								
SJR 26	548	589	1377	1398	1699	2222		2305	2222	898 1771
SCR 28	271						327	341		
SCR 30	589	672	2858	2954	3006	3092		3160	3093	2318 3076 3202
SCR 38	745	762	2858	2955	3006	3093		3160	3093	2679 2805 3076 3202
SJR 44	1051	1211	2858	2956	3006	3093		3246	3093	1758 3029 3076 3202
SJR 54	690	716	2430	2450	2528	3007		3090	3007	2237 2544
SCR 57	1267	1364	2414	2420	2528	2689		3006	2689	2042 2544
SCR 59	1267	1364	1809	1838	1984	2366		2462	2366	1717 2042
SJR 78	1789	1918	2858	2956	3006	3093		3160	3093	2491 2968 3076 3202
SCR 87	2357	2413	3076	3076	3084					2967 2979 3077 3155
SCR 91	2351	2413	3076	3077	3084	3164		3174	3164	2967 2979 3155
SCR 97	2528	2679	3076	3077	3084	3172		3210	3172	2967 2979 3155 3202
SCR 98	2268	2351	2838	2838	3006	3093		3246	3093	2835 2839 2840 3076 3202
SCR 140	3282						3307			
SCR 160	3323						3327			

SUBJECT INDEX

ADMINISTRATIVE REGULATIONS AND PROCEEDINGS

- Filing, procedures for—HB 970
- General Assembly review of administrative regulations—HB 803
- Meetings on regulations, notice of—SB 356
- Mining regulations, moratorium on—HB 285
- Small business assistance, federal mandate analysis—SB 208
- Statutory enactment—HB 310
- Surface mine regulations, federal conformity—HB 838

ADVERTISING

- Industrial loan companies, certificates advertising—HB 760
- Legal notice, publication of—HB 752

AERONAUTICS

- Airboards in counties with 1st—SB 306
- Airport
  - police and fire fighters, salary supplements—HB 522
  - zoning commission, chairmanship designation—HB 13
- Charter air transportation permits—SB 17
- Local air boards, appointments to—HB 722
- Passenger aircraft and parts, sales tax exemption—HB 302
- Police and firefighter pay supplements, air boards as local govts.—HB 45

AGED PERSONS

- Exploitation of adults—HB 49
- Jury service, optional exemption from—HB 88
- Long-term
  - care facilities study—HCR 7
  - care facilities, discharge or transfer from—HB 78
  - care facility admissions, pre-authorization for—SB 116
  - care ombudsman program—HB 57
  - care, medicaid decertification of—HB 982
- Medicaid waivers, U.S. grant petition—HCR 157
- Nursing homes, limits on medical assistance reimbursement—HB 548
- Personal care residents, state supplement increment—HB 922
- Prosthetic devices, sales tax exemption expansion—HB 197
- Retirement, involuntary at age 70 or above, prohibition of—HB 971
- State parks discount program—HB 206
- Utilities gross receipts tax exemption—HB 850
- Utility rate reduction—HB 860

AGRICULTURE

- Agricultural
  - finance corporation, loan purposes and amounts—HB 835
  - products use, corporate tax credit for—HB 260
- Apiaries and bees, regulation revision—HB 127
- Beef checkoff increment—HB 748
- Boars, sale at stockyards—HB 547
- Brucellosis eradication and control program appropriation—HB 930
- Commodities, promotion on state property—HB 897
- Cooperative
  - extension program, Kentucky State University—HR 134
  - extension service at UK, appropriation for—HB 943
  - extension service, urge increased funding—HR 69
- County farm bureau, delegates to annual convention—SB 213
- Equipment and electricity, sales tax exemption—SB 371
- Farm
  - and business loans, low rate via linked deposits—HB 150, 151, 254
  - credit, right of foreclosed farmer to repurchase—HR 27

AGRICULTURE (Cont'd)

- Feed
  - equipment, sales tax exemption—HB 848
  - mills, exempt from grain check-off—HB 98
- Fences, responsibility for construction—HB 85
- Foreclosure moratorium—HB 252
- Garbage—HB 875
- Grain
  - insurance fund amendments—HB 163
  - license fee reduction—HB 204
- Inventory, repurchase by manufacturer or wholesaler from retailer—HB 154
- Kentucky products use, corporate tax credit for—HB 309
- Leased farm machinery, property tax rate reduction—HB 119
- Livestock diseases, equine viral arteritis as—HB 63
- Livestock, payment of full insured value upon loss—HB 877
- Loan default, notification of sale following—HB 251
- No net cost tobacco fund—HB 665
- North American Livestock Exposition, school absence for—HB 160
- Pesticide applicators and managers, licensing of—HB 916
- Severe condition of, express concern for—HR 60
- Soil erosion, cost-share program for—HB 820
- Soybean checkoff increment—HB 401
- Tobacco
  - problems, memorialize Congress concerning—HR 125
  - task force, re-establishment—HR 95
  - task force, reauthorization of—HCR 20
- Tobacco, assessment for legislative activity—HB 797
- UK experiment station farms, use of proceeds from sale of—HB 566
- Utility service, sales tax exemption—HB 822
- Vehicles above 18,000 pounds for soil conservation, registration fees—HB 847
- Veterinarians, state, employment condition of—HB 144

ALCOHOLIC BEVERAGES

- Administrator, counties with 1st, sheriff as—HB 280
- Agents of foreign states, prohibit alcoholic beverage enforcement by—SB 279
- Alcoholic beverage control officers, hazardous duty benefits—HB 445
- Brewers, prohibit price discrimination by—HB 387
- Consumer, rebates on malt beverage purchases—HB 405
- Convention centers, Sunday sales by—HB 884
- Fines in lieu of license suspension, increase in—HB 37
- Licensure,
  - felony or misdemeanor conviction effect—HB 34
  - gross receipts from beverage sales affecting—HB 388
- Local administrators, appeal from decisions of—HB 188
- Malt
  - beverage containers, minimum deposit on—HB 551
  - beverages and distilled spirits, transportation of—SB 73
- Penalties, revision of—HB 844
- Possession of nontaxed beverages—HB 553
- Purchase, use of fraudulent operator's license—HB 613
- Wholesaler/retailer discrimination prohibition—HB 958
- Wholesalers tax on beer and wine—HB 969

ALCOHOLISM

- Alcohol and drug pretrial diversion program—HB 927
- Drug and alcohol abuse, involuntary commitment for treatment—HB 785
- Intoxication, public, arrest for—HB 447
- Voluntary intoxication eliminated as a defense to crime—HB 211

ALLEN, WILLARD "WOODY"

HR 8, 12, 14, 15, 21, 27, 35, 52, 70, 73, 84, 103, 105, 111, 113, 122, 158, 163, 189, 192, 195, 196, 199, 200, 205, 207, 214; HB 126, 327, 616, 619, 677, 692, 746, 915, 947, 949, 985
Voting modification—HB 894N, p. 3158

AMUSEMENTS

Adult bookstore, definition and regulation—SB 241
Cable
  TV services, facilities rights of—HB 313
  TV, prohibit indecency—HB 453, 501
Entertainment places, insurance on musical instruments—HB 750
Exile band, commendation—HR 70
Rides
  and attractions, exemptions from definition as—HB 64
  safety inspections, carnival definition concerning—HB 342
Tapes, unauthorized recordings of—HB 534

ANNEXATION

Fire protection districts, annexation procedure by—HB 784
Ordinance defeat, ratio of voters for—SB 228
Proposed, zoning requirements notice—SB 35
School attendance option—HB 593
Territory outside county, prohibition concerning—HB 714
Voter approval requirement—HB 66

APPROPRIATIONS

Brucellosis eradiction and control program appropriation—HB 930
Child identification cards—SB 341
Claims unpaid due to fund insufficiency—HB 946
Cooperative
  extension program, Kentucky State University—HR 134
  extension service at UK, appropriation for—HB 943
  extension service, urge increased funding—HR 69
County clerk audits—HB 374
Developmentally disabled persons, services for—HB 53
Disaster and emergency assistance authority—HB 923
Emergency medical services commission, creation of—HB 790
Executive biennial budget—HB 398
Fire fighters' training center fund—HB 436
Future teacher clubs, establishment of—HB 324
Hearing
  impaired infants, identity certificate—HB 404
  loss potential, infant identity program—HB 341
Judicial budget, biennial—SB 96; HB 262
Juvenile sex offender program—HB 661
Kentucky Center for the Arts appropriation—HB 212
Legislative
  Research Commission, session expense appropriation—HB 179
  budget—SB 95; HB 259
Libraries and programs—HB 40
Occupational information coordinating committee—HB 773
Scholars award program—HB 386
Sheriffs training academy, establishment of—HB 690
Soil erosion, cost-share program for—HB 820
Sports medicine programs—HB 219
Toyota Motor Corporation incentives, pledge to fund—SJR 7; HJR 16
Vehicle emissions inspection program—HB 114
Veterans' State War Memorial, repair appropriation—HB 626
Youth employment incentive act—HB 868

ARBITRATION

Arbitration service, provision by state—HB 356
Labor negotiations, third party involvement—SB 266; HB 874

ARCHITECTS

Architects' board members salary increment—HB 826
Fees, establishment by board—HB 718

ARCHIVES AND RECORDS

Oral history interviews, confidentiality of—SB 92
Original records, reproduction and replacement of—HB 502
Public records, uniform definition of—HB 270

ARNOLD, ADRIAN K.

HR 3, 8, 12, 14, 15, 21, 52, 69, 73, 84, 103, 111, 122, 134, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 30, 64, 126, 139, 140, 150, 348, 368, 570, 571, 627, 629, 665, 672, 677, 692, 699, 746, 777, 820, 881, 915, 937
Voting modifications—HB 68Y, p. 143; HB 220Y to N, p. 519; HB 405Y to abstain, p. 714; HB 894N, p. 3158

ARTS AND CRAFTS

Artistic charitable contributions, income tax deduction for—SB 214
Consignment of art—HB 540
Income tax deduction for artistic contributions—HB 506
Kentucky Center for the Arts appropriation—HB 212
Motion picture companies, sales and use tax credit—HB 938
State children's theater—HCR 51
Youth Art Month—HR 112

ATHLETICS

American Legion baseball, Post 31—SR 114
Anabolic steriods, define as controlled substances—HB 936
Public funded facility, ticket allocation method—HB 267
School sports medicine programs—HB 219
Trinity High School, AAAA football championship recognition—HR 17
U of L varsity cheerleading squad, honoring—HR 45

ATTORNEY, COMMONWEALTH

Felony indictment, disqualification upon subjection to—HB 454
Liability insurance coverage—HB 423
Private law practice restriction—HB 546

ATTORNEY, COUNTY

Appeals from district court in criminal cases—HB 779
Compensation equal to commonwealth's attorney—SB 290
Felony indictment, disqualification upon subjection to—HB 454
Liability insurance coverage—HB 423
Theft by deception, notice fee for bad checks—HB 772

ATTORNEY GENERAL

Criminal justice statistical analysis center—HB 572
Executive reorganization, confirmation of—SB 227
Insurance, liability coverage for criminal justice employes—HB 423

ATTORNEYS

Adoption cases, fees in—HB 383
Fees,
  award to defendant if prevailing—HB 800
  representation of insured against insurer—HB 516
Personnel board orders, attorneys' fees on appeal of—HB 497
Practice, unauthorized, exempt coal employe testimony as—HB 883
Workers' compensation, fee for reopened claim—HB 513

AUCTIONEERS

Auction houses, licensure—HB 730
Escrow funds, distribution time limit—HB 729

AUDITS AND AUDITORS

Auditor of public accounts, study of statutes on—HCR 145
County audits, standards for—HB 3
State
  Auditor's office, reorganization of—SB 245
  auditor, accounting and control guidelines—SB 389
  auditor, audit of county clerks—HB 374
  auditor, omnibus amendments—HB 941
  auditor, review legislative fiscal impact—HB 749
  internal audit division—SB 154

BANKS AND FINANCIAL INSTITUTIONS

Automobiles as collateral, sale in Kentucky—HB 191
Bank funds, investment of—SB 370
Banks,
  acquisition conditions—SB 393
  acquisition or control limitation—HB 857
Checking accounts, maximum fee for insufficient funds—HB 184
Checks, date when account opened—HB 417
Credit unions, omnibus amendments—HB 659
Directors and officers, maximum loans to—HB 202
Farm
  and business loans, low rate via linked deposits—HB 150, 151, 254
  credit, right of foreclosed farmer to repurchase—HR 27
  default, notification of sale upon—HB 251
  land foreclosure moratorium—HB 252
Financial institution's board, membership increment—HB 213
Gifts to minors, securities registration—HB 396
Industrial loan companies, certificates advertising—HB 760
Investments
  by fiduciaries—HB 807
  in poor neighborhoods, tax credits for—SB 365
Loans, partnership members' indebtedness computation—HB 972
Mortgage loan companies and brokers, omnibus revision—HB 902
Mortgages, priority of subsequent lien—HB 246
Motor vehicles, owning and leasing for customers' use—SB 156
Omnibus revision—HB 709
Public assistance clients, disclosure of information on—HB 135
School district banking services, bids for—HB 981
South African divestiture—HB 678
State investment commission investments—SB 316

BARROWS, JOSEPH "JOE"

HR 8, 12, 14, 15, 21, 24, 34, 39, 40, 52, 70, 73, 74, 75, 76, 113, 114, 156, 158, 163, 190, 192, 195, 199, 200, 205, 207; HB 19, 138, 143, 241, 245, 307, 322, 348, 353, 407, 408, 409, 410, 411, 418, 419, 429, 446, 482, 527, 590, 600, 651, 669, 672, 677, 678, 692, 699, 825, 872, 896, 903, 924, 945, 967, 980
Voting modifications—HB 154Y, p. 331; SB 72Y, p. 894; HB 561Y, p. 1428; HB 665Y, p. 1995

BENDL, GERTA

HR 1, 8, 12, 14, 15, 21, 41, 52, 70, 73, 103, 111, 113, 122, 136, 147, 151, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214; HB 20, 44, 49, 50, 51, 53, 57, 138, 205, 224, 226, 263, 311, 366, 369, 394, 395, 416, 447, 448, 465, 487, 503, 570, 585, 625, 677, 678, 692, 705, 818, 825, 829, 853, 915, 982, 989
Voting modifications—HB 11Y, p. 255; HB 460N, p. 448; HB 142N to Y, p. 448; HB 172N to Y, p. 2349; HB 170Y, p. 2520

BENNETT, ALBERT "AL"

HR 1, 8, 12, 14, 15, 21, 35, 70, 73, 84, 111, 113, 122, 136, 140, 148, 158, 163, 170, 192, 195, 199, 200, 205, 207; HB 30, 43, 66, 142, 158, 224, 242, 269, 288, 314, 317, 338, 339, 340, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 380, 394, 395, 434, 452, 465, 475, 487, 498, 503, 508, 550, 570, 611, 612, 633, 636, 644, 677, 682, 683, 691, 695, 794, 808, 818, 825, 827, 849, 856, 905, 915
Voting modification—HB 808Y, p. 2520

BLANDFORD, DONALD "DON"

HR 10, 11, 12, 13, 14, 15, 16, 21, 30, 32, 52, 70, 73, 111, 113, 116, 131, 139, 150, 158, 179, 189, 192, 195, 199, 200, 205, 207, 208, 214, 217; HB 1, 24, 179, 259, 398, 455, 570, 668, 677, 869, 919, 980

BLEVINS, WALTER, JR.

HR 1, 8, 12, 14, 15, 21, 24, 25, 41, 51, 52, 70, 73, 79, 81, 84, 85, 103, 113, 122, 126, 147, 158, 163, 166, 173, 183, 189, 190, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 33, 36, 40, 44, 49, 68, 105, 109, 117, 126, 191, 219, 235, 238, 241, 255, 272, 301, 321, 325, 348, 350, 351, 376, 390, 418, 447, 461, 462, 465, 473, 477, 498, 511, 563, 582, 588, 602, 603, 612, 615, 625, 671, 677, 678, 679, 692, 731, 732, 733, 734, 746, 751, 804, 908, 915, 922, 947, 980, 985
Voting modifications—HB 628Y, p. 1769; HB 684Y, p. 2520

BOATS AND BOATING

Emergency vessels, flashing red lights on—HB 133
Title certificate for boats—HB 173

BONDS OF SURETY

Construction and mining firms, wage payment surety requirements—HB 435
Landfill bonds, release time of—HB 392
Lien, bond for release of—HB 775
Omnibus utility legislation—HB 956
Surface
  mine bonds, two-acre permit amount—SB 179
  mining reclamation bond pooling—SB 130

BONDS, PUBLIC

Bond issue challenge filing deadline—SB 304
Economic development bonds, full repayment requirement—HB 473
Facsimile signatures authorization—SB 302
Industrial
  development bond allocation committee—SB 153
  development bonds, omnibus revision—SB 361
  revenue bonds study—HCR 135
Local
  housing bonds—HB 912
  industrial revenue bonds, types authorized—SB 220
Refinancing, require savings use for debt retirement—HB 783

BOUNDARIES

Ohio-Indiana-Illinois boundary modification—SB 110

BRINKLEY, WILLIAM "BILL"

HR 8, 9, 12, 14, 15, 21, 27, 35, 52, 54, 70, 73, 84, 96, 103, 107, 111, 163, 186, 192, 195, 199, 200, 205, 207, 214; HB 10, 19, 30, 53, 61, 109, 124, 150, 161, 232, 234, 251, 258, 282, 311, 315, 326, 331, 334, 348, 367, 379, 435, 460, 461, 528, 534, 565, 594, 595, 612, 629, 672, 677, 681, 691, 692, 746, 803, 825, 869, 883, 891, 970, 985
Committee to wait upon the governor, appointment to pp. 11, 185
Voting modifications—HB 878N, p. 2520; HB 849N, p. 3158

BRONGER, JOHN "JERRY"

HR 8, 9, 12, 14, 15, 21, 55, 70, 73, 83, 84, 90, 111, 113, 136, 158, 160, 161, 163, 192, 195, 199, 205, 207, 214; HB 19, 24, 44, 126, 161, 242, 280, 316, 331, 333, 380, 433, 436, 461, 487, 498, 568, 569, 570, 583, 668, 676, 677, 678, 692, 693, 722, 729, 741, 746, 794, 818, 825, 849, 869, 911, 947, 954, 955, 975
HB 326, special subcommittee on, appointment to, p. 688
Voting modifications—SB 234N to Y, p. 3201; SB 377Y to N, p. 3201; SB 377N, p. 3311

BROWN, FRANCES

HR 52, 70, 73, 103, 111, 122, 126, 158, 163, 189, 192, 195, 199, 200, 205, 207; HB 19, 561, 563, 594, 595, 677, 692, 746, 915, 942
Committee appointments- p. 273

BROWN, MARK

HR 8, 12, 14, 15, 21, 35, 52, 54, 70, 73, 77, 84, 111, 113, 122, 163, 187, 189, 192, 195, 199, 200, 205, 207, 214; HB 24, 30, 126, 155, 228, 245, 424, 428, 436, 461, 498, 517, 545, 563, 570, 636, 677, 692, 710, 788, 790, 800, 830, 834, 869, 915, 935, 942, 980

BRUCE, JAMES

HR 8, 12, 14, 15, 21, 27, 35, 37, 52, 64, 70, 73, 84, 95, 96, 103, 111, 113, 122, 158, 167, 186, 192, 195, 199, 200, 202, 205, 207; HB 19, 30, 53, 69, 109, 145, 154, 162, 245, 251, 262, 326, 348, 460, 477, 568, 612, 626, 663, 672, 677, 692, 700, 709, 720, 746, 760, 778, 825, 835, 902, 915, 947
Voting modifications—HB 226Y, p. 1995; HB 360N, p. 1995; HB 512N to Y, p. 2677; HB 894N, p. 3158

BUDGET AND FINANCIAL ADMINISTRATION

Accounting and administrative controls, evaluation of—SB 389
Affirmative action in government contracting—HB 556
Agency and special funds transfer, exempt teachers retirement fund—HB 96, 109
American products, public agency purchasing of—HB 424
Bond
  issue challenge filing deadline—SB 304
  issues, facsimile signatures authorization—SB 302
  refinancing, require savings use for debt retirement—HB 783
Budget forms, agency publications information on—HB 507
Capital equipment, non-budgeted, purchase of—SB 13
City service user fees—HB 427
County audits, standards for—HB 3
Executive biennial budget—HB 398
Force account limit increment—SB 37
Fund transfers to road fund from general fund—HB 749
Game and fish fund, prohibit transfers from—HR 186
Governor's financial planning council—HB 468
Industrial development bonds, omnibus revision—SB 361
Installation management fund account, military affairs—SB 229
Internal audit division—SB 154
Linked
  deposits investment program—HB 151, 254
  investment loan program—HB 150
Purchasing, in-state preference, reciprocity regarding—HB 905
Revenue estimates requirement—HB 646
S.Africa/Angola investments prohibition—HB 823
South African divestiture—HB 678

BUDGET AND FINANCIAL ADMINISTRATION (Cont'd)

State
  auditor, omnibus amendments—HB 941
  investment commission investments—SB 316
  investment commission, meetings frequency—SB 269
Unified accounts/financial report filing/loan fund deletion—SB 268

BURCH, THOMAS "TOM"

HR 1, 8, 12, 14, 15, 21, 35, 42, 45, 52, 70, 73, 80, 84, 102, 103, 111, 113, 121, 122, 136, 147, 157, 158, 160, 161, 163, 189, 192, 195, 199, 200, 205, 207; HB 2, 5, 12, 19, 24, 56, 66, 89, 142, 178, 190, 217, 255, 267, 280, 394, 395, 400, 405, 447, 461, 470, 472, 474, 487, 522, 523, 541, 542, 570, 605, 625, 636, 639, 656, 672, 677, 691, 733, 746, 747, 794, 818, 849, 859, 868, 915, 920, 922, 947
Voting modifications—HB 239Y, p. 234; HB 223Y, p. 234; HB 218Y, p. 234; HB 58Y, p. 234; HB 142Y, p. 519; HB 470Y, p. 1048; HB 140Y, p. 1995; HB 224Y, p. 3082

BURNETTE, WARD "BUTCH"

HR 8, 14, 15, 20, 24, 25, 27, 35, 52, 60, 69, 70, 73, 95, 96, 111, 119, 122, 125, 134, 158, 186, 192, 195, 199, 200, 205, 207, 220; HB 19, 24, 30, 59, 103, 119, 150, 154, 163, 204, 245, 250, 251, 252, 254, 260, 261, 309, 336, 348, 401, 421, 436, 461, 508, 547, 581, 597, 617, 645, 665, 672, 677, 692, 720, 745, 748, 778, 835, 836, 848, 869, 897, 898, 900, 915, 922, 925, 985
Voting modifications—HB 382Y, p. 667; HB 211N to Y, p. 1358; HB 245Y, p. 1995; HB 894N, p. 3158

CALDWELL, BARRY "BARRY GALE"

HR 1, 8, 12, 14, 15, 21, 35, 51, 70, 73, 84, 103, 111, 113, 122, 152, 171, 189, 192, 195, 196, 199, 200, 205, 207, 214; HB 5, 105, 109, 348, 390, 453, 473, 483, 534, 568, 570, 578, 677, 692, 722, 948, 949

CAMPAIGN PRACTICES

Campaign debt, prohibit retirement while in office—SB 159
Filing and other deadlines—SB 385
Financial reporting, omnibus revision—HB 61

CAMPBELL, RICK

Elected page, p. 2

CAPITAL CONSTRUCTION

Equipment, non-budgeted, purchase of—SB 13
Force account limit increment—SB 37
Mining and minerals building, funding for—SB 20
Space needs of state agencies, study of—SCR 30

CEMETERIES AND BURIALS

Cemetery lots, contract for sale of—HB 457
Inheritance tax, burial expense deduction—HB 331
Vaults as cemetery merchandise—HB 819
Veterans' State War Memorial, repair appropriation—HB 626

CHARITABLE INSTITUTIONS

Church buses exempt from ad valorem tax—HB 792

CHILDREN AND MINORS

AFDC benefits, income calculation considerations—HB 554
Abortion, written parental consent for minors—HB 589
Abuse, reporting to non-custodial parent—HB 238
Adoptees, health history access by—HB 56
Adoption
  biological information on—SB 98
  cases, attorneys' fees—HB 383
  proceedings and records, access to—HB 271
  subsidies—HB 984
  subsidized, interstate compact on—HB 52
Child
  care employes, sex offense record survey—HB 601
  care facilities needs assessment—SJR 44
  identification cards—SB 341
  support enforcement—HB 82, 227, 323
  support, nonpayment—HB 961
  visitation upon marriage dissolution—HB 273
  welfare services, fee charges for—HB 216
Commission for handicapped children, contracts for services—HB 953
Crimes against children—HB 664
Criminal
  nonsupport, definition and penalties—HB 478
  representation by public advocate, cost of—HB 346
Custody,
  domestic relation cases—HB 115
  temporary, time period for—SB 127
Day
  care centers, liability of—HB 829
  care centers, parent cooperative licensing as—HB 514
  care personnel, criminal records survey—HB 225, 494
Deadly weapons, sale to persons under 16—HB 832
District juvenile proceedings, special advocates in—SB 263
Domestic abuse remedies—HB 562
Dropout, driver's license revocation for—HB 371
Early childhood education and development office, creation of—HB 727
Educational improvement act testing program—HB 669
Exceptional children, educational programs for—HB 241, 675
Foster
  care, medical assistance under—HB 350
  children, medical assistance for—HB 639
  parents, liability insurance for—HB 55
Gifts to minors, securities registration—HB 396
Handicapped children—SB 60; HB 148
Hard-to-place children, redefinition for adoption purposes—HB 80
Hearing impairment—HB 341, 404
Homicide of unborn child—HB 433
Joint custody upon marriage dissolution—HB 560
Juvenile
  code, establishment of—SB 311
  sex offender program—HB 661
Kindergarten, maximum class size for—HB 210
Medical malpractice actions—SB 261
Missing
  children, photos of—HB 778
  children, records recognition of—HB 178
Motion pictures, adult-rated, provision to minors—HB 488
Motor
  vehicle operator's license, color coding of—SB 211; HB 580
  vehicle restraints, penalties regarding—HB 855
Parent and preschool child education program—HB 662
School
  entrance age—HB 950
  lunch period, length of—HB 354

CHILDREN AND MINORS (Cont'd)

Sexual
  exploitation of minors—HB 656
  offenses against children—HB 449
  performance by minors, penalties for—HB 726
Social worker caseload limit—HB 29
Transport of minors to institutions—SB 134
Uniform Transfers to Minors Act—HB 466
Vehicle restraint violation penalty—HB 320
Youth
  Art Month—HR 112
  employment incentive act—HB 868

CITIES, CLASSIFICATION

Classification statutes, variations study—HCR 6
Indian Hills—SB 47
Nicholasville—HB 903
Omnibus reclassification—HB 833
Reclassification standards—HB 266
Richmond—SB 251
Shively—HB 975
Watterson Park—HB 523
West Liberty—SB 253

CITIES, GENERALLY

911 emergency telephone service, user charge for—SB 233
Annexation
  beyond county, prohibition concerning—HB 714
  ordinance defeat, ratio of voters for—SB 228
  voter approval requirement—HB 66
Classification statutes, variations study—HCR 6
County roads, prohibit city control of—HB 167, 168
DUI fines, return of part to local law enforcement—HB 247
Delinquent tax collection notice, delete failure excuse—SB 69
Dissolution
  of cities—SB 360
  procedures—HB 217
Employe participation in state health insurance programs—HB 458
Enterprise zones, revision of—HB 4
Health boards, administration of—HB 152
Housing mortgage bonds, sales of—SB 303
Industrial revenue bonds, types authorized—SB 220
Insurance premiums license tax, rate limit—HB 620
Investment pooling—SB 312
Joint city-county services funding—HB 122
Liability, limitations on—HB 120
License fees on trades, occupations and professions—HB 335
Occupational
  license tax study—HCR 3
  license taxes, rebate for nonresidents—HB 858
Omnibus reclassification—HB 833
Ordinances, county police enforcement of—HB 529
Parking citation enforcement—HB 765
Payments to county employes retirement for unfunded liability—HB 666
Planning
  and zoning bodies, voting requirements on—HB 139
  and zoning, omnibus revision—SB 35
Police,
  discipline of—HB 583
  pay supplement, training increment—HB 587
Property tax rates—HB 736
Reclassification standards—HB 266
Service user fees—HB 427
Sewers beyond city limits, operation of—SB 3
State training and technical assistance—HB 42

CITIES, GENERALLY (Cont'd)

TVA payments in lieu of taxes—SB 142
Utility commission members, increase compensation—HB 745
Volunteer fire department aid fund—HB 935
Water and Wastewater facilities—HB 878

CITIES, FIRST CLASS

Airboards, membership redefinition—SB 306
Alcoholic beverage administrator, sheriff as—HB 280
Annexation, voter approval requirement—HB 66
Compact with county—SB 207; HB 487
Electrical code, amendments to—HB 54
Fines, delete limit on—HB 557
Fire
  fighter residency requirements, deletion of—HB 770
  fighters, CERS for—SB 358
Joint agency funding—HB 69
Mayors, cities of 1st and 2nd, successive terms amendment—HB 1
Police retirement, transfer to CERS—HB 738
Tourist and convention commission membership—SB 313

CITIES, SECOND CLASS

Mayors, cities of 1st and 2nd, successive terms amendment—HB 1

CITIES, THIRD CLASS

Metropolitan
  sewer district board membership—HB 954
  sewer district board, city of 3rd representation on—HB 693
Police, fire and garbage, supplemental tax for—HB 955

CITIES, FOURTH-SIXTH CLASS

Police,
  6th, county-wide arrest powers—HB 623
  cities of 6th, county-wide jurisdiction—SB 255
Restaurant tax, 4th—HB 451
Trustees, board of, 6th, delete references to—HB 147

CIVIL PROCEDURE

Aliens, rights of—SB 250
Builders, statute of limitations for actions against—HB 543
Comparative fault standard of liability—HB 795
Recovery limitations amendment—SB 262

CIVIL RIGHTS

Affirmative
  action in government contracting—HB 556
  action in state government—SB 319
Olszewski, Dariusz, urge Polish release of—HR 87
Polygraph examinations, prohibition—HB 486
Prejudice, ethnic or religious, reports on crimes manifesting—HB 46
Retirement, involuntary at age 70 or above, prohibition of—HB 971
S. Africa/Angola investments prohibition—HB 823

CLAIMS

Appropriation for previous claims—HB 946
Board
  of claims jurisdiction, boards of education under—SB 305
  of claims, omnibus revision—SB 396
Crime victims' compensation amendments—HB 431
Recovery limitations amendment—SB 262
School board members' liability—HB 240
Wrongful death, loss of affection and companionship by—HB 532

CLAPP, LLOYD

HR 8, 14, 15, 52, 81, 127, 163, 192, 195, 199, 200, 205, 207; HB 230, 331, 436, 461, 473, 488, 497, 508, 509, 530, 533, 554, 677, 691, 692, 722, 745, 791, 794, 807, 825, 869, 890, 965, 980
HB 326, special subcommittee chairman, appointment, p. 688

CLARK, LAWRENCE "LARRY"

HR 1, 8, 12, 14, 15, 21, 52, 70, 73, 84, 103, 111, 113, 122, 136, 147, 158, 160, 161, 163, 174, 189, 192, 195, 199, 200, 205, 207, 214; HB 2, 24, 33, 53, 54, 66, 105, 109, 142, 156, 157, 165, 166, 167, 168, 169, 170, 197, 224, 242, 245, 255, 269, 273, 337, 382, 392, 436, 452, 461, 470, 487, 566, 625, 630, 633, 650, 652, 676, 677, 692, 697, 710, 746, 818, 825, 849, 859, 869
Voting modifications—HCR 114Y, p. 2412; HB 843N to Y, p. 3201

CLARK, PAUL

HR 8, 12, 14, 15, 21, 52, 70, 73, 84, 103, 111, 113, 122, 147, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214, 222; HB 19, 24, 76, 105, 142, 145, 155, 197, 224, 229, 239, 245, 269, 272, 280, 298, 312, 382, 392, 424, 430, 433, 434, 436, 452, 453, 470, 487, 498, 499, 501, 566, 570, 583, 635, 636, 677, 738, 746, 818, 849, 853, 859, 915
Voting modifications—HB 389Y, p. 540; HB 201Y to N, p. 2998; SB 372N to Y, p. 3311

CLARKE, JOE

HR 12, 14, 15, 21, 38, 52, 70, 73, 145, 192, 195, 199, 200, 205, 207; HB 138, 224, 226, 262, 298, 299, 322, 403, 503, 512, 555, 570, 590, 609, 655, 677, 678, 680, 733, 736, 783, 851, 864, 894, 895, 941, 945, 947, 980
Voting modifications—HB 105N, p. 1995; HB 205Y, p. 1995; HB 360Y, p. 1995; HB 510Y, P. 1995; HB 600Y, p. 1995; HB 628Y, p. 1995; HB 642Y, p. 1995; HB 666Y, p. 1995; HB 698Y, p. 1995

CLINE, LOWELL "GENE"

HR 1, 8, 12, 15, 21, 24, 25, 52, 69, 70, 73, 103, 111, 113, 122, 126, 158, 162, 163, 189, 191, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 30, 36, 67, 83, 109, 154, 159, 174, 313, 348, 355, 453, 465, 509, 524, 561, 563, 585, 594, 595, 612, 659, 673, 677, 692, 721, 746, 815, 816, 886, 915, 935

COAL

Area of land affected, limitation on—HB 207
Broad form deed, surface mine permit consideration—HB 95
Coal
  consumption tax credit—HB 942
  franchise fee, county levy of—HB 909
  imports, urge congressional study of—HCR 5
Crushing or loading operations, permit conformance by—HB 757
Hopkins County coal park task force—HJR 107
Manufacturers, coal-fired facility tax credit—HB 112
Mineral region study commission—HR 166
Mining
  equipment, sales tax exemption—SB 151
  regulations, moratorium on—HB 285
Overland belts, inspection of—HB 62
Permitting acreage overlying underground mines, limitation on—HB 94
Public agencies, American coal use by—HB 681
Severance tax on coal, transportation expense and gross value—HB 921
State surface mining administration, financial report on—SJR 54

COAL (Cont'd)

State-financed economic development, coal burning requirement—HB 985
Surface
  mine bond forfeitures, use of—HB 768
  mine bonds, two-acre permit amount—SB 179
  mine noncompliance, correction of—HB 830
  mine permit, require legal authority for—HB 415
  mine reclamation project liens—HB 65
  mining reclamation bond pooling—SB 130
  mining violations, penalty alternative—HB 839
  mining, remining permit—SB 374
Transportation of coal, regulation of—HB 945
Transportation, extended weights for carriers—HB 978
Underground
  coal mine inspection, safety committeeman on—HB 906
  coal mines, EMT required—HB 528
  mines, annual inspections increment—HB 715
Unmined coal, taxation of—HB 503

COLLECTIVE BARGAINING

Arbitration service, provision by state—HB 356
Law enforcement officer, collective bargaining by—HB 499
Mass transit employes' rights—HB 801
Mediation, prohibit information disclosure—HB 633
Negotiations, third party involvement—SB 266; HB 874
Public employe bargaining—HB 475, 644
Utilities, labor costs as expense factors—HB 900

COMMENDATIONS AND RECOGNITIONS

Alabama band—HR 164
Alamo, Battle of, recognize 150th anniversary of—HR 113
Biggs, William E.—HR 209
Billy Gibbons, Dusty Hill and Frank Beard—HR 97
Bloomfield tobacco festival, official designation of—HR 18
Bluegrass State Games—HR 167
Brazzell, Jamie—HR 127
Capitol building commemoration—HR 101
Carlisle County centennial—HR 220
Citizens for Decency Through Law—HR 177
Clinton County—HR 91
Council of State Governments—SCR 10; HCR 21
Crime victims and citizens for justice reform, commendation of—HR 175
Cumberland College basketball—HR 71, 197
Daingerfield, Keene—HR 72
Downard, John—HR 173
Durham, O. A. "Cotton"—HR 92
East Carter H.S. basketball—HR 162
Exile band, commendation of—HR 70
Faughn, Dale, poet laureate designation—HR 49
Frankfort
  Wilkinson Street School basketball—HR 216
  bicentennial recognition—HR 153
Franklin-Simpson High School girls' basketball—HR 203
Freshmen legislators, 1986 Session—HR 215
Gentleman from Butler 17—HR 185
Hands Across America—HR 174
Heskamp, David—HR 93
House members, retiring, adjourn in honor of—HR 158
KET—HR 221
Kentucky
  Federation of Business and Professional Women's Clubs—HR 41
  State Police—HR 178

COMMENDATIONS AND RECOGNITIONS (Cont'd)

  State University centennial—HR 43
  wood festival, official designation of—HR 56
Kidd, Mrs. Mae Street—HR 73
LRC staff—HR 204
Labor, Kentucky Secretary of—HR 183
Lane, Don—HR 76
Law enforcement officer week—HR 189
Ledford, Cawood—HR 98
Legislative Services Support Staff—HR 192
Lusk, Dr. David—HR 171
Madison County Bicentennial—HR 212
Madon, Robert L.—HR 182
Man o' War stamp, endorsement of—HCR 75
Martin, Larry—HR 218
Merchant Marine, adjourn in honor of—HR 122
Meredith, Marvin—HR 163
Milam, G. Sam—HR 103
Miller, Jim Wayne—HR 128
Mullins High School Varsity Cheerleading Squad—HR 142
NEA Convention commendation—HR 217
New capitol commemoration—HR 8
Ngubo, Nomonde—HR 59
Northern Ky. Committee, Greater Cincinnati Bicentennial—HR 176
Oldham County High School Girls' Basketball—HR 205
Pavarotti, Luciano—HR 53
Pikeville
  High School boys' cheerleaders—HR 169
  girls' varsity cheerleaders—HR 144
Pleasure Ridge Park High School basketball team—HR 148
Poet laureate, Henry Pilkenton as—HR 88
Points, Louis; Murray, Mary Ann; DeCoursey, Jean—HR 123
Poppy Day—HR 111
Pulaski County basketball—HR 188
Sam Stockard Band—HR 118
Saylor, Carol and Carlisle, Dora—HR 200
Snyder, Gene—HR 214
St. Pius Church Barbeque team—HR 179
Sullivan, Danny—HR 154
Swaggart, Jimmy—HR 222
Tackett, Marlow—HR 124
Thomas Jefferson Middle School—HR 42
Toomey, Welby—HR 198
Trinity
  High School cheerleaders—HR 206
  High School cross country team—HR 104
  High School, AAAA football championship recognition—HR 17
Tullis, Ashar—HR 165
U of L varsity cheerleading squad—HR 45
U.K. debate team commendation—HR 210
UK faculty, honor Fulbright grant recipients—HR 82
UK, Mayor Baesler, Fayette Urban County Council—HR 22
University of Louisville basketball team—HR 195, 199, 207
Warren East High School basketball—HR 201
Warren, Robert Penn—HR 108
Watson, T. M. "Buck"—HR 94
Western
  Kentucky University Lady Basketball Hilltoppers—HR 187
  Ky. economic development region and council—HR 110
Wiseman, Shirley McVay—HR 48
Wood, Amy, and Overbay, Mark—HR 63
Woodford County H. S. basketball—HR 156
Youth Art Month—HR 112

COMMON CARRIERS

Mass
  transit authorities, development fund for—SB 265
  transit authorities, permissive insurance provisions—SB 264
  transit authority, regulation and adjoining area service—SB 284
Motor carriers, definition of—HB 806
Rail cars, inspection when loaded—HB 153

COMMUNICATIONS

911 emergency telephone service, user charge for—SB 233
Butler County, request countywide telephone service study—HR 105
Cable
  TV services, facilities rights of—HB 313
  TV, prohibit indecency—HB 453, 501
Police radios, use by emergency services—SB 141
Psychotherapist, privileged communication with—SB 310

CONN, HAROLD

Elected janitor, p. 2

CONSTITUTION, KY.

Church motor vehicles, tax exemption amendment—HB 110
Education, State Board and Superintendent, amendment on—SB 10; HB 97, 100
General Assembly, members' length of terms—HB 947
Gubernatorial succession amendment—HB 131
Lottery authorization—HB 134, 177
Mayors, successive terms amendment—HB 1
Motor vehicle tax exemption authorization—HB 577
Presidential candidate preference referendum—HB 691
Prisoners, employment of—HB 102
Recovery limitations amendment—SB 262
Work release for prisoners, amendment on—HB 289, 304

CONSTITUTION, U.S.

Balanced budget amendment petition—HJR 36; HCR 31, 65

CONSUMER AFFAIRS

Amusement ride inspections, carnival definition concerning—HB 342
Auto repair regulation—HB 957
Cemetery
  lots, contract for sale of—HB 457
  merchandise, vaults as—HB 819
Dental labs, out-of-state, registration exemption—HB 542
Gasoline price reduction request—HR 96
Grocery store price display requirement—HB 303
Hospitals, itemized billing requirement—HB 224
Insurance information system—HB 185
New car lemon law—HB 733
Pest control applicators, regulation of—HB 759
Public utilities, omnibus amendments—HB 956
Pyramid sales, prohibition—HB 485
Restoration of consumer property—SB 239
Utilities
  PSC approval for operation sale, transfer or abandonment—HB 441
  combined electric and gas billings and terminations—HB 92
  customer charges for construction projects—HB 107
  exclude construction costs as rate factors—HB 93
  omnibus revision of statutes relating to PSC—HB 444
  rate schedules, new, suspension period increment—HB 439
  rates, service quality as factor—HB 442

CONSUMER AFFAIRS (Cont'd)

Utility
  arrearages, prohibit levy on new tenant—HB 861
  bills, late payment penalty limit—HB 505
  rate cases, intervenor compensation—HB 624
Vehicle fuel efficiency standards—HR 61
Water heaters, temperature pre-set by sellers—HB 255

CONTRACTS

Commercial paper, payment and collection guarantees—HB 286
Consignment of art—HB 540
Contractual limitations of actions—HB 649
Spouse abuse programs, exempt from personal service contract process—HB 50
Surrogate parenting contracts prohibition—HB 668
Uniform commercial code, omnibus revision—SB 28

CONVEYANCES

Real property liens, releases of—HB 622

COOPERATIVES

Omnibus amendments—HB 837
RECC, dissolution vote requirement—SB 178
Rural electric cooperative stock, dividend on—SB 260

CORONERS

Organ procurement transplant protocol—HB 5
Physicians as coroners, certification of—HB 402
Post-mortem requirement conditions—HB 611
Salaries, minimum requirements—HB 657

CORPORATIONS

Agricultural products use, corporation tax credit for—HB 260
Banks,
  acquisition conditions—SB 393
  acquisition or control limitation—HB 857
Business and nonprofit corporations, omnibus revision—SB 337
Coal consumption tax credit—HB 942
Cooperatives, omnibus amendments—HB 837
Investments in poor neighborhoods, tax credits for—SB 365
Kentucky agricultural products use, income tax credit for—HB 309
Urge protection of Ashland Oil against hostile takeover—HR 191

CORRECTIONS

Assault in third degree, correctional institution application—HB 243
Correctional facility construction authority, fiscal year of—SB 270
Employes, hazardous duty retirement benefits—HB 117
Employment of prisoners—HB 102
Executioners in capital cases, exemption of contracts review—HB 283
Facilities location, General Assembly determination of—HB 812
Halfway houses, location of—HB 164, 705
Home incarcerees, monitor of—SB 196; HB 463
Indigent jail inmates, catastrophic medical fund—SB 244
Interstate detainers, probation and parole violations—SB 185
Jail
  inmates, sentence reduction for good conduct—HB 537
  prisoners, transfer to penitentiary—SB 322
Jailer's expense allowance, provisions for—HB 627
Mentally ill inmates, transfer of—SB 346

CORRECTIONS (Cont'd)
Omnibus corrections revisions—HB 74
Parole board, membership increase—SB 105
Prison
  overcrowding, emergency declaration during—HB 72
  population and prison options task force—HCR 133
Private prisons, contracts for—SB 387
Sex offender treatment program—HB 535
State prisoners in county jail—HB 698
Vehicles as emergency vehicles—SB 162
Work release for prisoners, amendment on—HB 289, 304

COUNTIES, GENERALLY
Administrative code, review and amendment of—SB 352
Audits, standards for—HB 3
Boundary alteration study—HR 2
CERS, heart/lung disease as occupational—HB 650
City ordinances, county police enforcement of—HB 529
Coal franchise fee, county levy of—HB 909
Coroners, minimum salaries—HB 657
County
  attorney compensation—SB 290
  clerk, candidates for, examination of—HB 330
  judge/executive deputy, appointment of—HB 282
  police merit board procedures—HB 859
DUI fines, return of part to local law enforcement—HB 247
Deputy sheriffs, omnibus revision—HB 79
District
  court fines, deposit to county road fund—HB 673
  health department, county contributions toward—HB 944
Dog license fees, increase county share—HB 248
Employe retirement, omnibus amendments—SB 158
Farm bureau, delegates to annual convention—SB 213
Fee officer deputies, number and compensation of—HB 334
Fiscal court reapportionment, report to state board of elections—HB 256
Hazardous waste reports to counties—HB 118
Health boards, administration of—HB 152
Housing mortgage bonds, sales of—SB 303
Indigent jail inmates, catastrophic medical fund—SB 244
Industrial revenue bonds, types authorized—SB 220
Innovative development areas, creation of—HB 165
Investment pooling—SB 312
Jail inmates, sentence reduction for good conduct—HB 537
Jailers expense allowance, provisions for—HB 627
Jailers, duties of—HB 617
Joint city-county services funding—HB 122
Law library fee increments—HB 818
Occupational
  license tax—HCR 3; HB 464
  license taxes, rebate for nonresidents—HB 858
PVA, expense allowance for—HB 411
Planning
  and zoning bodies, voting requirements on—HB 139
  and zoning, omnibus revision—SB 35
Police, discipline—HB 583
Property tax rates—HB 736
Roads,
  definition of—SB 301; HB 788
  prohibit control by city—HB 167, 168
Rural secondary road funding—HB 355
Sheriff's
  court attendance, compensation exclusion—HB 849
  fees, excess, retention of—HB 561
  minimum salary—HB 630
  tax payment, date for—HB 846
Solid waste, prohibit disposal beyond county—HB 201
Special deputy sheriffs—HB 10, 379

COUNTIES, GENERALLY (Cont'd)
State
  health insurance coverage for county governments—HB 347
  training and technical assistance—HB 42
Subdivision
  regulations in counties without planning—HB 265
  road districts, maintenance agreements with counties—HB 265
TVA payments in lieu of taxes—SB 142
Treasurer, acting—HB 571
Volunteer
  fire department aid fund—HB 935
  fire fighters, CERS membership—HB 339
Water and wastewater facilities—HB 878
roads, transfer to rural secondary system—HB 980

COUNTIES OF 75,000 OR MORE
Appointment powers, county judge/executive—SB 140

COUNTIES, URBAN
Boundary alteration study—HR 2
Innovative development areas, creation of—HB 165
Transient room tax increment—HB 279
Zone change, conditions attached to—HB 618

COUNTIES WITH CITIES OF THE FIRST CLASS
Airboards, membership redefinition—SB 306
Alcoholic beverage administrator, sheriff as—HB 280
Board and commission appointments—HB 142
Callboxes, installation directive—HJR 80
Compact with city—SB 207; HB 487
Constables, salary elimination—HB 14
Electrical code, amendments to—HB 54
Joint agency funding—HB 69
Law library fee increments—HB 818
Metropolitan
  sewer district board membership—HB 954
  sewer districts, omnibus amendments—SB 377
Private school transportation subsidy—HR 160
Taxing district creation, voter approval of—HB 269
Tourist and convention commission membership—SB 313

COUNTIES WITH CITIES OF THE SECOND CLASS
Water heater serial numbers—HB 689

COUNTY CLERKS
Candidates, examination of—HB 330
Deeds of correction, notation and cross indexing—HB 635
Deputy clerks, number and compensation of—HB 334
Fees for deed of release—HB 879
Imported vehicles, titling documents for—HB 434
Legal process tax, application of—HB 11
Motor vehicle receipts, audits of—HB 374
State funds, uniform accounting of—HB 610
Vehicles registered from out-of-state, lien recording on—HB 525

COUNTY JUDGE/EXECUTIVE
Appointment powers, counties of 75,000—SB 140
Board and commission appointments—HB 142
Deputy, appointment of—HB 282
Property tax assessments, correction procedure—HB 410

COURT REPORTERS
Circuit court presence requirement—HB 281

COURT, SUPREME

Judicial budget, biennial—SB 96; HB 262
Supreme Court districts two and three, composition of—HB 802

COURTS, CIRCUIT

41st district, additional judge for—HB 536
Case dispositions, criminal, reporting of—HB 774
Court reporters, presence requirement—HB 281
Redistricting study—HCR 62

COURTS, DISTRICT

1st district, redefinition of—SB 234
42nd district, additional judge for—SB 243
55th district, additional judge for—HB 545
58th district, creation of—HB 836
Appeals from district court in criminal cases—HB 779
Case dispositions, criminal, reporting of—HB 774
District court fines, deposit to county road fund—HB 673
Judgeship increments, district 55—SB 240
Juvenile
  code, establishment of—SB 311
  proceedings, special advocates in—SB 263
Kenton County, additional district judge for—HB 483
Venue of actions—HB 596

COURTS, FISCAL

Board and commission appointments—HB 142
County administrative code, review and amendment of—SB 352
Library district budget approval—HB 269
Personnel appontment review, counties of 75,000—SB 140
Reapportionment, report to state board of elections—HB 256

COURTS, GENERALLY

Elderly persons, optional jury service exemption—HB 88
Judicial budget, biennial—SB 96; HB 262
Local court facilities, minimum charge for use of—HB 496
State of the Judiciary message, p. 2298

COWAN, FRED

HR 1, 8, 12, 14, 15, 21, 35, 45, 52, 70, 95, 103, 133, 136, 158, 165, 189, 192, 195, 199, 200, 205, 207; HB 1, 14, 24, 44, 138, 149, 245, 262, 346, 348, 354, 384, 386, 390, 394, 395, 413, 415, 436, 449, 450, 465, 487, 535, 570, 574, 601, 627, 637, 661, 677, 678, 692, 698, 720, 778, 794, 818, 828, 859
Committee to wait upon the chief justice, appointment to, p. 2298
Voting modifications—HJR 1Y, p. 107; HR 73Y, p. 530; HB 497N to abstain, p. 869; HB 344N, p. 1124; SB 105Y to N, p. 1740; HB 710Y, p. 2998; SCR 2N to Y, p. 3082; SB 124Y, p. 3082; HB 938Y, p. 3201

CRIMES AND PUNISHMENTS

Adult bookstore, definition and regulation—SB 241
Alcohol and drug pretrial diversion program—HB 927
Appeals from district court in criminal cases—HB 779
Armor piercing bullet, prohibit criminal use of—HB 933
Arson
  investigation responsibility, transfer of—HB 111
  investigation, responsibility for—HB 918
Assault
  in third degree, correctional institution application—HB 243
  on law enforcement officers—HB 637
Burglary of controlled substances—HB 852
Case dispositions, criminal, reporting of—HB 774
Charitable gaming defense, fraternal society inclusion—SB 289

CRIMES AND PUNISHMENTS (Cont'd)

Child visitation interference—HB 273
Children, crimes against—HB 664
Cities of 1st, fines by—HB 557
Concealed deadly weapon permits—HB 295
Controlled substances cultivation, real property forfeiture—SB 315
Correctional facilities location, General Assembly determination of—HB 812
Corrections, omnibus revisions—HB 74
Credit card loss, false report of—HB 642
Crime victims' rights—HB 8, 390, 413, 431
Criminal nonsupport, definition and penalties—HB 478
Cruelty to animals—HB 9
DUI
  fines, return of part to local law enforcement—HB 247
  limited operation licensure following—HB 276
  prior convictions—HB 17
  service fee apportionment—SB 276
  service fees, disposition of—HB 345, 432
Dangerous contraband, definition of—HB 422
Day care personnel, criminal records survey—HB 225, 494
Deadly weapons, sale to persons under 16—HB 832
Enhanced felony and misdemeanor offenses, creation of—HB 761
Evading process, criminal case inclusion—SB 320
Executioners in capital cases, exemption of contracts review—HB 283
Executions, news media attendance at—HB 60
Expungement of criminal records—HB 559
Extreme emotional disturbance, criminal actions defense of—HB 305
Felony theft level increase—HB 71
Halfway houses, restrictions on siting—HB 164
Home incarceration, terms and conditions—SB 196; HB 463
Homicide of unborn child—HB 433
Interstate detainers, probation and parole violations—SB 185
Intoxication
  defense notice—HB 450
  public, arrest for—HB 447
Jail prisoners, transfer to penitentiary—SB 322
Juvenile
  code, establishment of—SB 311
  sex offender program—HB 661
Military justice code, amendments to—SB 124
Motion pictures, adult-rated, provision to minors—HB 488
Motor vehicle operator's license, use for alcohol purchase—HB 613
Museum on library theft suspects, determination of—HB 574
Oil and gas, illegal drilling for—HB 446
Parole
  board deliberations, open meetings requirement—HB 156
  board hearings, notice and victim's attendance—HB 157
Pleas bargaining in criminal cases, elimination of—HB 619
Prejudice, ethnic or religious, reports on crimes manifesting—HB 46
Prison overcrowding, emergency declaration during—HB 72
Private prisons, contracts for—SB 387
Property transported illegally, receipt of—HB 375
Prostitution and related offenses, penalties for—HB 12
Psychological services for criminal defendants—HB 75
Racketeer influenced corrupt organizations (RICO), prohibition of—HB 51
Records of persons found not guilty, urging of—HB 588
Restitution by defendants—HB 73
Sex offender treatment program—HB 535

CRIMES AND PUNISHMENTS (Cont'd)
Sexual
  assault counselor/victim communication privilege—HB 263
  offense definitions—HB 931
  offenses against children—HB 449
  offenses, marriage definition under—HB 311
  performance by minors, penalties for—HB 726
Sheriffs and police chiefs, handgun permit issue by—HB 344
State prisoners in county jail—HB 698
Stolen property, trafficking in—HB 77
Tapes, unauthorized recordings of—HB 534
Theft
  by deception, defrauding an insurer as—HB 805
  by deception, mandatory fine for—HB 39
  by deception, notice fee for bad checks—HB 772
University keys, duplication of—HB 301
Vehicular homicide—HB 986
Victim impact report, requirement of—HB 621
Victims rights, commendation regarding—HR 175
Violent offenders, parole restrictions concerning—HB 76
Voluntary intoxication eliminated as a defense to crime—HB 211
Work release for prisoners, amendment on—HB 289, 304

CRIMINAL PROCEDURE
Alcohol and drug pretrial diversion program—HB 927
Appeals from district court in criminal cases—HB 779
Burglary of controlled substances—HB 852
Case dispositions, criminal, reporting of—HB 774
Child care employes, sex offense record survey—HB 601
Court reporters, presence requirement—HB 281
Crime
  victims' compensation amendments—HB 431
  victims' rights, omnibus amendments—HB 390
  victims'compensation amendments—HB 413
  victims, parole board appearances by—HB 8
DUI
  effect of prior convictions—HB 17
  fines, return of part to local law enforcement—HB 247
  service fee apportionment—SB 276
  service fee, use for indigents' defense—HB 345
Dangerous contraband, definition of—HB 422
Deadly weapons, sale to persons under 16—HB 832
District court juvenile proceedings, special advocates in—SB 263
Enhanced felony and misdemeanor offenses, creation of—HB 761
Evading process, criminal case inclusion—SB 320
Executions, news media attendance at—HB 60
Expungement of criminal records—HB 559
Extreme emotional disturbance, criminal actions defense of—HB 305
Felony theft level increase—HB 71
Fine, mandatory in probated cases—HB 39
Home incarceration, terms and conditions—SB 196; HB 463
Homicide of unborn child—HB 433
Intoxication defense notice—HB 450
Juvenile code, establishment of—SB 311
Military justice code, amendments to—SB 124
Minors, costs for public representation of—HB 346
Museum on library theft suspects, detention of—HB 574
Parole board deliberations, open meetings requirement—HB 156, 157
Peace officers, arrest powers beyond home county—HB 470
Plea bargaining in criminal cases, elimination of—HB 619
Psychological services for criminal defendants—HB 75
Racketeer influenced corrupt organizations (RICO), prohibition of—HB 51

CRIMINAL PROCEDURE (Cont'd)
Rape and incest, conviction of—HB 449
Records of persons found not guilty, urging of—HB 588
Restitution by defendants—HB 73
Sex offender treatment program—HB 535
Sexual
  assault counselor/victim communication privilege—HB 263
  offense definitions—HB 931
Theft
  by deception, defrauding an insurer as—HB 805
  by deception, notice fee for bad checks—HB 772
Violent offenders, parole restrictions concerning—HB 76
Vitim impact report, requirement of—HB 621
Voluntary intoxication eliminated as a defense to crime—HB 211

CRUPPER, CLAY
HR 8, 12, 14, 15, 21, 24, 25, 46, 52, 69, 70, 73, 84, 111, 113, 134, 152, 158, 163, 192, 195, 199, 200, 205, 207, 214, 215; HB 24, 41, 44, 45, 63, 64, 126, 127, 144, 160, 272, 302, 314, 328, 348, 355, 380, 431, 432, 458, 461, 509, 515, 566, 570, 665, 672, 673, 677, 692, 722, 733, 782, 794, 797, 806, 967

CURD, FREED
HR 8, 12, 14, 21, 63, 70, 73, 84, 111, 158, 163, 190, 192, 195, 199, 205, 207; HB 19, 23, 35, 105, 109, 301, 321, 462, 503, 509, 549, 579, 671, 677, 692, 731, 746, 781, 793, 915

CYRUS, RONALD "RON"
HR 8, 12, 14, 15, 21, 52, 58, 66, 70, 73, 78, 84, 103, 111, 113, 126, 140, 158, 163, 170, 183, 189, 191, 192, 195, 199, 200, 205, 207, 214; HB 19, 109, 126, 132, 199, 245, 274, 313, 326, 348, 434, 508, 530, 531, 534, 561, 585, 594, 595, 612, 625, 636, 672, 677, 678, 681, 691, 692, 705, 740, 750, 782, 783, 825, 867, 893, 905, 915, 942
HB 326, special subcommittee on appointment to, p. 688
Voting modification—HB 124Y, p. 894

DATA PROCESSING
Information system commission, statewide EDP plan—HB 632
State data processing for local government, charges for—HB 841

DAVIS, WILLIAM E.
Elected cloakroom keeper, p. 2

DAWAHARE, HOOVER
HR 8, 12, 14, 15, 21, 51, 52, 54, 70, 73, 111, 113, 122, 124, 163, 166, 192, 195, 199, 200, 205, 207, 214; HB 19, 36, 105, 109, 128, 159, 285, 326, 339, 353, 505, 508, 585, 612, 668, 677, 692, 722, 746, 783, 798, 821, 825, 830, 838, 839, 863, 915, 942, 985

DEADLY WEAPONS
Armor piercing bullet, criminal use prohibited—HB 933
Concealed deadly weapon permits—HB 295
Sale to persons under 16—HB 832

DEATHS
Death certificate, local issuance—HB 584
Decedents' communicable diseases, notice requirement—HB 880
Definition of death—HB 226, 737
Eyes, enucleation for corneal transport—HB 568
Memorial licensure—HB 641
Organ procurement for transplant, protocol for—HB 5
Post-mortem requirement conditions—HB 611

DESKINS, HERBERT "HERBIE"

HR 8, 12, 14, 15, 54, 70, 73, 103, 142, 144, 158, 163, 166, 169, 184, 185, 192, 195, 199, 200, 205, 207, 219; HB 19, 62, 65, 138, 344, 416, 428, 465, 508, 546, 570, 594, 595, 612, 677, 700, 715, 719, 724, 740, 750, 753, 754, 755, 756, 757, 758, 759, 767, 768, 769, 777, 825, 839, 869, 906, 909, 923, 942, 985

Voting modifications—HB 241Y, p. 290; HB 470Y to N, p. 893; HB 360Y, p. 1769; HB 226Y, p. 1995; HB 772N to Y, p. 2520; HB 894N, p. 3158

DISASTERS

Disaster and emergency assistance authority—HB 923
Hazardous material spillage reporting and response—HB 743
Police radios, use by emergency services—SB 141

DISTILLED SPIRITS

Convention centers, Sunday sales by—HB 884
Fines in lieu of license suspension, increase in—HB 37
Licensure, gross receipts from beverage sales—HB 388
Possession of nontaxed beverages—HB 553
Transportation restriction—SB 73
Urban counties, Sunday sales in—HB 34

DOGS

Biomedical research restrictions—HB 762
License fee increment—HB 248
Licensing and control, omnibus revisions—HB 926

DOMESTIC RELATIONS

Adoption
  biological information on—SB 98
  subsidies—HB 984
Adoption, subsidized, interstate compact on—HB 52
Adult exploitation, redefinition of—HB 49
Child
  custody, temporary, time period for—SB 127
  joint custody upon marriage dissolution—HB 560
  support enforcement—HB 323
  support payment failure, loss of visitation rights following—HB 82
  support payment, wage assignments for—HB 227
  support, nonpayment—HB 961
  visitation—HB 273
Criminal nonsupport, definition and penalties—HB 478
Domestic
  abuse remedies—HB 562
  relations cases, custody of children—HB 115
Handicapped children, support by parents—HB 148
Hard-to-place children, redefinition for adoption purposes—HB 80
Marriage
  ceremonies, performance by former justices of the peace—HB 231
  license, restore syphilis examination requirement—HB 987
  solemnization by notary public—HB 336
Missing children, photos of—HB 778
Parenthood and human development instruction requirement—HB 751
Retirement benefits, excepted as martial property—HB 680
Sexual offenses, marriage definition under—HB 311
Spouse
  abuse programs, exempt from personal service contract process—HB 50
  abuse shelters, expansion of—HJR 1
Surrogate parenting contracts prohibition—HB 668
Wills, revocation by divorce—HB 932

DONNERMEYER, WILLIAM "BILL"

HR 1, 8, 10, 11, 12, 13, 15, 16, 21, 30, 32, 52, 56, 70, 84, 101, 109, 111, 116, 122, 129, 131, 139, 150, 152, 158, 163, 171, 192, 195, 199, 200, 205, 207, 208, 217; HB 3, 8, 24, 36, 53, 59, 67, 88, 109, 114, 120, 134, 149, 150, 151, 161, 177, 179, 197, 209, 245, 247, 248, 259, 268, 270, 302, 326, 341, 347, 348, 398, 431, 432, 433, 461, 463, 465, 469, 472, 473, 474, 477, 498, 502, 503, 508, 510, 522, 538, 551, 552, 553, 570, 578, 583, 589, 596, 603, 625, 628, 632, 638, 664, 668, 672, 676, 677, 691, 722, 736, 742, 743, 744, 764, 776, 779, 780, 790, 794, 819, 841, 849, 859, 884, 915, 919, 926, 938, 964, 968, 977

HB 326, special subcommittee on appointment to, p. 688

Voting modifications—HB 80Y, p. 255; HB 435N to Y, p. 1199; HB 208Y, p. 1358; SB 17Y, p. 3202; HCR 141Y, p. 3202; SB 339Y, p. 3202; SB 331Y, p. 3202; SB 389Y, p. 3202; SB 344Y, p. 3202; SCR 97Y, p. 3202; SB 353Y, p. 3202; SB 42Y, p. 3202; SB 88Y, p. 3202; SB 267Y, p. 3202; SB 119Y, p. 3202; SB 227Y, p. 3202; SB 241Y, p. 3202; SB 269Y, p. 3202; HB 286Y, p. 3202; HB 225Y, p. 3202; HB 631Y, p. 3202; HB 684Y, p. 3202; HB 747Y, p. 3202; HB 222Y, p. 3202; HB 543Y, p. 3202; HB 546Y, p. 3202; SB 317Y, p. 3202; SB 319Y, p. 3202; SB 340Y, p. 3202; SB 370Y, p. 3202; SB 379Y, p. 3202; HR 186Y, p. 3202; SCR 30Y, p. 3202; SCR 38Y, p. 3202; SJR 78Y, p. 3202; SCR 98Y, p. 3202; SJR 44Y, p. 3202; HB 176Y, p. 3202

DRUGS AND MEDICINES

Alcohol and drug pretrial diversion program—HB 927
Anabolic steriods, define as controled substances—HB 936
Burglary of controlled substances—HB 852
Controlled substances cultivation, real property forfeiture—SB 315
Drug and alcohol abuse, involuntary commitment for treatment—HB 785
Drugs, generic substitution, check-box for—HB 907
Evidence in controlled substances cases—HB 450
Generic drugs, posting of sign—HB 697
Long-term care residents, choice of pharmacy by—HB 369
Medicaid drug formulary, addition of non-steroidal drugs—HB 469
Non-hospitalized patients, bill of rights—HR 151
Prescription drugs, licensure requirements concerning—HB 814

ECONOMIC DEVELOPMENT

Agricultural finance corporation, loan purposes and amounts—HB 835
Business and technology office, creation of—HB 228
Commonwealth venture fund, investment tax credits for—HB 149
Construction, urge state energy sources in—HR 184
Economic
  assistance legislation study commission—HR 140
  development bonds, full repayment requirement—HB 473
  development department, reorganization of—SB 58
  development planning commission creation—SCR 78; HJR 116
Enterprise zones, revision of—HB 4
Forestry industry expansion plan—HJR 126
Industrial
  development bond allocation committee—SB 153
  development bonds, omnibus revision—SB 361
  revenue bonds study—HCR 135
Innovative development areas, creation of—HB 165
International trade, task force on—HR 170
Job Corps, urge continued funding—HCR 4
KDFA loan specification's redefinition—SB 242

ECONOMIC DEVELOPMENT (Cont'd)
Kentucky Pride program—HJR 137
Local industrial revenue bonds, types authorized—SB 220
Mineral region study commission—HR 166
Small business assistance, work teams for—SB 208
State-financed construction, coal burning requirement—HB 985
Toyota
  Motor Corporation incentives, pledge to fund—SJR 7; HJR 16
  plant construction, urge American labor for—HR 84; HCR 23
Urge protection of Ashland Oil against hostile takeover—HR 191
Western Ky. economic development region and council—HR 110

EDUCATION, ELEMENTARY AND SECONDARY
Absence, excuse for North American Livestock Exposition—HB 160
Advisory council for gifted and talented education, continuation of—HB 527
Annexed
  territory, attendance option in—HB 593
  territory, study of school attendance in—HR 168
Banking services for school districts, bids for—HB 981
Basic
  skill time requirements, elementary level redefinition—HB 169
  skills training for adults, foundation for—SB 139
Board of claims jurisdiction, boards of education under—SB 305
Boards of education, members' liability—HB 240
CPR instruction in secondary schools—HB 258
Cable TV gross receipts license tax for schools—HB 651
Capital outlay funds, district transfer for current expenses—HB 395
Child
  abuse investigation in schools—HB 639, 656
  care employes, sex offense record survey—HB 601
Classified employes, retirement for—HB 23
Club sales, sales tax exemption—SB 193; HB 415
Community educational television study—HCR 136
Convicts attending school, restrictions on—HB 164
Disaster days—HB 24
Dropout, driver's license revocation for—HB 371
Education administration, constitutional amendment on—HB 10, 97, 100
Educational improvement act testing program—HB 669
Emergency leave for school employes—HB 287
Employes' life insurance coverage—HB 866
Employes,
  abusive speech or conduct toward—SB 271
  local uncertified, merit system for—HB 370
Essential skills testing and remediation program—SB 198; HB 394
Exceptional
  children, educational programs for—HB 241, 675
  children, office of education for—HB 816
Flag, require instruction concerning—SB 117
Foundation
  program and power equalization revisions—HB 896
  program funds, expenditure restrictions—HB 570
  program unit allotment, average daily attendance for—HB 22
Free textbook program, study of—HCR 74
Future teacher clubs, establishment of—HB 324
GED certificate, requirements for—HB 549

EDUCATION, ELEMENTARY AND SECONDARY (Cont'd)
High
  school graduation requirements study—SCR 98
  school programs, review of—HJR 115
In-service for local board members, local determination of—HB 373
Kindergarten,
  maximum class size for—HB 210
  teacher aids for, effective date of—SB 91
Loans under school asbestos act, repayment of—SB 152
Local disaster days, state board to grant—HB 232
Lunch
  duty, calculation of teachers' non-instructional time for—HB 306
  period, length of—HB 354
Missing children, records recognition of—HB 178
Moment of silence, observance of—HB 105
NEA Convention commendation—HR 217
National religious history, plaques in school—SJR 19
Office of federal programs, organization of—HB 886
Parent and preschool child education program—HB 662
Parenthood and human development instruction requirement—HB 751
Power equalization funds, use for instructional support persons—HB 614
Private school transportation subsidy—HR 160
Programs, minimum equivalent tax revenue for—HB 707
School
  board members, in-service training requirement—SB 82
  board members, salary for—HB 573
  boards, local, limit litigation by—SB 102
  bus safety—HB 870
  buses, markings alteration upon transfer—HB 647
  buses, stopping on four-lane highways—HB 686
  calendar, year round, study of—HCR 34
  day, statement upon commencement—HB 746
  days without pupils present—HB 552
  district, community advisory councils—HB 491
  entrance age—HB 950
  finance, governor's commission on—HJR 106
  food services division transfer—HB 815
  for deaf and blind, teachers' salary status—HB 298
  term, beginning date of—HB 24
Schools for blind and deaf, transportation for pupils at—HB 609
Severe weather emergency plan requirement—HB 732
Sports medicine programs—HB 219
State board of education, liability insurance purchase by—SB 350
Statutes, review of—HCR 114
Student
  portraits, sales tax exemption—HB 739
  suspension of explusion, causes for—HB 872
Superintendent of Public Instruction, appointment of—SB 10
Teacher preparation and continuing education plan—HJR 100
Teachers in shortage areas, loans for—HB 983
Teachers' sick leave bank—HB 764
Teachers,
  assistants for—HB 21
  beginning teacher committees—SB 314
  certification, requirements for—HB 351
  duty-free lunch period, effective date of—SB 83
  leave for legislative testimony—HB 493
  nonpublic school retirement service credit—HB 312
  retired, health insurance premiums for—HB 83
  sick leave for child adoption by—HB 840
  sick leave, immediate family redefinition—HB 26
  testing and internship for—HB 579
  training and evaluation, pilot sites for—HB 393

EDUCATION, ELEMENTARY AND SECONDARY (Cont'd)

Teaching standards and practices, commission on—HB 889
Testing and remediation programs, study of—HCR 132
Texbooks, grades 9-12, rental program and indigent books—HB 924
Textbook adoption cycle and groups, reduction of—HB 385
Textbooks in Braille, state board selection of—HB 952
Thomas Jefferson Middle School commendation—HR 42
Transportation of pupils by public systems—HB 771
Transportation, means of—SB 278
Tuition and book expense, income tax deduction—HB 676
Utilities gross receipts tax exemption—HB 850
Weather calamity days, approval for—SB 8; HB 300

EDUCATION, FINANCE

Average daily attendance, definition of—HB 24
Banking services for school districts, bids for—HB 981
Cable TV gross receipts license tax for schools—HB 651
Capital outlay funds, district transfer for current expenses—HB 395
Exceptional children, educational programs for—HB 241
Foundation
  program and power equalization revisions—HB 896
  program funds, expenditure restrictions—HB 570
  program unit allotment, average daily attendance for—SB 76; HB 22
GED foundation, authorization for—SB 139
Kindergarten, maximum class size for—HB 210
Loans under school asbestos act, repayment of—SB 152
Local school district property tax rates—HB 736
Lottery proceeds—HB 177
Minimum equivalent tax revenue, use for instructional programs—HB 707
Non-public pupil transportation funds—HB 18
Power equalization funds, use for instructional support persons—HB 614
Remediation program, allotment of units under—SB 198; HB 394
School
  districts, TVA payments in lieu of taxes—SB 142
  finance, governor's commission on—HJR 106
  tax recall—HB 979
  taxes, levy and administration—HB 407
  taxes, petition for referendum on—HB 187
Utility, gross receipts license tax base—HB 408
Vocational agriculture classroom units, 12-month allocation—HB 59
Weather calamity days, ADA for—SB 8; HB 300

EDUCATION, HIGHER

Athletic grants-in-aid, drug traffic penalties under—HB 811
Boards of regents, graduate on—HB 462
Distinguished students, recognition of—HB 209
Faculty
  compensation study—HCR 85
  scholars award program—HB 386
Fraternal hazing activity, regulation—HB 325
Hearing impaired students, instructional aids for—HB 322
Higher education assistance authority, reorganization of—HB 237
Hopkinsville community college, request auditorium for—HR 202
Hospitality education as discipline—HB 780
In-state tuition, authorization for persons with military experience—HB 180
Law enforcement officers, deceased, tuition for dependents—HB 352

EDUCATION, HIGHER (Cont'd)

Nurses' educational needs study—HJR 102
Owensboro, community college in—HB 455
Remedial instruction prohibition—HB 319
Robotics center advisory board—HB 671
Teacher preparation and continuing education plan—HJR 100
UK Board of Trustees, county extension agent member of—HB 28
Universities, purpose of—HJR 26
University keys, duplication of—HB 301
Veterans' dependents, tuition waivers for—HB 384

EDUCATION, VOCATIONAL

Adult vocational education board—SB 367
Convicts attending school, restrictions on—HB 164
Governor's council on vocational education—HB 223
Hospitality education as discipline—HB 780
Motor vehicle insurance—SB 67
Structure study—HR 190
Veterans' dependents, tuition waivers for—HB 384
Vocational agriculture classroom units, 12-month allocation—HB 59

ELECTIONS

Campaign
  debt, prohibit retirement while in office—SB 159
  financial reporting, omnibus revision—HB 61
Filing
  and other deadlines—SB 385
  by candidates, 4 p.m. deadline—HB 515
Nomination petition filing date—HB 192
Omnibus revision—HB 124, 172
Presidential
  candidate preference referendum—HB 691
  preference primary, establish—SB 29; HB 101, 103
School
  tax recall—HB 979
  taxes, petition for referendum on—HB 187
Voter
  lists, telephone number inclusion in—HB 908
  registration forms, provision to precincts—HB 158

ELECTRICIANS

Electrical
  advisory committee—HB 170
  code, amendments to—HB 54
Local licensing requirement—HB 426

ELLINGTON, WILLIAM "JOEL"

HR 8, 12, 14, 15, 21, 52, 70, 73, 84, 103, 111, 113, 122, 158, 163, 174, 189, 192, 195, 199, 200, 205, 207, 214; HB 24, 105, 109, 261, 334, 348, 424, 433, 477, 488, 570, 580, 613, 672, 677, 692, 778, 850, 915
Voting modifications—HB 181Y, p. 519; HB 389Y, p. 540; HB 596Y, p. 894; HB 401Y, p. 906; HB 518Y, p. 1273; HB 362Y, p. 1358; HB 682Y, p. 1428; HB 298Y, p. 1995; HB 347Y, p. 2831; HB 881Y, p. 2831; HB 716Y, p. 3311

EMBALMERS AND FUNERAL DIRECTORS

Decedents' communicable diseases, notice requirement—HB 880
Eyes, enucleation for corneal transport—HB 568
Licensure,
  non-active status for—HB 6
  omnibus revision—HB 787
Memorial licensure—HB 641

EMBLEMS

Bloomfield tobacco festival, official designation of—HR 18
Flag,
  require instruction concerning—SB 117
  state, pledge of allegiance to—HB 58
Gemstone, fresh-water pearl as—SB 359
Official fossil, brachiopod as—HB 372
State tree, white oak as—HB 824

EMERGENCY OR SPECIAL EFFECTIVE DATE

August 1, 1986—HB 843, 844
Emergency—SB 83, 91, 102, 225, 244, 361, 373; HB 30, 35, 179, 283, 347, 454, 477, 503, 537, 561, 741, 796, 893, 946, 980, 981
Emergency,
  January 7, 1986—SB 182
  July 1, 1986—HB 447, 677
  May 1, 1986—HJR 78
  Sections 1-3—HB 510
  September 1, 1985—SB 142
January
  1, 1987—SB 372; HB 515
  31, 1987—HB 990
July
  1, 1987—SB 28; HB 257, 573
  1, 1988—HB 889

EMINENT DOMAIN AND CONDEMNATION

Churchill Downs Authority, condemnation power—HB 965
Cities, sewers beyond city limits—SB 3
Fish and wildlife resources department—HB 890
Landlocked property, eminent doman exemption—HB 734
Transportation cabinet, exempt from property development deadline—HB 703

ENERGY

Atmospheric fluidized bed combustion generating, fav. tax—HB 234
Drilling, land surface impact regulation—HB 809
Economic development construction, urge state energy in—HR 184
Electric plant retirement, decommissioning certificate for—HB 90
Energy
  agency transfer to commerce cabinet—HB 591
  assistance and conservation fund—HB 161
  assistance and weatherization fund—HB 510
  assistance task force—SCR 2; HCR 9
Fossil fuels transport, public safety factors—HB 590
Gas gathering lines, prohibit abandonment of—HB 504
Guaranteed energy service program—HB 977
Low income energy assistance fund—SB 325
Manufacturers, coal-fired facility tax credit—HB 112
Oil and gas pooling, acreage ratio of—SB 22
Pipelines, free gas for certain property owners—HB 598
Superinsulated house, income tax credit for—HB 136

ENGINEERS AND SURVEYORS

Land surveyors and engineers, licensing of—HB 146
Liens, notice to property owners regarding—HB 862
Mine maps, certification by surveyors—HB 104
Regulatory provisions redefinition—HB 329

ENVIRONMENT AND CONSERVATION

Beverage containers, restrictions on—SB 256
Conservation officers, peace officer status for—SB 317
Dams, ensuring safety and containing costs—HB 294

ENVIRONMENT AND CONSERVATION (Cont'd)

Emergency response costs, lien for—SB 100
Hazardous
  and solid waste, regulation of—SB 101
  waste management—HB 428
  waste sites, approval requirement—HB 511
Mining
  data-522/petition review branch—HB 218
  regulations, moratorium on—HB 285
Natural resources and environment cabinet, hearings division—SB 55
Oil
  and gas operations, spill control plan requirement—HB 307
  well injection, underground water protection—SB 299
Open dumps, regulation of—SB 99
Plastic containers, redemption of—HB 988
Private water supplies, testing and assistance concerning—HB 418
Radioactive materials disposal—SB 343
Sanitation districts in two counties, services by—HB 968
Sewage system permits, refusal pending performance bond—HB 871
Soil erosion, cost-share program for—HB 820
Solid waste, prohibit disposal beyond county—HB 201
Surface mining violations, penalty alternative—HB 839
Vehicle emissions inspection program—HB 114
Vehicles above 18,000 pounds for soil conservation, registration fees—HB 847
Water
  management task force, re-establishment—HJR 81
  plan, state—HB 406
  well construction, repeal of requirement on—HB 616
  well drillers, liability insurance for—SB 225
  well drillers, omnibus revision—HB 898
  withdrawal, diversion and allocation—HB 482
Wild rivers, addition to—HB 798

ESCHEATS

Historic property, care of—HB 781

ESTATES OF DECEDENTS

Aliens, rights of—SB 250
Probate, omnibus revision—HB 467
Wills, revoked by divorce—HB 932

EXPLOSIVES

Blasting near natural gas pipelines—HB 976

FAIRS

Amusement ride inspections, carnival definition concerning—HB 342
No. American Livestock Exposition committee—HB 229
Rides and attractions, exemptions from definition as—HB 64

FARROW, MARK

HR 8, 12, 14, 15, 16, 21, 24, 25, 51, 52, 69, 70, 73, 90, 134, 158, 163, 192, 195, 199, 200, 205, 207, 214, 215; HB 17, 30, 59, 75, 79, 109, 110, 127, 130, 135, 144, 150, 160, 245, 251, 271, 327, 328, 348, 355, 377, 378, 380, 411, 417, 503, 509, 566, 570, 636, 649, 665, 672, 673, 677, 746, 792, 795, 897, 904, 915, 930, 967, 985
Voting modifications—HB 5N, p. 290; HB 11Y, p. 290; HB 30Y, p. 290; HB 52Y, p. 290; HB 80Y, p. 290; HB 132Y, p. 290; HB 169Y, p. 290; HB 292Y, p. 290; HB 77Y, p. 373; HB 150N to Y, p. 906; HB 588Y, p. 1273; HB 238Y, p. 1273; HB 359N, p. 1273; HB 600Y, p. 1273; HB 75Y, p. 1273; HB 120Y, p. 1273; HB 622N, p. 1273; HB 451N, p. 1273; HB 613Y, p. 1740; HB 894Y to N, p. 3202

FEES

Architects' fees—HB 718
Boiler inspection fees—HB 220
Child welfare services, fee charges for—HB 216
City service user fees—HB 427
Crime victim compensation, court costs for—HB 413
Motor carrier cab card fees—HB 47
Secretary of State, fee increments—HB 555
Sheriffs' fees, excess, retention of—HB 561

FIDUCIARIES

Guardians of veterans, accounting by—HB 189
Investments by fiduciaries—HB 807
Minors, Uniform Transfers Act—HB 466
Obligations of U. S., investment in—HB 700
Probate, omnibus revision—HB 467

FIREARMS

Armor piercing bullet, criminal use prohibited—HB 933
Concealed deadly weapon permits—HB 295
Handguns issued state employes, purchase upon retirement—HB 199
Sheriffs and police chiefs, handgun permit issue by—HB 344
Volkmer-McClure firearms owner protection act, urge passage of—HR 130

FIREFIGHTERS AND FIRE DEPARTMENTS

Arson investigation responsibility, transfer of—HB 111
Certification of fire departments—HB 744
Cities of the 1st, CERS for firefighters—SB 358
Emergency vessels, flashing red lights on—HB 133
Fire
  fighters' training center fund—HB 436
  protection districts, amubulance service by—HB 670
  protection districts, annexation procedure by—HB 784
  protection personnel standards commission membership—SB 119
Hazardous
  materials, notice to fire chief concerning—HB 663
  retirement, forest firefighters—HB 137
Insurance surcharges, use for pay supplements—SB 331
License plates for volunteer fire fighters—HB 338
Pay supplements, airport boards as local governments—HB 45
Rescue squads, regulation of—SB 199
Residency requirements, deletion of—HB 770
Retirement annuity, income tax exemption—HB 498
Salary supplements for airport police and fire fighters—HB 522
Volunteer
  fire department aid fund—HB 935
  fire departments, reimbursement for equipment losses—HB 742
  fire fighters, CERS membership—HB 339
  fireman, workers' compensation coverage—HB 710

FIRE PREVENTION

Arson investigation, responsibility for—HB 918
Blasting near natural gas pipelines—HB 976
Emergency forest fire proclamation, burning prohibition during—HB 804
Fire departments, certification of—HB 744
Hazardous material spillage reporting and response—HB 743
Open burning, warning for first-time violation—HB 509

FISH AND WILDLIFE

Fish
  and Wildlife Department timber, harvest and sale of—HB 230
  and wildlife resources, eminent domain and condemnation by—HB 890
Game and fish fund, prohibit transfers from—HR 186
Hunting and fishing licensure, disabled veterans' exemption—HB 68, 378
License exemption for disabled persons—HB 377
Reciprocity with Indiana, Ohio, and Illinois—SB 111
Steel snares prohibition—HB 476
Wildlife redefinition—SB 354

FLOOD CONTROL AND WATER USAGE

Flood control advisory commission, administration of—SB 53
Water withdrawal, diversion and allocation—HB 482

FOODS

Apiaries and bees, regulation revision—HB 127
Bee pollen, sales tax exemption for—HB 782
Beverage containers, restrictions on—SB 256
Dietitians, certification of—HB 44
Food
  and sanitation division, creation of—HB 235
  stamp food, sales tax exemption—HB 842
Grocery store price display requirement—HB 303
Restaurant tax, cities of 4th—HB 451

FORD, DANNY

HR 12, 14, 15, 24, 25, 35, 52, 63, 67, 70, 73, 84, 103, 111, 113, 122, 158, 188, 189, 192, 195, 196, 199, 200, 207; HB 24, 105, 112, 245, 255, 272, 300, 377, 378, 420, 453, 478, 532, 534, 612, 622, 640, 668, 677, 692, 729, 730, 746, 783, 800, 824, 834, 873, 891, 972, 981
Voting modifications—SB 10N, p. 1199; HR 86 abstain to Y, p. 1995; SB 233Y, p. 2196; HB 302Y, p. 2196; HB 59Y, p. 2267; SB 252Y to N, p. 3082; HB 894N, p. 3158

FORESTS AND FORESTRY

Emergency forest fire proclamation, burning prohibition during—HB 804
Fish and Wildlife Department timber, harvest and sale of—HB 230
Forestry industry expansion plan—HJR 126
Hazardous retirement, forest firefighters—HB 137
Non-consumer forest products, transportation of—HB 563
Open burning, first-time violation—HB 509

FREIBERT, PATRICIA "PAT"

HR 12, 14, 15, 21, 26, 31, 35, 36, 41, 47, 51, 52, 70, 73, 84, 90, 132, 135, 147, 158, 163, 190, 192, 195, 196, 199, 200, 204, 205, 207, 214; HB 135, 255, 279, 318, 319, 320, 473, 478, 494, 521, 548, 570, 619, 620, 621, 646, 672, 675, 677, 692, 694, 746, 783, 825, 826, 949
HB 326, special subcommittee on, appointment to, p. 688
Voting modifications—HB 306Y, p. 290; HB 144Y, p. 1048; HB 451N, p. 1273; HB 588Y, p. 1273; HB 231N, p. 1273; HB 238Y, p. 1273; HB 492Y, p. 1273; HB 552Y, p. 1273; HB 600Y, p. 1273; HB 604Y, p. 1273; HB 622Y, p. 1273; HB 634Y, p. 1273; HB 659Y, p. 1273; HCR 62Y, p. 1273; HCR 66Y, p. 1273; HJR 78Y, p. 1273; SB 28N, p. 1273; SB 156Y, p. 1273; HB 75Y, p. 1273; HB 500Y, p. 1273; HB 120Y, p. 1273; HB 482Y, p. 1428; HB 919Y, p. 2412; SB 242N, p. 2520; HB 678N, p. 2520; HB 236Y, p. 2677; HB 237Y, p. 2677; HB 637Y, p. 2677; HB 779Y, p. 2677; HB 787Y, p. 2677; HB 805Y, p. 2667; SB 220Y to N, p. 2832; HB 512Y to N, p. 2832; HB 894N, p. 3158

FUEL

Fossil fuels transport, public safety factors—HB 590
Gasoline price reduction request—HR 96
LP gas equipment, license and tampering—HB 667
Motor fuels tax, refund for nonprofit arboretum—HB 696
Oil and gas pooling, acreage ratio of—SB 22
Petroleum products, quality standards for—HB 429
Pipelines, free gas for certain property owners—HB 598
Special fuels tax refund for nonhighway use—HB 766
Transportation center, use of gasoline tax for—HB 873
Vehicle fuel efficiency standards—HR 61

GAMBLING

Charitable gaming defense, fraternal society inclusion—SB 289
Lottery authorization—HB 134, 177
Omnibus horse racing amendments—HB 794

GARNISHMENT

Child support payment, wage assignments for—HB 227
Public officials and employes, validity condition—HB 519

GEDLING, DONALD "DONNIE"

HR 1, 8, 12, 14, 15, 21, 24, 25, 52, 69, 70, 73, 86, 103, 122, 147, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214; HB 3, 11, 18, 19, 24, 105, 126, 127, 148, 160, 229, 238, 239, 245, 249, 272, 312, 316, 355, 374, 382, 423, 456, 470, 490, 509, 525, 566, 570, 571, 586, 603, 635, 642, 648, 665, 673, 677, 692, 746, 752, 788, 797, 834, 838, 839, 915, 930, 947
HB 326, special subcommittee on, appointment to, p. 688
Voting modification—HB 794N to Y, p. 2196

GENERAL ASSEMBLY

Adjournment—SCR 28, 140, 160; HR 8, 12, 14, 15, 22, 29, 33, 37, 44, 50, 52, 55, 57, 67, 68, 72, 73, 76, 79, 83, 89, 90, 92, 93, 94, 97, 103, 109, 118, 119, 122, 124, 127, 138, 142, 143, 144, 149, 150, 154, 156, 164, 171, 172, 178, 180, 194, 204, 207, 209, 222; HCR 21
Administrative regulations, review of—HB 803
Berg, Dr. Oddvar, invitation to—HR 19
Budget, biennial—SB 95; HB 259
Capitol annex space increment—HB 964
Chief Justice, committee to wait upon—HR 155
Employes' per diem increments—SB 182
Free textbook program, study of—HCR 74
Governor, committee to wait upon—HR 11, 32
Honor freshmen legislators, 1986 Session—HR 215
House
  members, retiring, adjourn in honor of—HR 158
  temporary employes, limit on—HJR 38
Legislative development, special committee on—SCR 87
Legislator
  membership in KERS, optional status of—HB 113
  retirement, reduction in benefits—HB 318
Lobbyists, prohibit compensation from public revenues—HB 550
Members,
  former, retirement benefits for—HB 27
  length of terms amendment—HB 947
Pastors, invitation to—HR 10
Redistricting, county division prohibition—HB 963
Representative districts 5 and 8—HB 35
Retirement
  benefits reduction—HB 86, 87
  program and monthly expense allowance—HB 459
  program, uniform benefit formula—HB 106

GENERAL ASSEMBLY (Cont'd)

Rules,
  adopt temporary—HR 13
  permanent—HR 30
Senate districts 25, 29 and 31, redefinition of—SB 344
Veterans affairs subcommittee, re-establishment request—HCR 117

GOVERNOR

Budget message, p. 189
Committee to wait upon—HR 11
Insurance industry investigation—HJR 58
Messenger allowance repeal—SB 267
State of the Commonwealth message, p. 13
Succession amendment—HB 131

GRAIN

Feed mills, exempt from grain check-off—HB 98
Insurance fund amendments—HB 163
License fee reduction—HB 204

GRAY, JAMES "J.R."

HR 8, 12, 14, 15, 21, 52, 58, 69, 70, 84, 111, 113, 139, 158, 163, 181, 189, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 59, 117, 139, 243, 245, 348, 360, 391, 434, 436, 475, 486, 488, 499, 508, 530, 531, 534, 550, 599, 633, 636, 677, 681, 691, 710, 728, 781, 793, 876, 888, 987
HB 326, special subcommittee on, appointment to, p. 688
Voting modifications—HB 74N, p. 139; SB 182Y, p. 1995; SB 35Y, p. 2349; SB 274Y, p. 2412; HCR 132Y, p. 2998; SB 266Y, p. 2998; SB 350Y, p. 2998; HB 234Y, p. 2998; HB 310Y, p. 2998; HB 374Y, p. 2998; HB 512Y, p. 2998; HB 525Y, p. 2998; HB 546Y, p. 2998; HB 664Y, p. 2998; HB 723Y, p. 2998; HB 799Y, p. 2998; HB 804Y, p. 2998; HB 809Y, p. 2998; HB 881Y, p. 2998; HB 899Y, p. 2998; HB 905Y, p. 2998; HB 918Y, p. 2998; HB 936Y, p. 2998; HB 952Y, p. 2998; HB 979Y, p. 2998; HB 832N, p. 2998; HB 882N, p. 2998; HB 913N, p. 2998

GREGORY, CHESTER "BUD"

HR 8, 9, 12, 15, 21, 24, 25, 52, 70, 73, 88, 111, 113, 122, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214; HB 3, 30, 36, 67, 68, 109, 159, 161, 272, 490, 540, 677, 746, 749, 783, 915, 935, 980

GUARDIANS

Parent as successor guardian—HB 277
Respondent's disability hearing, jury deletion—HB 776
Veterans, accounting by guardians of—HB 189
Wards' mineral, oil, gas or timber interest, lease of—SB 128

GUENTHNER, LOUIE

HR 1, 8, 12, 14, 15, 17, 21, 52, 68, 70, 73, 84, 103, 111, 113, 118, 136, 139, 158, 160, 163, 173, 185, 192, 195, 199, 200, 205, 206, 207, 214; HB 19, 46, 76, 165, 212, 225, 271, 308, 373, 393, 394, 395, 436, 470, 534, 570, 677, 692, 705, 746, 800, 808, 812, 832, 990
Voting modifications—HB 77Y, p. 402; HB 181Y, p. 402; HB 243Y, p. 402; HB 405Y, p. 714; HB 466Y, p. 714; HB 65Y, p. 714; HB 216N, p. 714; HB 176Y, p. 906; HB 135Y, p. 906; HB 485Y, p. 1124; HB 502Y, p. 1124; HB 521Y, p. 1124; HB 572Y, p. 1124; HB 231Y, p. 1262; HB 588Y, p. 1262; HB 552Y, p. 1262; HB 600Y, p. 1262; HB 604Y, p. 1262; HB 622Y, p. 1262

HAGG, SUE

Elected assistant clerk, p. 2

HANCOCK, CHARLES "HANK"

HR 8, 12, 14, 15, 21, 24, 25, 35, 43, 52, 70, 73, 103, 111, 112, 131, 134, 153, 158, 163, 178, 192, 195, 199, 200, 205, 207, 214, 215, 216; HB 3, 11, 30, 67, 68, 124, 138, 176, 245, 307, 348, 366, 399, 446, 465, 540, 626, 634, 653, 672, 677, 692, 699, 717, 746, 749, 766, 777, 783, 796, 813, 829, 873, 915, 967, 980, 985
Committee to wait upon the governor, appointment to, p. 11
Voting modifications—HB 61Y to N, p. 894; HB 470N, p. 894; HB 582Y, p. 894

HANDICAPPED PERSONS

Automobile insurance, discrimination prohibition—SB 76
Commission for handicapped children, contracts for services—HB 953
Deaf and hearing impaired commission membership—HB 299
Developmental disabilities planning council creation—HB 747
Developmentally disabled persons, rights of—HB 53
Exceptional children, educational programs for—HB 241, 675
Handicapped
  children, commission for—SB 60
  children, support of—HB 148
Hearing
  impaired infants, identity certificate—HB 404
  impaired students, instructional aids for—HB 322
  loss potential, infant identity program—HB 341
Housecars, handicapped license plates for—HB 290
Hunting and fishing license exemption for disabled persons—HB 377
License plates for vehicles—HB 735
Long-term care residents, choice of pharmacy by—HB 369
Medicaid waivers, U.S. grant petition—HCR 157
Mentally retarded persons, rights of—HB 477
Motor vehicle registration plates—HB 244
Parking by handicapped—HB 939
Personal
  care assistance program expansion—SB 84; HB 448
  care residents, state supplement increment—HB 922
Schools for blind and deaf, transportation for pupils at—HB 609
State parks discount program—HB 456
VA hospitals, handicapped parking permits from—HB 292
Vocational rehabilitation office, liability insurance for—HB 864

HANDY, BENNY "BEN"

HR 12, 14, 15, 21, 70, 73, 84, 111, 136, 158, 163, 192, 195, 199, 200, 205, 207; HB 4, 12, 19, 34, 44, 138, 196, 224, 269, 316, 331, 366, 394, 395, 416, 448, 465, 487, 510, 585, 625, 677, 678, 692, 705, 746, 818, 829, 947

HARPER, JOHN

HR 1, 8, 12, 14, 15, 21, 23, 35, 52, 70, 73, 77, 84, 99, 110, 111, 113, 122, 158, 163, 175, 189, 192, 195, 196, 199, 205, 207, 214; HB 10, 15, 24, 30, 32, 38, 45, 87, 99, 108, 113, 118, 123, 131, 133, 192, 281, 312, 348, 390, 428, 456, 511, 545, 615, 623, 630, 663, 672, 677, 692, 696, 743, 744, 746, 765, 811, 822, 869, 891, 915, 949
Voting modifications—HCR 51 abstain to Y, p. 894; HB 659Y, p. 1263; HB 809Y to N, p. 2832; HB 382N, p. 2832; SB 252Y to N, p. 2998; HB 894N, p. 3158

HARPER, KENNETH "KEN"

HR 8, 9, 12, 15, 21, 31, 35, 36, 52, 70, 73, 84, 152, 158, 171, 192, 195, 199, 200, 205, 207, 214; HB 45, 53, 136, 161, 193, 302, 380, 431, 432, 438, 440, 448, 461, 483, 506, 510, 522, 555, 570, 578, 589, 591, 654, 676, 677, 722, 746, 776, 794, 849, 949, 953
Voting modification—HB 894N, p. 3158

HEAD, ROY "ROY JOE"

HR 4, 8, 12, 14, 15, 21, 49, 52, 58, 69, 70, 73, 84, 103, 122, 143, 158, 163, 166, 173, 189, 192, 195, 199, 200, 205, 207, 214; HB 19, 36, 53, 55, 59, 117, 331, 347, 348, 377, 401, 416, 436, 456, 585, 677, 678, 681, 705, 710, 746, 790, 800, 825, 838, 839, 883, 915, 947, 985
Voting modifications—HB 367Y, p. 540; HB 105Y, p. 1770; HB 326N, p. 1905; HB 978Y to N, p. 2998; HB 894N, p. 3158

HEALTH AND MEDICAL SERVICE

Abortion for minors, written parental consent for—HB 589
Adoptees, health history access by—HB 56
Ambulance personnel, emergency signals on personal vehicles—HB 353
Anabolic steriods, define as controlled substances—HB 936
Biomedical research, use of animals for—HB 762
CPR instruction in secondary schools—HB 258
Certificate of Need Authority, creation of—SB 327
Decedents' communicable diseases, notice requirement—HB 880
Dental hygienists, practice by—HB 452
District health department, county contributions toward—HB 944
Drug and alcohol abuse, involuntary commitmentk for treatment—HB 785
Drugs, generic substitution, check-box for—HB 907
Emergency medical services commission, creation of—HB 790
Fire protection districts, ambulance service by—HB 670
Foster children, medical assistance for—HB 639, 656
Generic drugs, posting of sign—HB 697
Health
  Insurance, mental health coverage in—HB 585
  boards, local administration of—HB 152
  care records disclosure—HB 960
  coordinating council, statewide, reorganization of—HB 222
  facilities licensure, reporting requirements for—HB 196
Hospitals,
  itemized billing requirement—HB 224
  licensing inspections exemption—SB 318
Household and dependent care services, income tax credit for—HB 250
Indigent health services—HB 701
Insurance coverage for chiropractic services—HB 888
Insurance,
  continuation of coverage for former spouse and children—HB 539
  group coverage, benefits coordination guidelines—HB 607
  group policies, continuation and conversion—SB 274
  interest on unpaid claims—HB 183
  long-term care coverage—SB 273
Life support equipment, sales tax exemption of—HB 242
Living wills, standards for—HB 138
Long-term
  care facilities, discharge or transfer from—HB 78
  care facilities, licensure of—HB 925
  care facilities, prohibit medicaid discrimination—HB 465
  care facility admissions, pre-authorization for—SB 116
  care, medicaid decertification of—HB 982
Marriage license, restore syphilis examination requirement—HB 987
Medicaid
  benefits, income tax refund program—HB 679
  waivers, U.S. grant petition—HCR 157
Medicaid,
  drug formulary, addition of non-steroidal drugs—HB 469
  prescription drugs reimbursement—HB 472, 474
  services department, creation of—HB 495

HEALTH AND MEDICAL SERVICE (Cont'd)

Medical
  assistance, assets transfer prohibition—SB 148
  assistance, limit administrative costs of—HB 853
  assistance, limits on nursing home reimbursement—HB 548
  utilization review organizations, licensing of—HB 25
Medically uninsured, study of—SCR 59
Mental health services amendments—SB 346
Mentally ill persons, hospitalization of—HB 711
Non-hospitalized patients, bill of rights—HR 151
Occupational therapists, licensure of—HB 41
Omnibus health care reform act—SB 62; HB 403
Optometrists, use of pharmaceutical agents by—SB 104
Pediatric teaching hospital, medicaid reimbursement to—HB 708
Personal care assistance program expansion—SB 84; HB 448
Physician assistants regulation—HB 603
Prescription drugs, licensure requirements concerning—HB 814
Prosthetic devices, sales tax exemption expansion—HB 197
Respiratory therapists licensure—HB 911
Sexually transmitted disease records, confidentiality—HB 376
State
  employes, health insurance benefit fund—HB 851
  health insurance coverage for county governments—HB 347
Teaching hospitals, medicaid reimbursement for—SB 210
Treatment decisions, adults control of—HB 989

HELERINGER, ROBERT "BOB"

HR 8, 12, 15, 17, 31, 68, 70, 84, 104, 111, 136, 146, 158, 160, 163, 192, 195, 199, 205, 206, 207, 214; HB 105, 129, 189, 244, 257, 269, 277, 278, 416, 433, 461, 465, 470, 477, 484, 570, 676, 678, 692, 735, 781, 812, 859, 915, 928
Voting modification—HB 150N to Y, p. 906

HIGHWAYS, STREETS AND BRIDGES

Abandoned vehicles, removal from right-of-way—HB 706
Axle weights for motor carriers—HB 865
Callboxes, installation directive—HJR 80
County
  roads, definition of—SB 301; HB 788
  roads, prohibit city control of—HB 167, 168
  roads, transfer to rural secondary system—HB 980
District court fines, deposit to county road fund—HB 673
Emergency vehicles, turnpike toll exemption—HB 397
Eminent domain, public property condemnation—HB 703
Fund transfers to road fund from general fund—HB 749
Highway user fee—HB 126
Ky 1851 and 2317, urge weight increase—HR 77
Limited access, regulation of access by local governments—HB 713
Mississippi River Parkway Commission, establishment of—SB 50
Motor carriers, highway user fee on—HB 990
Plans for state highways and parkways, repeal provisions on—HB 48
Relocation assistance program—SB 16
Rural secondary road funding—HB 355
Six-year road plan approval—HR 208
Toll roads, elimination of tolls—HB 293
Turnpike toll exemption—HB 425
Vehicles above 10,000 lbs., interstate highway operation of—HB 15

HINES, CARL

HR 1, 8, 12, 14, 15, 21, 59, 70, 73, 111, 122, 136, 151, 158, 159, 163, 173, 190, 192, 195, 199, 200, 205, 207; HB 4, 25, 49, 122, 138, 196, 197, 198, 224, 255, 366, 373, 393, 394, 395, 416, 465, 485, 487, 510, 556, 557, 570, 585, 625, 671, 677, 678, 705, 818, 853
Voting modifications—HB 68Y, p. 150; HB 72Y, p. 150; HB 74Y, p. 150; HB 210Y, p. 360; HB 270Y, p. 360; HB 235Y, p. 360; HB 56Y, p. 360; HB 8Y, p. 360; HR 7Y, p. 360; HR 69Y, p. 1263; SB 10Y, p. 1263; HB 515Y, p. 1263; HB 516Y, p. 1263; HB 571Y, p. 1263; HB 444Y, p. 1263; HB 17Y, p. 1263; HB 489Y, p. 1263; SB 158Y, p. 1263; HB 627Y, p. 1770; SB 337Y, p. 3158

HISTORICAL AFFAIRS

Alamo, Battle of, recognize 150th anniversary of—HR 113
Escheated property, care of—HB 781
Kentucky Bicentennial Commission, creation of—SB 2
Museum on library theft suspects, detention of—HB 574
My Old Kentucky Home advisory commission—HB 592
National religious history, plaques in schools—SJR 19
Oral history interviews, confidentiality of—SB 92

HOLBROOK, CHARLES

HR 1, 8, 12, 14, 15, 21, 52, 70, 84, 87, 103, 158, 163, 191, 192, 195, 199, 205, 207; HB 1, 82, 105, 109, 127, 154, 197, 219, 246, 332, 343, 366, 434, 436, 460, 461, 526, 534, 570, 594, 595, 666, 677, 692, 700, 795, 828, 869, 949, 980
Voting modifications—HR 73Y, p. 530; HB 221Y, p. 1428

HOLIDAYS

State employe holidays, King birthday observance as—HB 416

HOLLOWAY, EDWARD "ED"

HR 1, 8, 12, 14, 15, 21, 52, 70, 78, 103, 111, 122, 136, 140, 158, 160, 163, 185, 192, 195, 199, 200, 205, 207, 214; HB 274, 382, 393, 394, 395, 470, 534, 570, 677, 692, 746, 795, 805, 859, 867, 893

HOSPITALS AND NURSING HOMES

Billing, itemization requirement—HB 224
Boarding homes—HB 20
Certificate of Need Authority, creation of—SB 327
Decedents' communicable diseases, notice requirement—HB 880
Indigent health services—HB 701
Licensing inspections exemption—SB 318
Licensure, reporting requirements for—HB 196
Living wills, standards for—HB 138
Long-term
  care facilities study—HCR 7
  care facilities, licensure of—HB 905
  care facilities, prohibit medicaid discrimination—HB 465
  care facility admissions, pre-authorization for—SB 116
  care ombudsman program—HB 57
  care residents, choice of pharmacy by—HB 369
  care residents, personal needs allowance for—HB 205
  care, medicaid decertification of—HB 982
Medical
  assistance, payments under—HB 78
  utilization review organizations, licensing of—HB 25
Nonprofit hospital, medical surgical, dental and health service corp.—HB 692
Nursing homes, limits on medical assistance reimbursement—HB 548
Omnibus health care reform act—SB 62; HB 403
Organ procurement transplant protocol—HB 5

HOSPITALS AND NURSING HOMES (Cont'd)

Personal care residents, state supplement increment—HB 922
Teaching hospitals, medicaid reimbursement for—SB 210
Treatment decisions, adult's control of—HB 989
Veterans' nursing home, establishment of—HB 30

HOTELS AND MOTELS

Employes, overtime pay exemption deletion—HB 365
Overtime pay exemption redefinition—HB 914

HOUSING, BUILDINGS & CONSTRUCTION

Boarding homes—HB 20
Boiler inspection fees—HB 220
Builders, statute of limitations for actions against—HB 543
Building code, enforcement of—HB 695
Certified building officials foundation program fund study—HCR 46
Electrical
  advisory committee—HB 170
  code, amendments to—HB 54
Fair Housing Month, designate April as—SCR 38
Housing mortgage bonds, sales of—SB 303
Insurance, prohibit excessive coverage—HB 799
Kentucky housing corporation, income definition—HB 612
Local housing bonds—HB 912
Mobile
  homes, inspections required for—HB 141
  homes, sales tax exemption for—HB 725
On-site sewage disposal system installers, certification of—HB 490
Prefabricated plumbing systems—HB 887
Public
  building contract bidders, certification of—HB 166
  housing authorities, group and self-insurance—HB 296
Water
  heater serial numbers—HB 689
  heaters, temperature pre-set by sellers—HB 255

INCOME TAX

Agricultural products use, corporate tax credit for—HB 260
Artistic
  charitable contributions deduction—SB 214
  contributions deduction—HB 506
Coal consumption tax credit—HB 942
Commonwealth venture fund, investment tax credits for—HB 149
Corporate investments in poor neighborhoods, credits for—SB 365
Corporations using Kentucky agricultural products, credit for—HB 309
Educational expense, deduction—HB 676
Federal code adoption—HB 894
Household and dependent care services, tax credit for—HB 250
Manufacturers, coal-fired facility tax credit—HB 112
Medicaid benefits, income tax refund program—HB 679
Military retirement annuities exclusion—HB 130, 145
Police and fire fighters' retirement exemption—HB 498
Retirement benefits, reciprocal tax exemption of—HB 717
Superinsulated house, credit for—HB 136
Tobacco growers, no net cost assessment credit—HB 665

INHERITANCE TAX

Agricultural or horticultural land, evaluation for partnerships—HB 116
Burial expense deduction increment—HB 331
Fair cash value redefinition—SB 345
Surviving children, exemption increment for—HB 171
Trusts and life estates, inclusion of—HB 892

INSPECTIONS

Boiler inspection fees—HB 220
Mobile homes, inspections required for—HB 141
Utility service initiation prior to building inspection—HB 695

INSURANCE

Administrator, licensing of—SB 277
Agents,
  continuing education for—HB 660
  managing general—HB 524
Annual statement convention blank, filing of—SB 330
Automobile
  coverage, pain and suffering damage recovery—HB 278
  coverage, rate increase for moving violations—HB 182
  guaranty coverage, definition of—HB 332
  handicapped or disabled person—SB 76
  insurance plan, mandatory participation—SB 353
  issuance or renewal refused based on marital status—SB 86
Claims of insured against insurer, attorneys fees and investigation of—HB 516
Commercial insurance association—SB 309
Criminal justice employes, liability coverage for—HB 423
Day care centers, liability of—HB 829
Dental coverage for public employes and retirees—HB 381
Domestic issuer, approval as—SB 155
Enforcement officers' liability insurance—HB 793
Engineers, risk management trust fund—SB 249
Entertainment places, insurance on musical instruments—HB 750
FAIR plan, casualty insurance under—HB 604
Foster parents, liability insurance for—HB 55
Grain insurance fund amendments—HB 163
Group term life, extension of benefits under—HB 974
Health
  consumer information system—HB 185
  continuation of coverage for former spouse and children—HB 539
  coverage for chiropractic services—HB 888
  coverage, benefits coordination guidelines—HB 607
  insurance, mental health coverage in—HB 585
  insurance, notice to employe not covered under replaced policy—HB 174
  interest on unpaid claims—HB 183
  maintenance organization coverage for KERS retirees—HB 399
Health,
  coverage for ectodermal dysplasia—HB 948
  group policies, continuation and conversion—SB 274
  long-term care coverage—SB 273
Industry study task force—HJR 139
Insurance industry investigation—HJR 58
Liability
  insurance for public employes—HB 885
  insurers, reports from—HB 769
  rates, experience ratio for—HB 951
Life
  and annuity policies, statement of interest on—HB 962
  policies with no cash surrender values—SB 275
Livestock, payment of full insured value upon loss—HB 877
Mass transit authorities, permissive insurance provisions—SB 264
Medical malpractice actions—HB 162
Medically uninsured, study of—SCR 59
Motor
  carriers, increase liability limits—HB 702
  vehicle coverage, proof prior to registration—HB 564
  vehicle policies, underinsured motorist coverage in—HB 753
  vehicle, discount on comprehensive coverage—SB 379
  vehicle, list of new insureds—HB 763
  vehicle, recovery of benefits—HB 754

INSURANCE (Cont'd)
  vehicle, repeal subrogation rights—HB 723
  vehicles coverage, driving record as rate basis—HB 257
  vehicles, coverage on demonstration and replacement vehicles—HB 367
  vehicles, tort actions for damage recovery—HB 755
  vehicles, uninsured operation—HB 600
Municipal premiums tax, rate limit—HB 620
Nonprofit hospital, medical surgical, dental and health service corp.—HB 692
Omnibus revision—HB 631
Premium
  finance company, maximum service charge—HB 460
  surcharges, use for pay supplements—SB 331
Professional liability coverage, rate approval—SB 280
Property, option in case of total loss—HB 917
Property/casualty, cancellation, declination, renewal, refusal—SB 339
Public housing authorities, group and self-insurance—HB 296
Rates, regulatory board for—HB 966
Real estate licensees, errors and omissions coverage for—SB 72
Risk retention groups, regulation of—HB 526
School employes' life coverage—HB 866
State
  board of education, liability insurance purchase by—SB 350
  employes' health coverage, local employe participation in—HB 458
  employes, health insurance benefit fund—HB 851
  health insurance coverage for county governments.—HB 347
  police, liability insurance requirement—HB 310
Structures, prohibit excessive coverage—HB 799
Teachers, retired, health insurance for—HB 159
Theft by deception, defrauding an insurer as—HB 805
Vocational
  rehabilitation office, liability insurance for—HB 864
  schools, motor vehicles owned by—SB 67
Water well drillers, liability insurance for—SB 225
Workers' compensation, carriers, information reporting requirements—HB 653

INTEREST AND USURY
Pawnbroker charges—HB 544
Utility security deposits, interest on—HB 437

INTERLOCAL COOPERATION
Cities of 1st and their counties—SB 207; HB 487

INTERSTATE COOPERATION
Adoptions, subsidized, interstate compact on—HB 52
Cincinnati wrecker operators, ordinance on—HR 152
Council of State Governments, resolution commending—SCR 10; HCR 21
Detainers, Interstate Agreement on—SB 185; HB 71
Fishing and hunting, reciprocity for—SB 111
Low-level radioactive waste compact, approval of—SB 63
Motor vehicle titles on transfer out-of-state, correction of—HB 685
Ohio-Indiana-Illinois boundary modification—SB 110
Reciprocal agreements, permit for the secretary of labor—HB 357

JAILS AND JAILERS
Assault in third degree, correctional institution application—HB 243
Dangerous contraband, definition of—HB 422
Expense allowance, provision for—HB 627
Indigent jail inmates, catastrophic medical fund—SB 244

JAILS AND JAILERS (Cont'd)
Jail inmates, sentence reduction for good conduct—HB 537
Jailers, duties of—HB 617
Omnibus corrections revisions—HB 74
Prisoners, transfer to penitentiary—SB 322
State prisoners in county jail—HB 698

JENSEN, THOMAS "TOM"
HR 12, 14, 15, 35, 52, 70, 73, 84, 103, 111, 158, 163, 166, 173, 189, 192, 195, 196, 197, 199, 200, 205, 207, 214; HB 10, 19, 86, 534, 604, 677, 714, 723, 746, 800, 917, 949
Natural resources and environment, appointment to as vice chairman, p. 524
Voting modifications—HB 428Y, p. 869; HB 282N to Y, p. 869; HB 665Y, p. 1995; HB 894N, p. 3158

JOHNSON, EDWARD "LOUIS"
HR 1, 8, 12, 15, 21, 35, 52, 70, 81, 96, 109, 111, 158, 160, 163, 174, 177, 179, 192, 195, 199, 200, 205, 207, 214; HB 24, 146, 227, 236, 245, 323, 329, 343, 366, 383, 390, 453, 454, 455, 478, 500, 501, 513, 568, 570, 596, 634, 667, 668, 677, 689, 692, 718, 746, 790, 915
Voting modification—SB 264N to Y, p. 2502

JONES, ROBERT "BOB"
HR 1, 8, 12, 14, 15, 21, 52, 62, 65, 70, 114, 158, 161, 192, 195, 199, 200, 205, 207; HB 117, 138, 198, 199, 200, 201, 202, 203, 240, 243, 283, 284, 288, 289, 473, 534, 570, 608, 661, 677, 692, 795, 825, 828, 853
Voting modifications—HB 794Y, p. 2520; HB 828Y, p. 2520

JONES, THOMAS "TOM"
HR 1, 8, 12, 14, 15, 21, 40, 52, 70, 73, 81, 85, 106, 111, 126, 158, 192, 195, 199, 200, 205, 207, 221; HB 19, 40, 138, 194, 195, 198, 224, 307, 348, 397, 402, 404, 425, 445, 446, 465, 491, 492, 493, 503, 507, 590, 625, 668, 672, 677, 699, 871, 945, 967
Voting modifications—HB 199N to Y, p. 753; HB 409Y to N, p. 1428; SB 50Y, p. 1428; HB 427Y, p. 1428

JUDGES AND COMMISSIONERS
41st judicial district, additional judge for—HB 536
42nd district, additional judge for—SB 243
Chief Justice, committee to wait upon—HR 155
Compensation increments—HB 236
District judgeship increment—SB 240
Judicial retirees, insurance and benefits—HB 828
Kenton County, additional district judge for—HB 483
State of the Judiciary message, p. 2298

JUDICIAL CIRCUITS
41st district, additional judge for—HB 536

JUDICIAL DISTRICTS
42nd district, additional judge for—SB 243
55th district, additional judge for—HB 545
58th district, creation of—SB 234; HB 836
Judgeship increments, district 55—SB 240
Kenton County, additional district judge for—HB 483
Redistricting study—HCR 62

JURIES AND JURORS
Elderly persons, optional jury service exemption—HB 88
Juries and jury selection, omnibus revision—HB 480

JUSTICES AND MAGISTRATES
Former justices, marriage solemnization by—HB 231

KEITH, STEPHEN

HR 8, 12, 14, 15, 21, 35, 39, 52, 70, 73, 84, 111, 113, 122, 158, 163, 173, 189, 192, 195, 196, 197, 199, 200, 205, 207, 214; HB 8, 19, 22, 30, 40, 83, 105, 109, 112, 125, 149, 176, 339, 348, 536, 630, 677, 710, 742, 746, 809, 811, 917, 935, 942
Counties and special districts, appointed vice chairman, p. 524
Voting modifications—HB 226Y to abstain, p. 1995; HB 898Y to N, p. 3082

KELLY, STUART

Elected sergeant-at-arms, p. 2

KERR, THOMAS

HR 8, 12, 14, 15, 21, 29, 50, 52, 57, 69, 70, 73, 84, 103, 111, 113, 122, 152, 158, 163, 171, 174, 189, 190, 192, 194, 195, 199, 205, 207, 214; HB 10, 12, 19, 24, 36, 59, 71, 72, 74, 76, 105, 109, 126, 149, 150, 193, 197, 229, 237, 238, 239, 245, 272, 302, 339, 390, 433, 483, 498, 509, 510, 525, 529, 566, 570, 576, 577, 578, 586, 635, 642, 668, 670, 671, 673, 677, 726, 746, 797, 801, 849, 880, 912, 913, 914, 915, 931, 932, 933, 935, 947, 986
Voting modifications—HB 748Y, p. 1995; SB 273Y, p. 3158

LABOR

Arbitration service, provision by state—HB 356
Construction and mining firms, wage payment surety requirement—HB 435
Employes, expand definition of—HB 362
Employment
  agency fee restrictions revision—HB 808
  services, department for, reorganization—SB 61
Hazardous materials, employer information on—HB 663
Health insurance, notice to employe not covered under replaced policy—HB 174
Job
  Corps, urge continued funding—HCR 4
  retraining legislation study commission—HR 140
  training partnership act implementation—HB 652
Mass transit employes' rights—HB 801
Mediation, prohibit information disclosure—HB 633
Minimum
  wage increment—SB 143; HB 360
  wage, delete tip credit calculation permission—HB 361
Negotiations, third party involvement—SB 266; HB 874
Occupational
  safety and health, discrimination prohibition under—HB 359
  safety and health, right-to-know regulations—HCR 66
  safety and health, worker training, fund for—HB 876
Officers, collective bargaining by—HB 499
Overtime
  in excess of 40 hours, prohibition—HB 430
  pay exemption deletion—HB 365
  pay exemption redefinition—HB 914
Plant closings, employe notice requirement—HB 340
Polygraph examinations, prohibition—HB 486
Public employe bargaining—HB 475, 644
Reciprocal agreements, permit for the secreary of labor—HB 357
Secretary of Labor, commendation of—HR 183
Toyota plant construction, urge American labor for—HR 84
Unemployment
  compensation extended benefits, computation of—HB 867
  compensation, benefits, referee determined—HB 175
  compensation, commission members' salary increment—HB 317
  compensation, omnibus revision—HB 274
  compensation, worksharing—HB 89
Union dues by payroll deduction, local employes—SB 252
Utilities, labor costs as expense factors—HB 900

LABOR (Cont'd)

Volunteer firemen, police, civil defense members, coverage of—HB 710
Workers'
  compensation AMA impairment guides—HB 767
  compensation Asbestos-related dis. claims, 20 year limitation—HB 628
  compensation claims, evidence from non-treating physicians—HB 683
  compensation comprehensive review—HJR 78
  compensation injury reports requirement—HB 724
  compensation, Ky. insurance guaranty association coverage of—HB 155
  compensation, attorney's fee in reopened claims—HB 513
  compensation, claim recovery evidence, prohibitional basis as—HB 198
  compensation, claimants, discrimination prohibition—HB 364, 530
  compensation, insurance carriers, information reporting—HB 653
  compensation, medical rehabilitation—HB 363
  compensation, occupational pneumoconiosis, omnibus revisions—HB 533
  compensation, partnership coverage requirement—HB 132
  compensation, reinsurance association liabilities statement—HB 893
  compensation, special fund liability report—HR 181
  compensation, summary of law, posting by employers—HB 856
  compensation, volunteer ambulance service, personnel coverage—SB 108; HB 288
Workers'compensation, special fund audit request—HR 161
Youth employment incentive act—HB 868

LANDLORD AND TENANT

Eviction and rent due actions, joint prosecution of—HB 582
Possession refusal, damages following—HB 719

LAW ENFORCEMENT

Law
  enforcement foundation, sheriffs and deputy sheriffs under—SB 286
  enforcement officer week—HR 189
Police, cities of 6th, county-wide jurisdiction—SB 255

LAYMAN, RONALD "RONNY"

HR 8, 12, 14, 15, 21, 35, 52, 70, 84, 111, 113, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214; HB 24, 36, 109, 126, 431, 432, 616, 668, 672, 677, 722, 746, 794, 869
Voting modifications—HB 611Y, p. 1770; HB 402Y, p. 1770; HB 326N, p. 1905

LEAR, WILLIAM "BILL"

HR 6, 8, 12, 14, 15, 21, 22, 48, 51, 52, 70, 90, 109, 158, 163, 192, 195, 199, 200, 205, 207; HB 4, 8, 39, 139, 140, 143, 147, 156, 157, 178, 203, 279, 307, 352, 366, 380, 390, 473, 480, 481, 516, 570, 618, 625, 677, 713, 741, 771, 785, 825, 827, 855, 877, 878, 879, 916, 979
Committee to wait upon the chief justice, appointed chairman, p. 2298
Voting modifications—HB 435N, p. 1199; HB 1Y, p. 1273; SB 271Y to N, p. 2520

LEFEVERS, PEARL "PEARL RAY"

HR 8, 12, 14, 15, 21, 25, 35, 52, 70, 73, 84, 103, 111, 113, 122, 158, 163, 166, 182, 189, 192, 195, 196, 199, 200, 205, 207, 214; HB 8, 19, 22, 67, 83, 96, 105, 109, 125, 149, 159, 176, 245, 261, 385, 445, 456, 663, 677, 746, 811, 869, 891, 915, 939, 985
Voting modification—HB 894N, p. 3158

LEGAL ACTIONS

Adoption
  biological information on—SB 98
  cases, attorneys' fees in—HB 383
  proceedings and records, access to—HB 271
Attorney's fees, award to defendant if prevailing—HB 800
Board of claims, omnibus revision—SB 396
Builders, statute of limitations for actions against—HB 543
Child support enforcement—HB 323
Claims of insured against insurer, attorneys fees and investigation of—HB 516
Comparative fault standard of liability—HB 795
Consumer protection, property restoration—SB 239
Contractual limitations of actions—HB 649
Court reporters, presence requirement—HB 281
Death, definition of—HB 226, 737
Domestic
  abuse remedies—HB 562
  relations cases, custody of children—HB 115
Eviction and rent due actions, joint prosecution of—HB 582
Farmland foreclosure moratorium—HB 252
Guardianship cases, waiver for jury trial in—HB 277
Juries and jury selection, omnibus revision—HB 480
Medical malpractice actions—HB 162
Mentally ill persons, hospitalization of—HB 711
Motor vehicle damages, tort actions for recovery—HB 755
Municipal corporations, liability limitations—HB 120
Respondent's disability hearing, jury deletion—HB 776
School
  board member's liability—HB 240
  boards, local, limit litigation by—SB 102
Venue of actions—HB 596
Ward, mineral, oil, gas or timber interest, lease of—SB 128
Water source contamination, cause of action for—HB 492
Wrongful death, loss of affection and companionship by—HB 532

LEGISLATIVE CITATIONS

Angus, Terrell Ray-LC 22, p. 446
Appelman, Mayor Thomas L.-LC 9, p. 107
Bailey, Roger-LC 4, p. 29
Baker, Bobby-LC 19, p. 402
Baker, Squire-LC 88, p. 3240
Ballard, Thelma-LC 12, p. 147
Barren River Rod and Gun Club-LC 67, p. 3206
Basham, Freida-LC 12, p. 147
Bay, Terry-LC 22, p. 446
Bechtold, Alice-LC 12, p. 147
Belcher, Judge Delzinna-LC 73, p. 3157
Belt, Candy-LC 17, p. 357
Bledsoe, Baxter, Sr.-LC 59, p. 2677
Borthick, Daniel E.-LC 22, p. 446
Bowen, Joe-LC 77, p. 3161
Brammer, Jack-LC 54, p. 2408
Bray, Theresa-LC 12, p. 147
Brewster, Hazel-LC 12, P. 147
Bronger, Representative Jerry-LC 41, p. 1121
Brown, Ayanna-LC 17, p. 357
Brown, Jamie-LC 19, p. 402
Brown, Jerry-LC 22, p. 446
Brown, Ruth-LC 12, p. 147
Brummett, Evangaline-LC 12, p. 147
Cahill, Cheryl, LC 12, p. 147
Caldwell, Mr. & Mrs. Charles W.-LC 23, p. 519
Calhoun, Susan-LC 12, p. 147
Calloway County Speech Team-LC 45, p. 1399
Carloss, Rebecca Long-LC 28, p. 587
Carnes, Mable-LC 12, p. 147
Carwile, Louise-LC 12, p. 147

LEGISLATIVE CITATIONS (Cont'd)

Casebier, Lindy-LC 10, p. 147
Chapman, Rex Everett-LC 58, p. 2530
Chellgren, Mark-LC 56, p. 2409
Clark, Representative Larry-LC 41, p. 1121
Cole, Vernon-LC 71, p. 3156
Colgate, Catherine-LC 12, p. 147
Collett, Robert-LC 12, P. 147
Conner "Cougars" Girls Basketball Team-LC 105, p. 3323
Craig, Andre-LC 20, p. 401
Creech, Eric-LC 101, p. 3322
Crittenden County High School Football Team-LC 15, p. 268
Cronen, David-LC 98, p. 3316
Crupper, Representative Clay-LC 62, p. 2681
Cundiff, Marc-LC 19, p. 402
Davis, Karen, LC 49, p. 1851
Davis, Steven, LC 19, p. 402
DeHaven, Huston-LC 3, p. 29
Diehl, Charlene-LC 12, p. 147
Diehl, Robert-LC 12, p. 147
Dorsch, Scott-LC 19, p. 402
Downey, Mr. & Mrs. Kenton G.-LC 40, 1122
Draud, Scott-LC 90, p. 3240
Dunlevy, Walter R.-LC 38, p. 905
Durham, Larry-LC 12, p. 147
Durham, O. A. "Cotton"-LC 36, p. 893
Durham, Sharon-LC 12, p. 147
Easley, Michael-LC 22, p. 446
Eldridge, Bobby-LC 19, p. 402
Everman, Sally-LC 52, p. 1993
Farris, W. P.-LC 13, p. 147
Fields, Frankie-LC 12, p. 147
Ford, Representative Danny-LC 16, p. 268
Ft. Thomas City Independent Schools-LC 21, p. 382
Fox, Margaret-LC 12, p. 147
Franklin County High School Boys' Basketball Team-LC 83, p. 3238
Franklin County High School Girls' Basketball Team-LC 82, p. 3238
Frankfort High School Boys' Basketball Team-LC 81, p. 3238
Frankfort High School Girls' Basketball Team-LC 80, p. 3238
Fritz, John Jr.-LC 22, p. 446
Fulton County High School Football Team-LC 5, p. 45
Garr, John-LC 12, p. 147
Garr, Nina-LC 12, p. 147
Garrett, Robert T.-LC 55, p. 2408
Gibson, Mr. & Mrs. Duke O.-LC 32, p. 684
Gibson, Patricia-LC 12, p. 147
Gilliam, John-LC 46, p. 1707
Glasgow High School Band-LC 1, 2, p. 12
Glasscock, Melanie-LC 51, p. 1984
Goetzsche, Jill-LC 48, p. 1850
Graves, Andy-LC 22, p. 446
Gribbins, Joan-LC 12, p. 147
Hall, Larry Wayne-LC 22, p. 446
Hall, Marcia-LC 17, p. 357
Hall, Rob-LC 102, p. 3322
Hammons, Brian-LC 34, p. 753
Hampton, Burnette and Ruby-LC 87, p. 3240
Hardaway, Dan-LC 22, p. 446
Harris, Bart-LC 19, p. 402
Hatfield, Robert-LC 12, p. 147
Hauner, Dan-LC 12, p. 147
Hayes, Darrell, LC 17, p. 357
Henton, Hampton "Hoppy", Jr.-LC 22, p. 446
Heskamp, David-LC 36, p. 893
Highlands High School-LC 21, p. 382
Highlands High School Boys' Basketball Team-LC 91, p. 3241
Holder, Stanley Alan-LC 22, p. 446

LEGISLATIVE CITATIONS (Cont'd)
Holleman, Susan, LC 12, p. 147
Honeycutt, Chris-LC 19, p. 402
Hornback, Paul-LC 22, p. 446
Hoseclaw, Shane-LC 19, p. 402
House, Linda-LC 11, p. 147
House, Mary-LC 12, p. 147
Huddleston, Judge Earle E.-LC 42, p. 1707
Hunter, Nettie-LC 12, p. 147
Hyden, Anthony-LC 19, p. 402
Jackson, Darrell-LC 19, p. 402
Johnson, Donna-LC 12, p. 147
Justice, Joyce-LC 30, p. 666
Kentucky Optometrists-LC 18, p. 357
Kline, Edith Mary-LC 12, p. 147
Kline, Ernest-LC 12, p. 147
Kuegel, William "Rod", Jr.-LC 22, p. 446
Law Enforcement Officer Memorial Day-LC 79, p. 3205
Law Enforcement Week-LC 79, p. 3205
Layman, Representative Ronnie-LC 41, p. 1121
Ledford, James-LC 12, p. 147
Lewis, Francie-LC 12, p. 147
Loper, Frank-LC 12, p. 147
Loper, Pauline-LC 12, p. 147
Lott, Willa-LC 12, p. 147
Loveless, Jeff-LC 19, p. 402
Lynch, Martin-LC 12, p. 147
Lynch, Sarah-LC 12, p. 147
Manchester Center-LC 39, p. 1122
Manna, Christena-LC 12, p. 147
May, Leslie-LC 17, p. 357
Maynard, Jo-LC 12, p. 147
McBee, Representative Bill-LC 41, p. 1121
McKinney, Angela-LC 64, p. 3078
McKinney, Danny-LC 22, p. 446
Miller, Dr. J. D.-LC 75, p. 3157
Miller, Jeff-LC 74, p. 3157
Miller, Kris-LC 65, p. 3239
Morgan, Daniel-LC 22, p. 446
Mounce, Joey-LC 19, p. 402
Murphy, James-LC 22, p. 446
Napier, Harvey-LC 72, p. 3156
Napier, Representative Lonnie-LC 99, p. 3319
Nealy, Daniel Street-LC 27, p. 539
Nibert, Samuel Dean-LC 22, p. 446
O'Donnell, Mr. & Mrs. Leo G.-LC 6, p. 50
Owensboro Catholic "Lady Aces" Basketball Team-LC 66, p. 3239
Owensboro High School Boys' Basketball Team-LC 86, p. 3240
Pace, Greg-LC 31, p. 666
Page, Rebecca Carloss-LC 50, p. 1851
Parker, John-LC 22, p. 446
Parton, Tom-LC 104, p. 3322
Peacock, Cyntha-LC 12, p. 147
Pence, Eva-LC 12, p. 147
Pennington, Mr. & Mrs. A. B., Jr.-LC 8, p. 71
Petrey, Leonard O.-LC 33, p. 685
Pfannenschmidt, Debbie-LC 12, p. 147
Phelps, Barry-LC 19, p. 402
Phillips, Corinne-LC 20, p. 401
Phillips, Edie-LC 20, p. 401
Pierce, Christie-LC 12, p. 147
Porter, Aric-LC 20, p. 401
Powell, LaSenna-LC 17, p. 357
Prince, Anna-LC 12, p. 147
Providence High School Cross Country Track Team-LC 17, p. 357
PTA Board Members-LC 47, p. 1769
Reagan, President Ronald-LC 24, p. 518
Reesor, Rhonda-LC 12, p. 147

LEGISLATIVE CITATIONS (Cont'd)
Riggs, Charles-LC 12, p. 147
Rose, James-LC 19, p. 402
Rosenberger, Rosetta-LC 12, p. 147
Roser, Mary Ann-LC 63, p. 2991
Roy, Shirley-LC 12, p. 147
Russell, State Trooper Brad-LC 97, p. 3310
Samuels, Miss Alice-LC 25, p. 530
Sanford, Nick-LC 68, p. 3156
Sargent, Cecil-LC 43, p. 1262
Scalise, John-LC 2, p. 12
Sears, Cindi-LC 100, p. 3322
Sears, Dr. Sam-LC 60, p. 2528
Settles, Jeff-LC 22, p. 446
Shaw, Constance-LC 12, p. 147
Simmons, Representative T. C.-LC 29, p. 587
Simon, Frank E.-LC 7, p. 50
Slayton, Janet-LC 12, p. 147
Smart, Don-LC 22, p. 446
Smith, Lillian-LC 12, p. 147
Smith, Samuel-LC 12, p. 147
Snodgrass, Ruth-LC 12, p. 147
Snyder, Dawn-LC 12, p. 147
Spalding, Joe-LC 22, p. 446
Speed, Butch-LC 103, p. 3322
Stallard, Johnny-LC 22, p. 446
Stiles, Dorothy-LC 12, p. 147
Stuppy, Jim-LC 1, p. 12
Sullivan, Lois-LC 12, p. 147
Sundy, Carolyn-LC 70, p. 3156
Taylor, Kim-LC 17, p. 357
Tharp, Dennis-LC 12, p. 147
Thomas, Joe Keller III-LC 22, p. 446
Thomas, John and Grace-LC 61, p. 2836
Tucker, Paul-LC 22, p. 446
Turner, Chris-LC 19, p. 402
Turner, Nancy-LC 12, p. 147
Turner, William Jr.-LC 12, p. 147
U of L Basketball Team-LC 78, p. 3205
Valley High School Band-LC 10, p. 147
Valley Women's Club-LC 37, p. 891
Vick, James, Sr.-LC 12, p. 147
Vick, Kathleen-LC 12, p. 147
Vincent, Verda-LC 12, p. 147
Wagers, Alan-LC 69, p. 3156
Walker, Mandy-LC 17, p. 357
Walker, Robert T.-LC 35, p. 869
Wallace, Clifford M.-LC 44, p. 1262
Warren, Susan-LC 57, p. 2518
Watson, T. M. "Buck"-LC 36, p. 893
Webster, Charlie, LC 14, p. 149
Welch, Philip Steven-LC 26, p. 539
Wellman, Ferrell-LC 53, p. 2408
Wesley, James-LC 19, p. 402
Western Hills High School Boys' Basketball Team-LC 84, 3239
Western Hills High School Girls' Basketball Team-LC 85, p. 3239
Western Kentucky University Lady Basketball Hilltoppers-LC 92, p. 3246
Wethington, Dr. Charles T., Jr.-LC 76, p. 3157
Whitaker, Billy-LC 19, p. 402
Whitaker, Jerry-LC 19, p. 402
Whitaker, Tracy-LC 19, p. 402
Withers, Jerry Wayne-LC 22, p. 446
Woodford County High School Boys' Basketball Team-LC 89, p. 3239
Woolfolk, Stacey-LC 17, p. 357
Worthington, Harry-LC 28, p. 587
Wright, John-LC 12, p. 147

LEGISLATIVE RESEARCH COMMISSION
Annexed territory, study of school attendance in—HR 168
Appropriation for session expenses—HB 179
Auditor of public accounts, study of statutes on—HCR 145
Budget, biennial—SB 95; HB 259
Capital annex space increment—HB 964
Certified building officials foundation program fund study—HCR 46
City classification statutes, variations study—HCR 6
Community educational television study—HCR 136
Domestic preference bidding laws study—SCR 97
Earlier retirement for teachers and state workers, study of—HCR 131
Education statutes, review of—HCR 114
Energy assistance task force—SCR 2; HCR 9
Hazardous materials emergencies task force—HJR 99
High school graduation requirements study—SCR 98
Homeless persons, study of—HCR 147
Industrial revenue bonds study—HCR 135
Insurance
  industry investigation—HJR 58
  study task force—HJR 139
International trade, task force on—HR 170
Judicial redistricting study—HCR 62
Legislative development, special committee on—SCR 87
Liability insurers, reports from—HB 769
Long-term
  care facilities study—HCR 7
  policy research center study—SCR 91
Medically uninsured study—SCR 59
Mentally retarded adults study—SCR 57
Mineral region study commission—HR 166
Motor vehicle registration study task force—HJR 47
Natural gas recovery study—HR 219
Occupational license tax study—HCR 3
Office of citizens' complaints—HB 973
Personal
  service contract review exemption—SB 12; HB 284
  service contracts review exemptions—HB 682
Planning and land use regulation study committee—SJR 26
Prison population and prison options task force—HCR 133
Property valuation administrator study—HCR 39
Public assistance recipients, study self-sufficiency of—HCR 121
Retired
  teachers benefits, cost-of-living increment study—HCR 25
  teachers, long-term health care and in-home services study—HCR 40
Reviser's bill—HB 919
School calendar, year round, study of—HCR 34
Security of state buildings—HJR 35
Staff commendation—HR 204
Tax amnesty study—HCR 146
Veterans affairs subcommittee, re-establishment request—HCR 117
Veterans' affairs, subcommittee—HB 479
Vocational education structure study—HR 190

LEMASTER, JAMES "JIM"
HR 8, 12, 14, 15, 21, 22, 52, 70, 72, 90, 97, 158, 163, 192, 195, 198, 199, 200, 205, 207; HB 44, 63, 138, 219, 279, 314, 352, 380, 496, 570, 677, 746, 772, 854, 862, 943, 950, 951, 980

LIBRARIES
Appropriation for libraries—HB 40
County law library fee increments—HB 818
Library district budget, fiscal court approval—HB 269
Museum on library theft suspects, detention of—HB 574
Service equality, contracting for—HB 586

LICENSING
Alcoholic
  beverage licensure, felony or misdemeanor conviction effect—HB 34
  beverage violations, fines in lieu of suspension—HB 37
  beverages, gross receipts affecting licensure—HB 388
Auction houses, licensure—HB 730
Boarding homes—HB 20
Boats, title certificate for—HB 173
Charter air transportation permits—SB 17
City license fees on trades, occupations and professions—HB 335
DUI, limited operation licensure following—HB 276
Day
  care centers, liability of—HB 829
  care centers, parent cooperative licensing as—HB 514
  care personnel, criminal records survey—HB 225, 494
Dental
  board membership—HB 541
  labs, out-of-state, registration exemption—HB 542
Dietitians, certification of—HB 44
Dog license fee increment—HB 248
Dogs, omnibus revisions—HB 926
Electricians, local licensure of—HB 426
Embalmers
  and funeral directors, non-active licensure—HB 6
  and funeral directors, omnibus revision—HB 787
Engineers and surveyors, amendments concerning—HB 329
Geologists, registration of—HB 2
Grain license fee reduction—HB 204
Health facilities licensure, reporting requirements for—HB 196
Hospitals licensing inspections exemption—SB 318
Housecars, handicapped license plates for—HB 290
Hunting
  and fishing license exemption for disabled persons—HB 377
  and fishing licensure, exemption of disabled veterans—HB 68
  and fishing, disabled veterans' exemption—HB 378
Insurance
  administrators—SB 277
  agents, continuing education for—HB 660
  agents, managing general—HB 524
LP gas equipment, license and tampering—HB 667
Land
  surveyor, certification of maps by—HB 104
  surveyors and engineers, licensing of—HB 146
Limestone mining, permit required—HB 121
Long-term care facilities, licensure of—HB 925
Marriage license, restore syphilis examination requirement—HB 987
Medical
  licensure, omnibus revisions—HB 500
  utilization review organizations, licensing of—HB 25
Memorial licensure—HB 641
Mine inspector's examination fee increment—SB 21
Motor
  vehicle—HB 575
  vehicle dealers—SB 283
  vehicle operator's, color code for persons under 21—SB 211
  vehicle operator's, issuance to minors—HB 580
  vehicle operators with seizure suspension, reinstatement of—HB 412
  vehicle operators, color code and renewal for persons under 21—HB 599
  vehicle operators, examination duty transfer—HB 786
  vehicle operators, occupational license following revocation—HB 508
  vehicle operators, penalty point system for—HB 913

LICENSING (Cont'd)
  vehicle operators, reciprocity provision—HB 420
  vehicle plates, redefinition of—HB 315
  vehicle plates, urge Kentucky produced aluminum for—HR 86
  vehicle plates, volunteer firefighters and emergency squads—HB 272
  vehicle registration study task force—HJR 47
  vehicle registration, insurance proof for—HB 564
  vehicle registration, renewal by mail—HB 203
  vehicles, civil air patrol license plates—HB 881
  vehicles, disabled veteran license plates—HB 16
  vehicles, handicapped registration plates—HB 244
  vehicles, imported, registration of—HB 434
  vehicles, medical information license plate—HB 208
  vehicles, personalized plates for handicapped—HB 735
  vehicles, volunteer fire fighter license plates—HB 338
Nursing, omnibus revision—SB 291
Occupational therapists—HB 41
On-site
  sewage disposal systems installers—HB 275
  sewage disposal systems installers, certification of—HB 490
Pest control applicators—HB 759
Pesticide applicators and managers—HB 916
Physicians as coroners, certification of—HB 402
Podiatrists, disciplinary actions—SB 212
Prescription drugs, licensure requirements concerning—HB 814
Private security officers' licensure—SB 38
Psychologists, omnibus revision—HB 143
Public
  building contract bidders, certification of—HB 166
  safety telecommunicators, certification of—HB 608
Respiratory therapists licensure—HB 911
Speech pathologists and audiologists—HB 606
Transient merchant permits—HB 489
Veterinarians, reinstatement without examination—HB 421
Water
  well drillers, liability insurance for—SB 225
  well drillers, omnibus revision—HB 898

LIENS
Deed of release, county clerk fee for—HB 879
Emergency response costs, lien for—SB 100
Engineers and surveyors, notice to property owners—HB 862
Mechanics' or materialmen's notice to property owner—HB 934
Real
  property liens by deed or mortgage, discharge of—HB 827
  property liens, releases of—HB 622
Release by execution of bond—HB 775
Surface mine reclamation project liens—HB 65
Vehicle
  registered from out-of-state, lien recording on—HB 525
  towing and storage, owner notification following—SB 120

LIEUTENANT GOVERNOR
Compensation, limitation on—HB 882

LILE, WILLIAM "BILL"
HR 1, 8, 12, 14, 15, 21, 23, 24, 25, 35, 52, 70, 73, 84, 136, 148, 158, 163, 190, 192, 195, 199, 200, 205, 207, 214; HB 19, 30, 66, 68, 76, 105, 109, 130, 142, 169, 197, 238, 241, 255, 263, 269, 272, 316, 348, 394, 395, 436, 456, 465, 473, 478, 488, 494, 503, 570, 677, 726, 733, 735, 818, 859, 869, 949

LITTLE, N. "CLAYTON"
HR 1, 8, 12, 14, 15, 21, 52, 54, 70, 73, 84, 103, 114, 122, 158, 166, 189, 190, 192, 195, 199, 200, 205, 207, 214; HB 19, 36, 48, 95, 137, 153, 164, 290, 291, 292, 293, 348, 414, 461, 465, 503, 509, 612, 636, 672, 677, 682, 683, 684, 691, 692, 695, 733, 740, 830, 869, 915, 942, 947, 978, 985
Voting modifications—HB 226Y, p. 2520; HB 867Y, p. 2677

LIVESTOCK, POULTRY AND ANIMALS
Apiaries and bees, regulation revision—HB 127
Beef checkoff increment—HB 748
Biomedical research, use of animals for—HB 762
Boars, sale at stockyards—HB 547
Brucellosis eradication and control program appropriation—HB 930
Cruelty to animals, protection of the animal—HB 9
Diseases, communicable, equine viral arteritis as—HB 63
Feed equipment, sales tax exemption—HB 848
Garbage fed animals, prohibition of—HB 875
Insurance, payment of full value upon loss—HB 877
North
  American Livestock Exposition committee—HB 229
  American Livestock Exposition, school absence for—HB 160
Veterinarians, state, employment condition of—HB 144
Wildlife redefinition—SB 354

LOANS AND CREDIT
Agricultural finance corporation, loan purposes and amounts—HB 835
Automobiles as collateral, sale in Kentucky—HB 191
Bank
  loans, partnership members' indebtedness computation—HB 972
  officers, maximum loans to—HB 202
Banks, acquisition or control limitation—HB 857
Commercial paper, payment and collection guarantees—HB 286
Credit
  card loss, false report of—HB 642
  unions, omnibus amendments—HB 659
Farm
  and business loans, low rate via linked deposits—HB 150, 151, 254
  credit, right of foreclosed farmer to repurchase—HR 27
  default, notification of sale upon—HB 251
  land foreclosure moratorium—HB 252
KDFA loan specification's redefinition—SB 242
Mortgage loan companies and brokers, omnibus revision—HB 902
Mortgages, priority of subsequent lien—HB 246
Pawnbroker charges—HB 544

LOCAL GOVERNMENT
911 emergency telephone service, user charge for—SB 233
Alcoholic
  beverage local administrators, appeal from decisions of—HB 188
  beverages, prohibit enforcement by agents of foreign states—SB 279
American
  coal, use of—HB 681
  products, public agency purchasing of—HB 424
Annexation beyond county, prohibition concerning—HB 714
Annexation, voter approval requirement—HB 66
Bond
  issue challenge filing deadline—SB 304
  issues, facsimile signatures authorization—SB 302
Building code, enforcement of—HB 695

LOCAL GOVERNMENT (Cont'd)
Cable TV services, facilities rights of—HB 313
Cities,
  dissolution of—HB 217
  of 1st, fines by—HB 557
City
  dissolution—SB 360
  license fees on trades, occupations and professions—HB 335
  reclassification standards—HB 266
City-county compact—SB 207; HB 487
Collective bargaining by public employes—HB 644
Conditional use permit, notice of hearing on application for—HB 140
Court facilities, minimum charge for use of—HB 496
Data processing by state, charges for—HB 841
Enterprise zones, revision of—HB 4
Fire departments, certification of—HB 744
Hazardous
  waste site permit applications—HB 615
  waste sites, approval requirement—HB 511
  wastes shipments, notice to county concerning—HB 118
Housing
  mortgage bonds—HB 912
  mortgage bonds, sales of—SB 303
Industrial revenue bonds, types authorized—SB 220
Investment pooling—SB 312
Joint city-county services funding—HB 122
Kentucky advisory commission on intergovernmental relations, creation—HB 625
Limited access highways, regulation by local governments—HB 713
Local
  air boards, appointments to—HB 722
  government, department for, omnibus amendments—HB 567
  road aid—HB 980
Metropolitan sewer district board membership—HB 954
Municipal corporations, liability limitations—HB 120
Occupational license fee sharing, counties with 1st—HB 69
Parking citation enforcement—HB 765
Planning and zoning, omnibus revision—SB 35
Police
  and firefighter pay supplements, air boards as local govts.—HB 45
  discipline of—HB 583
  officers, death benefits—HB 741
Private enterprise, limit competition with—HB 654
Property tax rates—HB 736
Public safety telecommunicators, certification of—HB 608
Regional planning authority, establishment of—HB 638
Rescue squads, regulation of—SB 199
School district, community advisory councils—HB 491
Solid
  waste management services, local funding—HB 777
  waste services, private service conflict—SB 235
Special taxing districts, creation of—HB 43
State training and technical assistance—HB 42
Tax increment financing—SB 107
Trustees, board of, cities of 6th, delete references to—HB 147
Union dues by payroll deduction, local employes—SB 252
Urban affairs council membership and funding—HB 366
Utility property taken, compensation for—HB 716
Water and wastewater facilities—HB 878

LONG, MARSHALL
HR 8, 12, 14, 15, 21, 24, 25, 38, 52, 70, 73, 90, 111, 113, 122, 147, 158, 161, 163, 173, 189, 192, 195, 196, 199, 200, 205, 207, 214; HB 4, 7, 24, 42, 52, 55, 80, 97, 111, 116, 117, 126, 216, 224, 263, 264, 265, 266, 294, 335, 348, 403, 404, 416, 418, 465, 473, 566, 570, 625, 653, 654, 672, 673, 674, 677, 708, 794, 795, 825, 853, 967, 980
Committee to wait upon the governor, appointment to, p. 185
Voting modifications—SB 37N, p. 3158; SB 117Y, p. 3202

LYNE, JUNE
HR 8, 12, 14, 15, 19, 21, 24, 25, 41, 52, 69, 70, 73, 84, 86, 89, 103, 108, 111, 113, 122, 158, 163, 187, 189, 192, 195, 199, 200, 205, 207, 214; HB 24, 59, 105, 150, 222, 223, 286, 566, 665, 673, 677, 692, 745, 746, 922
Voting modifications—SB 24N to Y, p. 667; HB 46Y, p. 1428; HB 859N to Y, p. 2520; HB 546Y to N, p. 2832; SB 108Y, p. 2998; SB 252Y to N, p. 3082; HB 894N, p. 3158; SB 331N to Y, p. 3202; HB 607N to Y, p. 3311; HB 982Y to N, p. 3311

MACK, LOUIE
HR 1, 8, 12, 14, 15, 21, 40, 52, 70, 73, 90, 103, 111, 113, 122, 132, 158, 163, 180, 189, 190, 192, 195, 199, 200, 205, 207, 214, 218; HB 6, 22, 26, 41, 58, 86, 100, 101, 113, 121, 205, 206, 224, 241, 279, 287, 366, 369, 385, 416, 465, 468, 503, 570, 660, 662, 705, 727, 733, 853

MAGGARD, JAMES "JIM"
HR 1, 12, 14, 15, 21, 52, 54, 69, 70, 73, 84, 103, 111, 122, 126, 158, 163, 166, 192, 195, 199, 200, 205, 207, 214; HB 19, 36, 47, 53, 104, 105, 109, 112, 255, 333, 377, 424, 426, 534, 594, 595, 603, 612, 625, 630, 640, 668, 677, 679, 689, 691, 740, 746, 783, 809, 824, 825, 838, 839, 873, 883, 915, 942, 947, 985
Voting modifications—HB 449Y, p. 869; HB 613Y, p. 1740

MALT BEVERAGES
Brewers, prohibit price discrimination by—HB 387
Consumer rebates on malt beverage purchases—HB 405
Containers, minimum deposit on—HB 551
Convention centers, Sunday sales by—HB 884
Fines in lieu of license suspension, increase in—HB 37
Possession of nontaxed beverages—HB 553
Transportation restriction—SB 73

MANN, TERRY
HR 1, 8, 12, 14, 15, 21, 52, 70, 73, 84, 85, 100, 114, 129, 150, 152, 163, 171, 192, 195, 199, 200, 205, 207; HB 24, 114, 136, 161, 177, 188, 301, 302, 322, 341, 366, 396, 431, 432, 437, 438, 439, 440, 441, 442, 443, 444, 461, 465, 469, 472, 474, 483, 498, 510, 522, 568, 570, 578, 583, 603, 614, 625, 629, 636, 664, 671, 677, 678, 691, 722, 742, 743, 744, 849, 889, 915, 947, 968, 977
Voting modification—SB 159Y, p. 2520

MARSTON, EVELYN
Elected chief clerk, p. 2

MCBEE, WILLIAM "BILL"
HR 1, 8, 12, 14, 15, 21, 52, 69, 70, 73, 84, 103, 111, 113, 122, 150, 152, 158, 163, 171, 189, 192, 195, 199, 200, 205, 207; HB 36, 45, 53, 126, 161, 221, 245, 302, 314, 328, 380, 431, 432, 498, 499, 522, 568, 578, 583, 612, 677, 722, 794, 825, 849, 869, 911

McELROY, SAM
HR 3, 4, 8, 12, 14, 15, 21, 27, 35, 52, 69, 70, 73, 84, 111, 113, 122, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 28, 31, 62, 105, 109, 119, 154, 163, 315, 401, 455, 456, 612, 677, 692, 746, 810, 820, 825, 838, 839, 847, 875, 899, 980, 985
Voting modification—HB 677Y, p. 3311

McNUTT, ALICE "DOLLY"

HR 1, 8, 12, 14, 15, 41, 52, 70, 73, 84, 103, 111, 122, 158, 189, 192, 195, 199, 200, 205, 207, 214; HB 1, 4, 9, 13, 24, 31, 41, 162, 315, 366, 464, 488, 570, 668, 677, 692, 737, 746, 902
Committee to wait upon the chief justice, appointment to, p. 2298
Committee to wait upon the governor, appointment to, p. 185
Voting modification—HB 225N to Y, p. 3202

MEMORIALS

Allen, Norman—HR 172
Bates, Cecil—HR 57
Bell, Tommy—HR 90
Brown, Rep. Ray O.—HR 12
Camp, Frank—HR 55
Clark, Granville—HR 89
Davisworth, Lonnie—HR 138
Dixon, Seldon—HR 37
Fisk, Estella—HR 29
Garvey, Thomas O.—HR 68
Hanna, Kathy Lynn—HR 67
King, Martin Luther, Jr.—HR 33
Kirk, Amy—HR 143
Le Fort, Frank—HR 194
Lee, Reverend A. B.—HR 180
Lucke, Mary Sue—HR 79
Murphy, James—HR 150
Newfoundland air crash victims—HR 15
Sale, Aggie—HR 14
Space Shuttle Challenger astronauts—HR 52
Steely, Hugh—HR 149
Sweeney, R. Todd and Patricia—HR 109
Waters, James W.—HR 50
Weiss, John Robert—HR 83
Werff, Jack—HR 44
Westpheling, Jo—HR 119

MEN

Domestic abuse remedies—HB 562
Sexual offenses, marriage definition under—HB 311
Spouse abuse shelters, expansion of—HJR 1

MENTAL HEALTH

Criminal defendants, psychological services for—HB 75
Developmental disabilities planning council creation—HB 747
Drug and alcohol abuse, involuntary commitment for treatment—HB 785
Extreme emotional disturbance, criminal actions defense of—HB 305
Health Insurance, mental health coverage in—HB 585
Hospitalization of mentally ill persons—HB 711
Hospitals, licensing inspections exemption—SB 318
Mental health and mental retardation services, department of—HB 221
Mentally retarded adults study—SCR 57
Psychotherapist, civil liability limitation—SB 310
Retarded persons, rights of—HB 477
Services and facilities operations—SB 346
Services, medical assistance payments for—HB 521

MEYER, JOSEPH "JOE"

HR 6, 8, 12, 14, 15, 21, 44, 52, 70, 73, 103, 114, 152, 158, 171, 176, 189, 192, 195, 199, 200, 205, 207; HB 4, 12, 53, 60, 71, 72, 73, 74, 84, 102, 117, 120, 126, 147, 302, 366, 375, 427, 431, 432, 483, 498, 503, 537, 538, 539, 578, 582, 585, 625, 666, 668, 671, 677, 678, 700, 711, 716, 722, 727, 784, 833, 903, 968, 977
Voting modifications—HB 298Y, p. 1995; HB 473Y, p. 1995

MILITARY AFFAIRS AND CIVIL DEFENSE

101st Airborne Division, memorial to air crash victims—HR 15
Arrow Air contract, condemn award of—HR 64
Installation management fund account, creation of—SB 229
Military justice code, amendments to—SB 124
Rescue squads, regulation of—SB 199
Reserve service, retirement credit for—HB 910, 929

MINERALS AND MINING

Broad form deed, surface mine permit consideration—HB 95
Drilling, land surface impact regulation—HB 809
EMT, require at surface coal mine—HB 565
Limestone mining, permit required—HB 121
Mine inspector's examination fee increment—SB 21
Mining and minerals building, funding for—SB 20
Natural resources cabinet orders, venue for appeal of—HB 869
Overland belts, inspection of—HB 62
Regulations, moratorium on—HB 285
State surface mining administration, financial report on—SJR 54
Strip mining, area of land affected definition—HB 207
Surface
  mine bond forfeitures, use of—HB 768
  mine bonds, two-acre permit amount—SB 179
  mine noncompliance, correction of—HB 830
  mine permit, require legal authority for—HB 414
  mining violations, penalty alternative—HB 839
  mining, remining permit—SB 374
Underground
  coal mine inspection, safety committeeman on—HB 906
  coal mines, EMT required—HB 528
  coal mines, annual inspections increment—HB 715

MOBERLY, HARRY

HR 1, 8, 12, 14, 21, 52, 70, 73, 81, 84, 85, 103, 111, 113, 114, 122, 158, 163, 190, 192, 195, 199, 200, 205, 207, 212, 214, 218; HB 24, 41, 86, 87, 138, 208, 209, 210, 211, 224, 300, 301, 303, 305, 306, 307, 321, 322, 325, 385, 406, 416, 446, 461, 462, 511, 556, 615, 625, 660, 671, 677, 678, 699, 727, 731, 831, 840, 853
Voting modifications—HB 241Y, p. 290; HB 77Y, p. 373; HB 460N, p. 402; HB 621Y, p. 2349

MORRIS, HENRY "RAMSEY"

HR 8, 12, 14, 15, 21, 27, 35, 37, 52, 64, 70, 96, 103, 113, 158, 163, 167, 192, 195, 199, 202, 205, 207, 214; HB 16, 24, 30, 35, 53, 68, 73, 109, 117, 149, 150, 253, 326, 348, 460, 517, 610, 626, 643, 672, 677, 691, 692, 746, 760, 781, 823, 825, 829, 915
Voting modifications—HB 41Y, p. 373; HB 360N, p. 1995; HB 894N, p. 3158

MOTOR CARRIERS

Axle weight provisions, exempt refuse vehicles—HB 937
Cab cards, fee reduction—HB 47
Coal transportation, regulation of—HB 945
Coal, extended weights for carriers—HB 978
Definition of motor carriers—HB 806
Federal safety program grant—HB 687
Forest products, non-consumer, transportation of—HB 563
Front steering axle, weight limit reduction for—HB 688
Highway user fee—HB 990
Industrial materials, permit for hauling in overdimension vehicles—HB 291
Insurance, increase liability limits—HB 702

MOTOR CARRIERS (Cont'd)

Mobile home transporters, exemption from regulation as motor carriers—HB 602
Splash guard requirement—HB 32
Vehicles
  above 10,000 lbs., interstate highway operation of—HB 15
  above 18,000 pounds for soil conservation, registration fees—HB 847
Weight
  distance tax and fuel tax—HB 980
  distance tax repeal—HB 126
  limits based on axles configuration—HB 865

MOTOR VEHICLES

Abandoned vehicles, removal from right-of-way—HB 706
Ambulance personnel, emergency signals on personal vehicles—HB 353
Assessment for property tax purposes—HB 578
Auto repair regulation—HB 957
Automobile
  coverage, pain and suffering damage recovery—HB 278
  dealers, ominbus licensure—SB 283
Banks and trust companies, owning and leasing for customers' use—SB 156
Bumper height restriction—HB 634
Child
  restraint violation penalty—HB 320
  restraints, penalties regarding—HB 855
Church motor vehicles, tax exemption amendment—HB 110
Cincinnati wrecker operators, ordinance on—HR 152
Civil Air Patrol license plates—HB 881
DUI
  limited operation licensure following—HB 276
  service fee, use for indigents' defense—HB 345
  service fees, disposition of—HB 432
Emergency
  vehicles, corrections vehicle as—SB 162
  vehicles, turnpike toll exemption—HB 397
Emissions
  inspection program—HB 114
  testing programs, limits on—HB 316
Front steering axle, weight limit reduction for—HB 688
Fuel efficiency standards, urge reduction of—HR 61
Guaranty insurance, definition of—HB 332
Handicapped
  parking—HB 939
  persons' license plates—HB 735
Handicapped, parking privileges for—HB 292
Housecars, handicapped license plates for—HB 290
Imported vehicles, titling documents for—HB 434
Industrial materials, permit for hauling in overdimension vehicles—HB 291
Insurance plan, mandatory participation in—SB 353
Insurance,
  coverage on demonstration and replacement vehicles—HB 367
  discount for anti-theft devices—SB 379
  driving record as rate basis—HB 257
  handicapped or disabled person—SB 76
  issuance or renewal refusal based on marital status—SB 86
  list of new insureds—HB 763, 765
  operation without—HB 600
  proof prior to registration—HB 564
  rate increase for moving violations—HB 182
  recovery of benefits—HB 754
  repeal subrogation rights—HB 723
  tort actions for damage recovery—HB 755
  underinsured motorist coverage—HB 753

MOTOR VEHICLES (Cont'd)

License plates, redefinition of—HB 315
Lighted lamps, requirement for—HB 484
Motor fuels tax, refund for nonprofit arboretum—HB 696
Motorcycle helmet requirements redefinition—HB 333
New car lemon law—HB 733
Operator's
  license, penalty point system for—HB 913
  license, use for alcohol purchase—HB 613
Operators
  license, color code for persons under 21—SB 211
  license, issuance to minors—HB 580
  license, reciprocity provision—HB 420
  licenses, color code and renewal for persons under 21—HB 599
  occupational license following revocation—HB 508
  with seizure suspension, reinstatement of—HB 412
Operators, license exam duty tranfer—HB 786
Out-of-state vehicles, recording liens on—HB 525
Property tax—HB 36, 193, 349, 576
Reflector in lieu of tail light, delete permission for—HB 694
Registration
  and titling, tax payments regarding—HB 326
  disabled veteran license plates—HB 16
  handicapped parking plates—HB 244
  medical information license plate—HB 208
  plates, urge Kentucky produced aluminum for—HR 86
  plates, volunteer firefighters and emergency squads—HB 272
  renewal by mail—HB 203
  study task force—HJR 47
  volunteer fire fighters license plates—HB 338
School
  bus safety—HB 870
  buses, markings alteration upon transfer—HB 647
  buses, stopping on four-lane highways—HB 686
Seat belts, mandatory use of—HB 643
Slow-moving vehicles, flashing lights required—HB 194, 195
Special fuels tax refund for nonhighway—HB 766
Splash guard requirement—HB 32
Titles on transfer out-of-state, correction of—HB 685
Transfer of ownership forms required for—HB 575
Transportation center, use of gasoline tax for—HB 873
Turnpike toll exemption—HB 425
U-Drive-Its and lease vehicles, taxation of—SB 372
Usage
  tax exemption—HB 834
  tax, actual sales price basis for—HB 461
  tax, define "retail price" for older vehicles—HB 895
  tax, trade-in credit—HB 712
Vehicle towing and storage, owner notification following—SB 120
Vehicles
  above 10,000 lbs., interstate highway operation of—HB 15
  above 18,000 pounds for soil conservation, registration fees—HB 847
Vehicular homicide—HB 986
Weight distance tax repeal—HB 126

NAPIER, LONNIE

HR 12, 14, 15, 21, 24, 25, 35, 51, 52, 69, 70, 73, 84, 103, 111, 122, 158, 163, 189, 192, 195, 196, 199, 200, 205, 207, 212, 214; HB 19, 24, 59, 63, 105, 109, 149, 159, 238, 272, 353, 424, 473, 478, 566, 578, 665, 673, 677, 692, 729, 730, 746, 824, 834, 903, 915, 949, 971, 972, 976
Voting modifications—HB 245Y, p. 1995; HB 348Y, p. 2196; HB 447N, p. 2267; HB 808Y, p. 2349; HB 894N, p. 3158

NEGOTIABLE INSTRUMENTS

Checks, date when account opened—HB 417
Commercial paper, payment and collection guarantees—HB 286
Legal process tax, application of—HB 11
Uniform commercial code, omnibus revision—SB 28

NETT, CARL

HR 8, 12, 14, 15, 38, 52, 53, 73, 111, 158, 160, 163, 192, 195, 199, 200, 205, 207, 214; HB 142, 366, 390, 393, 394, 395, 433, 461, 487, 503, 570, 676, 677, 678, 692, 762, 781, 818, 915
Voting modifications—HB 7Y, p. 107

NEWS MEDIA

Executions, news media attendance at—HB 60
Legal notice, publication of—HB 752

NOE, ROGER

HR 1, 5, 8, 12, 14, 15, 21, 40, 52, 54, 70, 73, 98, 106, 111, 114, 115, 120, 138, 158, 190, 192, 195, 197, 199, 200, 205, 207; HB 19, 40, 53, 241, 306, 322, 330, 341, 348, 370, 371, 455, 461, 471, 568, 603, 605, 612, 614, 625, 658, 662, 671, 672, 677, 678, 692, 727, 732, 831, 869, 896, 921, 922, 942, 985
Voting modifications—HB 154N to Y, p. 530; HB 199N to Y, p. 753; HB 150N to Y, p. 1263; HB 409Y to N, p. 1428; HB 894N, p. 3158; HB 453N, p. 3311.

NOLAND, CLARENCE

HR 8, 12, 15, 21, 24, 25, 28, 35, 51, 52, 70, 73, 81, 84, 103, 111, 113, 122, 158, 163, 166, 189, 192, 195, 196, 199, 205, 207, 214; HB 19, 24, 36, 48, 75, 105, 112, 261, 315, 377, 378, 456, 498, 536, 612, 630, 636, 663, 673, 677, 692, 699, 705, 746, 811, 822, 869, 891, 915, 949, 985

NOTARIES

Marriage, solemnization by notaries—HB 336

NOTICES

Administrative regulations meeting notice—SB 356
Generic drugs, posting of sign—HB 697
Legal notice, publication of—HB 752
Liens, mechanics' or materialmen's—HB 934

NUCLEAR ENERGY

Low-level radioactive waste compact, approval of—SB 63
Radioactive materials disposal—SB 343

NUISANCES

Water source contamination, cause of—HB 492

O'BRIEN, MARK

HR 8, 9, 12, 14, 15, 21, 61, 70, 113, 122, 136, 158, 160, 163, 192, 195, 199, 200, 205, 207, 214; HB 69, 224, 372, 381, 389, 470, 473, 487, 570, 572, 607, 677, 678, 746, 805, 818
HB 326, special subcommittee on, appointment to, p. 688

OBSCENITY

Adult bookstore, definition and regulation—SB 241
Cable TV, prohibit indecency—HB 453, 501
Motion pictures, adult-rated, provision to minors—HB 488
Sexual performance by minors, penalties for—HB 726

OCCUPATIONAL SAFETY AND HEALTH

Manhole safety—HB 728
Occupational safety and health, right-to-know regulations—HCR 66
Reporting of violations, discrimination prohibition—HB 359

OCCUPATIONAL SAFETY AND HEALTH (Cont'd)

Underground coal mine inspection, safety committeeman on—HB 906
Worker training, fund for—HB 876
Workers' compensation, occupational pneumoconiosis—HB 533

OCCUPATIONS AND PROFESSIONS

Ambulance personnel, emergency signals on personal vehicles—HB 353
Architects' fees—HB 718
Auctioneers escrow funds, distribution time limit—HB 729
Dental
  board membership—HB 541
  hygienists, practice by—HB 452
  labs, out-of-state, registration exemption—HB 542
Dietitians, certification of—HB 44
Electricians, local licensure of—HB 426
Embalmers and funeral directors, non-active licensure—HB 6
Employment agency fee restrictions revision—HB 808
Engineers and surveyors, amendments concerning—HB 329
Geologists, registration of—HB 2
Insurance agents, continuing education for—HB 660
Land surveyors and engineers, licensing of—HB 146
Liability insurance, rate approval—SB 280
Lobbyists, prohibit compensation from public revenues—HB 550
Medicaid drug formulary, addition of non-steroidal drugs—HB 469
Nurses' educational needs study—HJR 102
Nursing, omnibus revision—SB 291
Occupational
  information coordinating committee—HB 773
  therapists, licensure of—HB 41
Optometrists, use of pharmaceutical agents by—SB 104
Pest control applicators, regulation of—HB 759
Physician assistants regulation—HB 603
Podiatrists, disciplinary actions—SB 212
Private security officers' licensure—SB 38
Psychologists, licensing, omnibus revision—HB 143
Psychotherapist, civil liability limitation—SB 310
Real
  estate agents, licensing revisions—SB 281
  estate licensees, errors and omissions insurance—SB 72
Speech pathologists and audiologists—HB 606
Transient merchant permits—SB 197; HB 489
Veterinarians, license reinstatement without examination—HB 421

OIL AND GAS

Blasting near natural gas pipelines—HB 976
Deep wells, specific reference to—SB 48
Drilling, land surface impact regulation—HB 809
Gas gathering lines, prohibit abandonment of—HB 504
Illegal drilling, forfeiture of equipment following—HB 446
Natural
  gas pipeline safety standards—HB 443
  gas recovery study—HR 219
Oil
  Field Museum, designation of—HJR 28
  well injection, underground water protection—SB 299
Petroleum products, quality standards for—HB 429
Pipelines, free gas for certain property owners—HB 598
Pooling of interests, acreage ratio of—SB 22
Spill control plan requirement—HB 307

OPTOMETRISTS
Pharmaceutical agents, use of—SB 104

OVERSTREET, RAYMOND
HR 12, 14, 15, 21, 70, 73, 92, 93, 94, 158, 163, 192, 195, 199, 200, 205, 207; HB 138, 344, 498, 573, 612, 677, 700, 750, 825, 829, 963
Voting modification—HB 894N, p. 3158

PARENTAL RIGHTS
Child abuse reports, access for non-custodial parent—HB 238

PARKS AND SHRINES
Disabled persons discount program—HB 456
Hopkins County coal park task force—HJR 107
Horse park commission, creation of—SB 54
My Old Kentucky Home advisory commission—HB 592
Parks and recreation districts, creation of—HB 845
Personal services contract review exemption—SB 12
Recreational vehicles, camping fee limit—HB 928
Senior citizen discount program—HB 206
Tip income, KERS credit for—HB 531

PARTNERSHIPS
Bank loans, partnership members' indebtedness—HB 972
Domestic limited, partnership, real name of—SB 224

PEACE OFFICERS
Arrest power beyond home county—HB 470
Campus police, training priority for—HB 731
Conservation officers, peace officer status for—SB 317
Constables, annual salary—HB 658
Deputy sheriffs, omnibus revision—HB 79
Railroad police, oath elimination—HB 517
Special law enforcement deputy sheriffs, authorization for—HB 379

PEARMAN, VIRGIL
HR 7, 8, 12, 14, 15, 21, 24, 25, 52, 70, 73, 111, 113, 117, 122, 163, 192, 195, 199, 200, 205, 207, 214; HB 24, 30, 36, 47, 53, 67, 68, 78, 126, 145, 154, 176, 180, 181, 231, 242, 245, 256, 275, 310, 347, 348, 352, 384, 476, 490, 543, 544, 626, 677, 685, 686, 687, 688, 696, 702, 703, 704, 706, 716, 802, 817, 865, 915

PERSONNEL
Affirmative action in state government—SB 319
Child care facilities needs assessment—SJR 44
Collective bargaining by public employes—HB 644
Disciplinary fine repeal—HB 358
Employe
  benefits division creation confirmation—SB 52
  handbooks and seminars—HB 967
Enforcement officers' liability insurance—HB 793
Handguns issued state employes, purchase upon retirement—HB 199
Hazardous duty pay for state employes—HB 581
Health insurance benefit fund—HB 851
Holidays, King birthday observance as—HB 416
Omnibus amendments—SB 340; HB 672
Overtime, compensation pursuant to federal provisions—HB 391
PVA deputies, merit system coverage for—HB 863
Personnel board orders, attorneys' fees on appeal of—HB 497
State employes' retirement, educational leave credit—HB 419
Wages and hours, federal conformity of—SB 88

PHILLIPS, WENDY
Elected page, p. 2

PHYSICIANS AND PRACTITIONERS
Dental board membership—HB 541
Drugs, generic substitution, check-box for—HB 907
Handicapped children, commission for, services by—HB 953
Health care records disclosure—HB 960
Liability insurance, rate approval—SB 280
Living wills, standards for—HB 138
Medicaid, prescription drugs reimbursement—HB 472, 474
Medical
  licensure, omnibus revisions—HB 500
  malpractice actions—HB 162
Nurses' educational needs study—HJR 102
Nursing, omnibus revision—SB 291
Optometrists, use of pharmaceutical agents by—SB 104
Organ procurement transplant protocol—HB 5
Physician assistants regulation—HB 603
Physician/patient privilege waiver in criminal cases—HB 450
Physicians as coroners, certification of—HB 402
Podiatrists, disciplinary actions—SB 212
Psychologists, licensing, omnibus revision—HB 143
Psychotherapist, privileged communication with—SB 310
Respiratory therapists licensure—HB 911
Speech apthologists and audiologists—HB 606
Treatment decisions, adult's control of—HB 989

PLANNING AND ZONING
Conditional use permit, notice of hearing on application for—HB 140
Omnibus revision—SB 35
Planning and land use regulation study committee—SJR 26
Regional planning authority, establishment of—HB 638
Subdivided property, voiding sale or transfer of—HB 343
Subdivision regulations in counties without planning—HB 265
Voting requirements on planning bodies—HB 139
Zone change, conditions attached to—HB 618

PLUMBERS AND PLUMBING
On-site
  sewage disposal system installers, certification of—HB 490
  sewage disposal systems, installation—HB 275
Prefabricated plumbing systems—HB 887
Water heater serial numbers—HB 689

POLICE, CITY AND COUNTY
Assault on law enforcement officers—HB 637
Auxiliary police officers, death benefits for—HB 181
Cities
  of 6th, county-wide arrest powers—HB 623
  of 6th, county-wide jurisdiction—SB 255
City ordinances, county police enforcement of—HB 529
Conservation officers, peace officer status for—SB 317
County police merit board procedures—HB 859
Death benefits—HB 741
Disciplinary actions—HB 583
Insurance surcharges, use for pay supplements—SB 331
Law
  enforcement officers, collective bargaining by—HB 499
  enforcement officers, deceased, tuition for dependents—HB 352
Pay
  supplement, training increment—HB 587
  supplements, airport boards as local governments—HB 45
Peace officers, arrest powers beyond home county—HB 470
Police radios, use by emergency services personnel—SB 141
Police, cities of 1st, transition to CERS—HB 738
Retirement annuity, income tax exemption—HB 498
Salary supplements for airport police and fire fighters—HB 522

POLICE, CITY AND COUNTY (Cont'd)
Sheriffs and police chiefs, handgun permit issue by—HB 344
Turnpike toll exemption—HB 397, 425
Volunteer police, workers' compensation coverage—HB 710

POLICE, STATE
Arson investigation, responsibility for—HB 918
Assault on law enforcement officers—HB 637
Departmental administrative reorganization—SB 59
Disability retirement benefits—SB 288
Heart/lung disease as occupational disability—HB 650
Law
  Enforcement Foundation Program eligibility—HB 904
  enforcement officers, deceased, tuition for dependents—HB 352
Liability insurance requirement—HB 310
Police radios, use by emergency services personnel—SB 141
Retirement,
  cost-of-living increases—SB 373
  omnibus amendments—SB 158
Turnpike toll exemption—HB 425
Vehicles, exemption from turnpike tolls—HB 397

POLLUTION
Control facilities, sales tax exemption—SB 237; HB 594
Oil well injection, underground water protection—SB 299
Pollution abatement and water resources finance authority—HB 758
Private water supplies, testing and assistance concerning—HB 418
Sewage system permits, refusal pending performance bond—HB 871
Vehicle emissions testing, limits on—HB 316
Water
  source contamination, cause of action for—HB 492
  well construction, repeal of requirements on—HB 616

POVERTY
AFDC benefits, income calculation considerations—HB 554
Community
  action agencies, urge continued funding of—HR 211; HCR 141
  work experience, public service requirement—HB 949
Energy
  assistance and conservation fund—HB 161
  assistance and weathrization fund—HB 510
  assistance task force—SCR 2; HCR 9
Guaranteed energy service program—HB 977
Homeless persons, study of—HCR 147
Indigent health services—HB 701
Job Corps, urge continued funding—HCR 4
Low income energy assistance fund—SB 325
Utility rate reduction for low-income elderly—HB 860
Youth employment incentive act—HB 868

PRESTON, RAY
HR 8, 12, 14, 15, 21, 35, 52, 70, 73, 84, 103, 111, 126, 139, 158, 163, 166, 187, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 99, 108, 139, 285, 326, 511, 563, 570, 612, 616, 677, 692, 800, 821, 830, 860, 861, 869, 915, 942

PRIDDY, DOROTHY "DOTTIE"
HR 1, 8, 12, 14, 15, 21, 41, 45, 52, 53, 70, 73, 84, 103, 111, 113, 122, 136, 158, 163, 174, 189, 192, 195, 199, 200, 205, 207; HB 1, 19, 71, 72, 74, 76, 138, 142, 224, 269, 272, 316, 382, 390, 392, 394, 395, 431, 432, 436, 449, 465, 470, 486, 487, 498, 499, 508, 570, 587, 633, 636, 677, 678, 692, 710, 731, 770, 781, 818, 852, 859, 888, 915, 940
Voting modification—HB 405Y, p. 685

PRITCHETT, AARON "A. G."
HR 4, 8, 12, 14, 15, 21, 52, 70, 73, 103, 158, 163, 189, 192, 195, 199, 200, 205, 207, 214; HB 36, 105, 109, 154, 159, 272, 331, 377, 378, 390, 525, 570, 673, 677, 692, 725, 733, 746, 922
Voting modification—HB 938N to Y, p. 3202

PROBATION AND PAROLE
Crime victims, parole board appearances by—HB 8
Enhanced felony and misdemeanor offenses, creation of—HB 761
Fine, mandatory in probated cases—HB 39
Halfway houses, location of—HB 705
Home incarceration for parolees—SB 196; HB 463
Interstate detainers, probation and parole violations—SB 185
Jail time credit in parole violation cases—HB 71
Parole
  board deliberations, open meetings requirement—HB 156
  board hearings, notice and victim's attendance—HB 157
  board, membership increase—SB 105
State prisoners in county jail—HB 698
Victim impact report, requirement of—HB 621
Violent offenders, parole restrictions concerning—HB 76

PROPERTY
Aliens, rights of—SB 250
Consumer protection, property restoration—SB 239
Fences, responsibility for construction—HB 85
Insurance, prohibit excessive coverage—HB 799
Open burning, warning for first-time violation—HB 509
Property transported illegally, receipt of—HB 375
Stolen property, trafficking in—HB 77
Vehicle towing and storage, owner notification following—SB 120

PROPERTY TAX
Assessment appeal, eligibility for—HB 655
Assessments, correction procedure—HB 410
Board of tax appeals, petition filing deadline—SB 42
Church
  buses, exemption of—HB 792
  motor vehicles, tax exemption amendment—HB 110
Cities, delinquent tax collection notices—SB 69
Farm machinery rate reduction—HB 119
Intangible tax assessment—HB 512
Joint city-county services funding—HB 122
Local
  solid waste management charges—HB 777
  tax rates—HB 736
Motor
  vehicle asessments—HB 578
  vehicle tax, seller's liability for—HB 349
  vehicle taxes, payment on registration—HB 326
  vehicles, assessment of—HB 193
  vehicles, evaluation for assessment—HB 36
  vehicles, state rate on—HB 576
PVA deputies, merit system coverage for—HB 863
PVA, expense allowance for—HB 245, 411
Property valuation administrator study—HCR 39
Regional planning authority, establishment of—HB 638
Sheriff's tax payment, date for—HB 846
Special taxing districts, creation of—HB 43
State property tax rate calculation—HB 409
Tax
  delinquency notice, mail service of—HB 854
  levy for parks and recreation districts—HB 845
Unmined minerals—HB 503

PUBLIC ASSISTANCE

- AFDC benefits, income calculation considerations—HB 554
- Community
  - action agencies, urge continued funding of—HR 211; HCR 141
  - work experience, public service requirement—HB 949
- Food stamp purchases, sales tax exemption requirement—HR 196
- Foster care, medical assistance under—HB 350
- Guaranteed energy service program—HB 977
- Long-term
  - care facilities, prohibit medicaid discrimination—HB 465
  - care residents, personal needs allowance for—HB 205
  - care, medicaid decertification of—HB 982
- Medicaid waivers, U.S. grant petition—HCR 157
- Medicaid,
  - prescription drugs reimbursement—HB 472, 474
  - services department, creation of—HB 495
- Medical
  - assistance, assets transfer prohibition—SB 148
  - assistance, limit administrative costs of—HB 853
  - assistance, limits on nursing home reimbursement—HB 548
  - assistance, mentally retarded services under—HB 521
- Non-hospitalized patients, bill of rights—HR 151
- Omnibus health care reform—SB 62; HB 403
- Pediatric teaching hospital, medicaid reimbursement to—HB 708
- Recipients' self-sufficiency study—HCR 121
- Recipients,
  - bank account information disclosure—HB 135
  - employment programs required for—HB 327
- Teaching hospitals, medicaid reimbursement for—SB 210

PUBLICATIONS

- Adult bookstore, definition and regulation—SB 241

PUBLIC AUTHORITIES

- Correctional facility construction authority, fiscal year of—SB 270
- Disaster and emergency assistance authority—HB 923
- Kentucky River Authority, creation of—HB 699
- Mass
  - transit authorities, permissive insurance provisions—SB 264
  - transit authority, regulation and adjoining area service—SB 284
- Pollution abatement and water resources finance authority—HB 758

PUBLIC BUILDINGS AND GROUNDS

- Agricultural commodities, promotion on state property—HB 897
- Athletic facilities, ticket allocation method—HB 267
- Capitol building commemoration—HR 101
- Correctional facilities location, General Assembly determination of—HB 812
- Local court facilities, minimum charge for use of—HB 496
- New capitol commemoration—HR 8
- Repair or construction contractors, certification of—HB 166
- State
  - buildings, require inspection for asbestos—HB 70
  - buildings, security of—HJR 35
  - leases of property, reporting of—HB 7
- UK mining and minerals building, funding for—SB 20

PUBLIC DEFENDER

- DUI service fee, use for indigents' defense—HB 345
- Medicaid drug formulary, addition of non-steroidal drugs—HB 469
- Minors, costs for public representation of—HB 346

PUBLIC OFFICERS AND EMPLOYES

- Alcoholic beverage control officers, hazardous duty benefits—HB 445
- Campaign debt, prohibit retirement while in office—SB 159
- Collective bargaining by public employes—HB 644
- Commonwealth's attorney, private law practice restriction—HB 546
- Corrections employes, hazardous duty retirement coverage—HB 117
- County
  - attorney compensation—SB 290
  - clerk, candidates for, examination of—HB 330
  - employes retirement, hazardous duty benefit increment—HB 389
  - fee officer deputies, number and compensation of—HB 334
  - judge/executive deputy, appointment of—HB 282
  - police merit board procedures—HB 859
  - treasurer, acting—HB 571
- Dental insurance for public employes and retirees—HB 381
- Enforcement officers' liability insurance—HB 793
- Fire
  - fighter residency requirements, deletion of—HB 770
  - fighters' training center fund—HB 436
- Garnishment, validity of—HB 519
- Governor's messenger allowance repeal—SB 267
- Handguns issued state employes, purchase upon retirement—HB 199
- Honorariums and appearance fees, limitation of—HB 308
- Informant protection—HB 481
- Jailer's expense allowance, provisions for—HB 627
- Jailers, duties of—HB 617
- Legislative employes' per diem increments—SB 182
- Liability insurance for public employes—HB 885
- Mayors, successive terms amendment—HB 1
- Notaries, marriage solemnization by—HB 336
- Overtime, compensation pursuant to federal provisions—HB 391
- PVA deputies, merit system coverage for—HB 863
- PVA, expense allowance for—HB 245, 411
- Police officers, auxiliary, death benefits for—HB 181
- Property valuation administrator study—HCR 39
- Public
  - employe bargaining—HB 475
  - safety telecommunicators, certification of—HB 608
- Retirement,
  - KERS, CERS, SPRS, omnibus amendments—HB 348
  - cost-of-living increases—SB 373
- Sanitation District Officers, salaries of—HB 368
- School
  - board members, in-service definition for—HB 373
  - board members, in-service training requirement—SB 82
  - board members, salary for—HB 573
  - employes, uncertified, merit system for—HB 370
- State
  - Police, salary supplement—HB 904
  - auditor, omnibus amendments—HB 941
  - employe handbooks and seminars—HB 967
  - employes retirement, educational leave credit—HB 419
  - employes' health coverage, local employe participation in—HB 458
  - employes' wages and hours, federal conformity of—SB 88
  - employes, disciplinary fine repeal—HB 358
  - employes, health insurance benefit fund—HB 851
  - employes, omnibus revision—SB 340
  - personnel, omnibus amendments—HB 672
- Superintendent of Public Instruction—SB 10; HB 97
- Tip income, KERS credit for—HB 531
- Union dues by payroll deduction, local employes—SB 252
- Veterinarians, state, employment condition of—HB 144

PUBLIC RECORDS AND REPORTS

Adoptees, health history access by—HB 56
Agency records management—HB 268
Checks and electronic transfer entries, state, preservation of records—HB 558
Child identification cards—SB 341
Death certificate, local issuance—HB 584
Deeds of correction, notation and cross indexing—HB 635
Definitions, uniformity of—HB 270
Expungement of criminal records—HB 559
Information system commission, statewide EDP plan—HB 632
Liability insurers, reports from—HB 769
Missing children, records recognition of—HB 178
Oral history interviews, confidentiality of—SB 92
Original records, reproduction and replacement of—HB 502
Records of persons found not guilty, urging of—HB 588
Secretary of State, fee increments—HB 555
Sexually transmitted disease records, confidentiality—HB 376
Treasurers' checks and records, photostatic copies of—HB 518

PUBLIC SALARIES

Airport police and fire fighters, salary supplements—HB 522
Architects' board members salary increment—HB 826
Certified building officials foundation program fund study—HCR 46
City utility commission members, increase compensation—HB 745
Constables in counties with 1st, salary elimination—HB 14
Constables, annual salary—HB 658
Coroners, minimum salaries—HB 657
County attorney compensation—SB 290
Fire fighters' training center fund—HB 436
Hazardous duty pay for state employes—HB 581
Honorariums and appearance fees, limitation of—HB 308
Judges' increments—HB 236
Law enforcement foundation, sheriffs and deputy sheriffs under—SB 286
Legislative employes' per diem increments—SB 182
Legislators' monthly expense allowance—HB 459
Lieutenant governor, compensation limitations—HB 882
Overtime, compensation pursuant to federal provisions—HB 391
PVA, expense allowance for—HB 245
Police
  and firefighter pay supplements, air boards as local govts.—HB 45
  pay supplement, training increment—HB 587
Railroad commissioner's increments—HB 740
Sanitation district officers, delete limits on—HB 368
School
  board members, salary for—HB 573
  board per diem and expenses—HB 471
  for deaf and blind, teachers' salary status—HB 298
Sheriff's court attendance, compensation exclusion—HB 849
Sheriffs' minimum salary—HB 630
State Police, salary supplement—HB 904
Unemployment compensation commission members' increment—HB 317
Union dues by payroll deduction, local employes—SB 252
Water district commissioners, maximum salary of—HB 81

PUBLIC UTILITIES

Arrearages, prohibit levy on new tenant—HB 861
Atmospheric fluidized bed combustion generating, fav. tax treatment—HB 234
Bills, late payment penalty limit—HB 505

PUBLIC UTILITIES (Cont'd)

Butler County, request countywide telephone service study—HR 105
Cable TV services, facilities rights of—HB 313
City utility commission members, increase compensation—HB 745
Combined electric and gas utilities, billings and terminations by—HB 92
Construction
  work in progress (CWIP), statement on customer bills—HB 91
  work, customer charges for canceled or halted projects—HB 107
Electric plant retirement, decommissioning certificate for—HB 90
Energy
  assistance and conservation fund—HB 161
  assistance and weathrization fund—HB 510
  assistance task force—SCR 2; HCR 9
Gas gathering lines, prohibit abandonment of—HB 504
Gross receipts license tax base—HB 407, 408
Guaranteed energy service program—HB 977
Labor costs as expense factors—HB 900
Low income energy assistance fund—SB 325
Manhole safety—HB 728
Natural gas pipeline safety standards—HB 443
PSC approval for utility operation sale, transfer, or abandonment—HB 441
Property taken by local government, compensation for—HB 716
Public
  service commission, consolidate exec. director and secretary—SB 203
  service commission, consolidate executive director and sec.—HB 438
  service commission, election of members—HB 821
  service commission, omnibus revisions—HB 444
  service commission, organization method—SB 204; HB 440
RECC, dissolution vote requirement—SB 178
Rate
  cases, intervenor compensation—HB 624
  reduction for low-income elderly—HB 860
  schedules, new, suspension period increment—HB 439
Ratemaking, service quality as factor—HB 442
Rates, exclusion of construction costs as factors—HB 93
Rural electric cooperative stock, dividend on—SB 260
Service
  for agriculture, sales tax exemption—HB 822
  initiation prior to building inspection—HB 695
Small utilities, amended rate procedure for—HB 901
Termination notices, identifiability requirement—HB 629
Utilities gross receipts tax, exemption—HB 850
Utility security deposits, interest on—HB 437
Water
  district projects, exempt from PSC approval—HB 899
  districts, rate increment pass-through—HB 810

PURCHASING

American
  coal, use of—HB 681
  products, public agency purchasing of—HB 424
Capital equipment, non-budgeted, purchase of—SB 13
Domestic preference bidding laws study—SCR 97
In-state preference, reciprocity regarding—HB 905
Personal
  service contract review exemption—SB 12; HB 284
  service contracts review—HB 682
State leases of property, reporting of—HB 7
Transportation cabinet, exempt from small purchase regulations—HB 704

RACE RELATIONS

Prejudice, ethnic or religious, reports on crimes manifesting—HB 46
Retirement funds, South African investments of—HB 831

RACING

Attorney's fee in reopened claims—HB 513
Churchill Downs Authority, condemnation power—HB 965
Jockey fee schedule, promulgation of—HB 380
Man o' War stamp, endorsement of—HCR 75
Omnibus horse racing amendments—HB 794
Pari-mutuel
  tax credit, equine program funding—HB 825
  tax credit/equine program funding—SB 398
  tax, standardbred tracks, extensive credit for—HB 328
Quarter horse, appaloosa and arabian racing admin., reorganization of—HB 400
Race track admissions tax—HB 915
Sales tax, application to horse sales—HB 605
Stall space allocation of tracks, criteria for—HB 190
Thoroughbred horse sales, blood and urine tests concerning—HB 233

RAILROADS

Cabooses, requirement for—HB 636
Cars, inspection when loaded—HB 153
Police, oath elimination—HB 517
Railroad commission, responsibilities of—HB 740

RAPIER, WILLIAM "KENNY"

HR 1, 8, 10, 11, 12, 13, 14, 16, 18, 21, 30, 70, 73, 111, 113, 114, 116, 131, 139, 158, 168, 192, 195, 199, 200, 205, 207, 208, 214, 217; HB 22, 24, 126, 179, 245, 259, 314, 380, 387, 388, 398, 431, 432, 448, 451, 508, 566, 592, 593, 668, 677, 678, 692, 722, 797, 825, 842, 843, 844, 915, 919, 927, 958, 959, 980

RATTLIFF, HERMAN

HR 8, 12, 14, 15, 21, 24, 25, 52, 69, 70, 163, 192, 195, 199, 200, 205, 207, 214; HB 27, 59, 98, 109, 488, 657, 677, 787, 934

REAL ESTATE

Agents, licensing revisions—SB 281
Controlled substances cultivation, real property forfeiture—SB 315
Deed of release, county clerk fee for—HB 879
Deeds of correction, notation and cross indexing—HB 635
Farm, notifications of sale upon default—HB 251
Farmland foreclosure moratorium—HB 252
Fences, responsibility for construction—HB 85
Landlocked property, eminent domain exemption—HB 734
Leased property possession refusal, damages following—HB 719
Licensees, errors and omissions insurance—SB 72
Lien of mechanic or materialman—HB 934
Liens
  by deed or mortgage, discharge of—HB 827
  on real property, releases of—HB 622
Mortgage loan companies and brokers, omnibus revision—HB 902
Mortgages, priority of subsequent lien—HB 246
Subdivided property, voiding sale of—HB 343
Tax delinquency notice, mail service of—HB 854
Transfer tax, exempt payment by state—HB 817

REAPPORTIONMENT

Fiscal court reapportionment, report to state board of elections—HB 256
Judicial districts 1 and 58—SB 234
Legislative redistricting, county division prohibition—HB 963
Representative districts 5 and 8—HB 35
Senate districts 25, 29 and 31, redefinition of—SB 344
Supreme Court districts two and three, composition of—HB 802

REGISTRATION AND PURGATION

Voter lists, telephone number inclusion in—HB 908

REINHARDT, JON "JON DAVID"

HR 8, 12, 14, 15, 21, 24, 25, 35, 52, 56, 69, 73, 84, 109, 111, 113, 122, 130, 134, 152, 158, 163, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 34, 36, 37, 44, 59, 76, 84, 98, 106, 126, 149, 161, 171, 173, 174, 175, 324, 326, 339, 347, 348, 390, 413, 431, 432, 456, 457, 458, 459, 465, 490, 498, 509, 570, 576, 577, 578, 677, 692, 705, 712, 722, 746, 761, 790, 847, 881, 910, 915, 929, 966, 969, 977, 983, 984
Voting modifications—HB 148Y, p. 402; HB 422N to Y, p. 519; HB 502Y, p. 1124; HB 603N to Y, p. 1262; HB 622Y, p. 1263; HB 682Y, p. 1428; HB 660Y to N, p. 2267; HB 262fa(2)N to Y, p. 2520; SB 266N to Y, p. 2832; HCR 136Y, p. 2998; HB 894N, p. 3158

REORGANIZATION

Business and technology office, creation of—HB 228
Economic development department, reorganization of—SB 58
Education and humanities cabinet, reorganization—SB 106
Employe benefits division creation confirmation—SB 52
Employment services, department for—SB 61
Energy agency transfer to commerce cabinet—HB 591
Exceptional children, office of education for—HB 816
Flood control advisory commission, administration of—SB 53
Governor's
  council on vocational education—HB 223
  financial planning council—HB 468
Health services, department for—HB 221
Higher education assistance authority—HB 237
Horse park commission, creation of—SB 54
Human
  resources cabinet, commission for handicapped children—SB 60
  resources cabinet, statewide health coordinating council—HB 222
  resources, department for health services—HB 235
Internal audit division—SB 154
Justice cabinet reorganization—SB 51; HB 215
KERS, reorganization confirmation—SB 57
Law, department of, confirm reorganization of—SB 227
Local government, department for, omnibus amendments—HB 567
Medicaid services department, creation of—HB 495
Mining data-522/petition review branch—HB 218
Natural resources cabinet—SB 55, 56
No. American Livestock Exposition committee—HB 229
Public
  service commission, consolidate exec. director and secretary—SB 203
  service commission, organization method—SB 204; HB 438, 440
Quarter horse/appaloosa/arabian racing administration—HB 400
Riverport and river development functions transfer—HB 214
School food services division transfer—HB 815

REORGANIZATION (Cont'd)

State
  Auditor's office, reorganization of—SB 245
  police, department of—SB 59
Training, department of, renaming of—HB 239
Treasury, department of, reorganization confirmation—HB 520

RETIREMENT AND PENSIONS

Agriculture, department of, employes' hazardous duty retirement—HB 597
Alcoholic beverage control officers, hazardous duty benefits—HB 445
Benefits as martial property in divorce actions—HB 680
Benefits, reciprocal tax exemption of—HB 717
CERS hazardous duty benefit increment—HB 389
Cities of the 1st, CERS for fire fighters—SB 358
City payments to CERS for infunded liability—HB 666
Commonwealth's attorneys, judicial retirement for—HB 546
Corrections employes, hazardous duty retirement coverage—HB 117
County system, school employes in—HB 23
Dental insurance for public employes and retirees—HB 381
Earlier retirement for teachers and state workers, study of—HCR 131
Hazardous coverage, forest firefighters—HB 137
Health maintenance organization coverage for KERS retirees—HB 399
Heart/lung diseases as occupational disability—HB 650
Involuntary retirement at age 70 or above, prohibition of—HB 971
Judicial retirees, insurance and benefits—HB 828
KERS,
  CERS and State Police, cost-of-living increases for—SB 373
  reorganization confirmation—SB 57
Legislator
  former, benefits for—HB 27
  membership in KERS, optional status of—HB 113
  retirement, reduction in benefits—HB 86, 87, 318
  retirement, uniform benefit formula—HB 106, 459
Maternity leave, retirement service credit for—HB 891
Military
  reserve service, credit for—HB 910, 929
  retirement annuities, income tax exemption—HB 130, 145
  service credit, KERS and CERS, installment purchase of—HB 382
  service credit, purchase by disabled veterans—HB 128, 176
Omnibus
  amendments, KERS, CERS, SPRS—HB 348
  amendments, Kentucky retirement systems—SB 158
Police, cities of 1st, transition to CERS—HB 738
Retirement funds, South African investments of—HB 831
State
  employes' educational leave credit—HB 419
  police disability benefits—SB 288
  university retirement benefits, tax exemption for—SB 70
Teachers
  cost-of-living increase for—HB 261
  health insurance for—HB 159
  nonpublic school service credit—HB 312
  retired benefits, cost-of-living increment study—HCR 25
  retired, health insurance premiums for—HB 83
  retirement after 27 years—HB 19
  retirement fund, prohibit transfer to general fund—HB 96, 109
  retirement system package, request governor's support for—HCR 24
  retirement, final average salary calculation—HB 796
  week in honor of—SB 43

RETIREMENT AND PENSIONS (Cont'd)

Teachers' retirement system, omnibus revisions—HB 677
Teachers, service credit additions—HB 684
Tip income, KERS credit for—HB 531
Volunteer fire fighters, CERS membership—HB 339

RICHARDS, WALTER "JODY"

HR 1, 8, 12, 14, 21, 24, 25, 35, 40, 52, 61, 70, 85, 103, 111, 114, 128, 137, 158, 187, 189, 190, 192, 195, 199, 200, 201, 205, 207; HB 1, 30, 31, 36, 40, 73, 96, 109, 240, 301, 304, 315, 321, 325, 348, 366, 385, 390, 417, 422, 461, 462, 471, 509, 514, 570, 606, 612, 641, 668, 671, 673, 677, 678, 690, 692, 731, 732, 739, 745, 746, 782, 789, 790, 840, 869, 870, 874, 907
Voting modifications—HB 20N to Y, p. 107; HB 344N to Y, p. 1770; HB 360N to Y, p. 1770; SB 252Y to N, p. 2998; HB 894N, p. 3158

RICHARDSON, BOBBY

HR 8, 12, 14, 15, 21, 52, 70, 73, 90, 122, 158, 163, 192, 195, 199, 200, 205, 207, 214; HB 342, 563, 570, 585, 612, 657, 677, 678, 692, 775, 800, 882, 888, 892, 899, 902, 915, 934, 935, 944, 947, 966, 980
HB 326, special subcommittee on, appointment to, p. 688
Voting modifications—SB 98N, p. 714; HB 360Y to N, p. 1770

RICHARDSON, PAUL

HR 1, 2, 3, 8, 12, 14, 15, 21, 22, 24, 25, 46, 51, 52, 70, 73, 103, 113, 158, 163, 189, 192, 195, 199, 200, 205, 207, 215; HB 19, 24, 40, 41, 59, 75, 109, 126, 152, 213, 295, 296, 314, 315, 328, 348, 503, 509, 566, 570, 585, 612, 673, 677, 699, 700, 701, 733, 746, 794, 857, 858, 922, 947
Voting modifications—HB 116Y, p. 234; HB 109Y, p. 234; HB 63Y, p. 234; HB 20Y, p. 234; HB 894N, p. 3158

RINER, THOMAS "TOM"

HR 1, 8, 12, 14, 15, 21, 35, 52, 73, 84, 111, 113, 136, 158, 160, 163, 174, 189, 192, 195, 199, 200, 205, 207, 222; HB 19, 24, 29, 70, 77, 245, 311, 323, 349, 390, 394, 395, 433, 461, 465, 487, 564, 568, 570, 677, 692, 697, 705, 741, 746, 823, 849, 852, 915, 936, 973, 974
Voting modifications—HB 360N to Y, p. 1770; HB 665Y to N, p. 2520; HB 894N, p. 3158

ROBINSON, ALBERT

Elected cloakroom keeper, p. 2

ROSE, JAMES "JIM"

HR 1, 8, 12, 14, 15, 21, 24, 25, 52, 54, 70, 73, 84, 103, 111, 158, 164, 166, 172, 192, 195, 199, 200, 205, 207, 214; HB 19, 21, 24, 65, 105, 109, 153, 172, 218, 249, 276, 285, 374, 461, 465, 469, 504, 508, 568, 603, 612, 625, 648, 673, 676, 677, 682, 683, 733, 746, 830, 838, 839, 860, 861, 869, 880, 883, 942, 985
Voting modification—HB 698N to Y, p. 1770

SAFETY

Amusement ride inspections, carnival definition concerning—HB 342
Asbestos, require state building inspections for—HB 70
Blasting near natural gas pipelines—HB 976
Boiler inspection fees—HB 220
Coal mines, EMT required—HB 528
Dams and reservoirs, criteria for construction of—HB 674
Dams, ensuring safety and containing costs—HB 294
EMT, require at surface coal mine—HB 565

SAFETY (Cont'd)

Hazardous
  material spillage reporting and response—HB 743
  materials emergencies task force—HJR 99
  materials, notice to fire chief concerning—HB 663
Natural gas pipeline safety standards—HB 443
Radiation and product safety division, creation of—HB 235
Rail cars, inspection when loaded—HB 153
Water heaters, temperature pre-set by sellers—HB 255

SALES

Auctioneers escrow funds, distribution time limit—HB 729
Automobiles as collateral, sale in Kentucky—HB 191
Farm inventory, repurchase by manufacturer or wholesaler from retailer—HB 154
Pyramid sales, prohibition—HB 485
Sales tax, application to horse sales—HB 605
Thoroughbred horse sales, blood and urine tests concerning—HB 233

SALES AND USE TAX

Aircraft and parts, exemption of—HB 302
Bee pollen, exemption for—HB 782
Blast furnaces, exemption for—SB 236; HB 595
Coal mining equipment, exemption of—SB 151
Exemptions, life support equipment—HB 242
Farm
  equipment and utility service exemption—SB 371
  feed equipment exemption—HB 848
Food
  stamp food, exemption for—HB 842
  stamp purchases exemption requirement, urge repeal—HR 196
Horse sales, taxation of—HB 605
Medical prescriptions and devices exemption—HB 920
Mobile
  homes exemption—HB 648
  homes, exemption for—HB 725
Motion picture companies, sales and use tax credit—HB 938
Motor
  vehicle usage tax exemption—HB 834
  vehicle usage tax, actual sale price basis for—HB 461
  vehicle usage tax, trade-in credit—HB 712
Nonprofit, school sponsored clubs, exempt sales by—SB 193; HB 415
Physical aids and diabetic supplies exemption—HB 197
Pollution control facilities exemption—SB 237; HB 594
School portraits, exemption of—HB 739
Utility service for agriculture, exemption of—HB 822
Vending machine sales, exemption value increment—HB 569

SCORSONE, ERNESTO

HR 1, 9, 12, 14, 15, 21, 33, 51, 52, 70, 73, 76, 82, 87, 90, 114, 123, 158, 163, 180, 190, 192, 195, 199, 200, 205, 207, 210; HB 19, 29, 40, 57, 58, 87, 93, 161, 205, 224, 279, 306, 307, 345, 346, 366, 383, 437, 438, 439, 440, 442, 443, 444, 466, 467, 503, 506, 548, 562, 570, 618, 629, 677, 678, 699, 727, 733, 774, 777, 837, 881, 957

SECRETARY OF STATE

Business and nonprofit corporations, omnibus revision—SB 337
Fee increments—HB 555

SECURITIES

Brokerage service by banks—SB 370
Fiduciaries, investment in U. S. obligations—HB 700
Gifts to minors, securities registration—HB 396
Rural electric cooperative stock, dividend on—SB 260

SEUM, DAN

HR 12, 14, 15, 35, 52, 69, 70, 73, 111, 134, 136, 158, 174, 189, 192, 195, 199, 200, 205, 207; HB 1, 3, 19, 24, 36, 45, 58, 73, 75, 76, 90, 91, 92, 93, 102, 103, 105, 107, 110, 115, 126, 142, 148, 149, 224, 238, 245, 257, 262, 269, 280, 298, 315, 316, 317, 326, 331, 333, 352, 377, 378, 382, 390, 392, 394, 395, 412, 413, 452, 461, 470, 477, 487, 498, 503, 522, 559, 560, 570, 575, 588, 624, 629, 677, 678, 679, 692, 705, 733, 741, 746, 763, 814, 818, 825, 888, 915, 947
Voting modification—HB 245Y, p. 1995

SEVERANCE TAX

Coal franchise fee, county levy of—HB 909
Coal, transportation expense and gross value—HB 921

SEWER SYSTEMS

Cities, operation beyond city limits—SB 3
Manhole safety—HB 728
Metropolitan
  sewer district board membership—HB 954
  sewer district board, city of 3rd representation on—HB 693
  sewer districts, omnibus amendments—SB 377
On-site
  sewage disposal systems installers, certification of—HB 490
  sewage disposal systems, installation—HB 275
Sanitation districts in two counties, services by—HB 968
Sewage system permits, refusal pending performance bond—HB 871

SHERIFFS AND CONSTABLES

Alcoholic beverage administrator, counties with 1st—HB 280
Assault on law enforcement officers—HB 637
Constable, in counties with 1st, salary elimination—HB 14
Constables, annual salary—HB 658
Court attendance, compensation exclusion—HB 849
Deputy
  sheriffs, number and compensation of—HB 334
  sheriffs, omnibus revision—HB 79
Fees, excess retention of—HB 561
Law enforcement foundation, sheriffs and deputy sheriffs under—SB 286
Minimum salary for sheriffs—HB 630
Peace Officers, arrest powers beyond home county—HB 470
Sheriffs
  and police chiefs, handgun permit issue by—HB 344
  training academy, establishment of—HB 690
Special
  deputies—HB 10
  law enforcement deputy sheriffs, authorization for—HB 379
Tax payment to county, date for—HB 846

SILER, CHARLES

HR 4, 8, 12, 14, 15, 21, 35, 51, 52, 67, 70, 71, 73, 84, 103, 105, 111, 113, 122, 139, 149, 158, 163, 189, 192, 195, 196, 197, 199, 200, 205, 207, 214; HB 19, 30, 67, 68, 105, 139, 145, 473, 478, 479, 534, 604, 626, 677, 746, 773, 915, 935, 949, 985
Natural resources and environment committee, appointment to, p. 690
Voting modifications—HCR 7N to Y, p. 373; HB 894N, p. 3158

SLATTERY, EMMETT A.

Elected chief doorkeeper, p. 2

SMITH, WILLIAM "BILLY RAY"
HR 1, 8, 21, 52, 61, 69, 70, 73, 103, 158, 163, 187, 192, 195, 199, 200, 201, 203, 205, 207, 214; HB 59, 126, 150, 154, 297, 315, 372, 417, 436, 460, 461, 473, 509, 570, 607, 612, 631, 641, 660, 671, 677, 690, 692, 710, 739, 745, 746, 795, 810, 848, 899, 901, 947
Voting modifications—HB 511Y, p. 1199; HB 727Y, p. 2412

SPACE AND OFFICES
Legislative space increment—HB 964
State
  agencies' needs, study of—SCR 30
  leases of property, reporting of—HB 7

SPECIAL DISTRICTS
Conservation districts, cost-share program for—HB 820
Creation petitions, social security number on—HB 43
Fire
  protection districts, ambulance service by—HB 670
  protection districts, annexation procedure by—HB 784
Liability, limitations on—HB 120
Metropolitan sewer districts, omnibus amendments—SB 377
Parks and recreation districts, creation of—HB 845
Property tax rates—HB 736
Sanitation
  District Officers, salaries of—HB 368
  districts in two counties, services by—HB 968
Subdivision road districts, maintenance agreements with counties—HB 264
Tax district, counties with 1st, voter approval of—HB 269
Water
  district commissioners, maximum salary of—HB 81
  district projects, exempt from PSC approval—HB 899
  districts, rate increment pass-through—HB 810

STATE AGENCIES
Accounting and administrative controls, evaluation of—SB 389
Administrative regulations procedures—HB 970
Adult vocational education board—SB 367
Advisory council for gifted and talented education, continuation of—HB 527
Affirmative
  action in government contracting—HB 556
  action in state government—SB 319
Agriculture, department of, employes' hazardous duty retirement—HB 597
American
  coal, use of—HB 681
  products, public agency purchasing of—HB 424
Board of claims, omnibus revision—SB 396
Budget forms, agency publications information on—HB 507
Business and technology office, creation of—HB 228
Certificate of Need Authority, creation of—SB 327
Checks and electronic transfer entries, state, preservation of records—HB 558
Correctional facility construction authority, fiscal year of—SB 270
Criminal justice statistical analysis center—HB 572
Deaf and hearing impaired commission membership—HB 299
Dental board membership—HB 541
Developmental disabilities planning council creation—HB 747
Disaster and emergency assistance authority—HB 923
Early childhood education and development office, creation of—HB 727
Economic
  development department, reorganization of—SB 58
  development planning commission creation—SCR 78; HJR 116

STATE AGENCIES (Cont'd)
Education department, office of federal programs organization—HB 886
Electrical advisory committee—HB 170
Emergency medical services commission, creation of—HB 790
Employe
  benefits division creation confirmation—SB 52
  handbooks and seminars—HB 967
Employment services, department for, reorganization—SB 61
Energy agency transfer to commerce cabinet—HB 591
Exceptional children, office of education for—HB 816
Executive biennial budget—HB 398
Financial institutions board, membership increment—HB 213
Fire protection personnel standards commission membership—SB 119
Fish and wildlife resources, eminent domain and condemnation by—HB 890
Flood control advisory commission, administration of—SB 53
Force account limit increment—SB 37
Governor's
  council on vocational education—HB 223
  financial planning council—HB 468
Handicapped children, commission for, services by—HB 953
Health services, department for, reorganization—HB 221
Higher education assistance authority, reorganization of—HB 237
Holidays, King birthday observance as—HB 416
Horse park commission, creation of—SB 54
Human
  resources cabinet, authorize fee charges by—HB 216
  resources cabinet, statewide health coordinating council—HB 222
  resources employes, liability insurance for—HB 55
Industrial development bond allocation committee—SB 153
Informant protection—HB 481
Information system commission, statewide EDP plan—HB 632
Insurance regulatory board—HB 966
Internal audit division—SB 154
Justice cabinet reorganization—SB 51; HB 215
KERS, reorganization confirmation—SB 57
Kentucky
  Bicentennial Commission, creation of—SB 2
  River Authority, creation of—HB 699
  advisory commission on intergovernmental relations, creation—HB 625
  housing corporation, income definition—HB 612
Law, department of, confirm reorganization of—SB 227
Liability insurance for public employes—HB 885
Library/Archives department, service equality contracting—HB 586
Local governments, department for, omnibus amendments—HB 567
Long-term
  care ombudsman program—HB 57
  policy research center study—SCR 91
Medicaid services department, creation of—HB 495
Medical utilization review commission, establishment of—HB 25
Military affairs department, management fund account—SB 229
Mississippi River Parkway Commission, establishment of—SB 50
My Old Kentucky Home advisory commission—HB 592
Natural
  resources cabinet orders, venue for appeal of—HB 869
  resources cabinet, office of general counsel—SB 56
Occupational information coordinating committee—HB 773
Office of citizens' complaints—HB 973

STATE AGENCIES (Cont'd)

Omnibus amendments—HB 672
Parks department, personal services contract review exemption—SB 12
Parole board, membership increase—SB 105
Personal
  service contract review exemption—HB 284
  service contract review exemptions—HB 682
Personnel board orders, attorneys' fees on appeal of—HB 497
Pollution abatement and water resources finance authority—HB 758
Private enterprise, limit competition with—HB 654
Property leases, reporting of—HB 7
Public
  service commission, consolidate exec. director and secretary—SB 203
  service commission, director/secretary of—HB 438
  service commission, election of members—HB 821
  service commission, omnibus amendments—HB 956
  service commission, organization method—SB 204; HB 440
Purchasing, in-state preference, reciprocity regarding—HB 905
Radiation and product safety division, creation of—HB 235
Railroad commission, responsibilities of—HB 740
Receipts from county clerks, uniform accounting system for—HB 610
Records management system requirement—HB 268
Revenue
  cabinet, omnibus housekeeping bill—HB 959
  cabinet, statutes requiring oath or affidavits—HB 843
Robotics center adivsory board—HB 671
School
  finance, governor's commission on—HJR 106
  food services division transfer—HB 815
Social worker caseload—HB 29
South African divestiture—HB 678
Space needs, study of—SCR 30
Spouse abuse programs, exempt from personal service contract process—HB 50
State
  Auditor's office, reorganization of—SB 245
  investment commission, meetings frequency—SB 269
  police reorganization—SB 59
Tax appeals, board of, petition filing deadline—SB 42
Teaching
  hospitals, medicaid reimbursement for—SB 210
  standards and practices, commission on—HB 889
Tobacco task force, reauthorization of—HCR 20
Training, department of, renaming of—HB 239
Transportation
  cabinet, exempt from property development deadline—HB 703
  cabinet, exempt from small purchase regulations—HB 704
Treasury, department of, reorganization confirmation—HB 520
Unified accounts/financial report filing/loan fund deletion—SB 268
Urban affairs council membership and funding—HB 366
Vocational rehabilitation office, liability insurance for—HB 864
Water management task force, re-establishment—HJR 81

STATE SYMBOLS

Bond refinancing, require savings use for debt retirement—HB 783
Exile band, commendation of—HR 70
Faughn, Dale, poet laureate designation—HR 49
Flag, state, pledge of allegiance to—HB 58

STATE SYMBOLS (Cont'd)

Gemstone, fresh-water pearl as—SB 359
Kentucky Pride program—HJR 137
Official fossil, brachiopod as—HB 372
Poet laureate, Henry Pilkenton as—HR 88
State
  children's theater—HCR 51
  song, lyrics amendment—HR 159
  tree, white oak as—HB 824

STATUTES

Architects' board members salary increment—HB 826
Public records, uniform definition of—HB 270
Reviser's bill—HB 919

STEWART, MARGARET

HR 1, 8, 12, 14, 21, 35, 41, 52, 73, 84, 90, 111, 113, 122, 158, 163, 189, 192, 195, 199, 200, 205, 207; HB 19, 24, 76, 86, 99, 108, 182, 183, 184, 185, 186, 187, 279, 465, 469, 570, 585, 630, 677, 692, 729, 746, 902, 915, 949, 960, 961, 962
Voting modifications—HB 8Y, p. 331; HCR 75N to Y, p. 1428; SB 198Y, p. 2998; HB 981Y, p. 2998; SB 141N to Y, p. 3082; HB 894N, p. 3158; SB 352N to Y, p. 3202; HB 843Y to N, p. 3202; HB 982Y to N, p. 3311

STONE, WILLIAM "PHILIP"

HR 8, 12, 14, 15, 21, 27, 35, 52, 54, 70, 73, 84, 103, 111, 113, 122, 163, 166, 186, 192, 195, 199, 200, 205, 207, 214; HB 19, 81, 83, 109, 154, 159, 282, 286, 313, 331, 334, 435, 461, 508, 528, 534, 565, 594, 595, 647, 672, 673, 677, 681, 691, 692, 825, 839, 869, 883, 891, 906, 915, 972, 985
Voting modification—HB 894N, p. 3158

STOUT, MORRIS

Elected page, p. 2

STREETS AND SIDEWALKS

Subdivision road districts, maintenance agreements with counties—HB 264

STRIP MINING

Administrative regulations, federal conformity—HB 838
Area of land affected, limitation on—HB 207
Bond forfeitures, use of—HB 768
Crushing or loading operations, permit conformance by—HB 757
EMT, requirement for—HB 565
Hopkins County coal park task force—HJR 107
Laws and regulations, urge flexibility—HR 193
Maps, certification by land surveyors—HB 104
Mining data-522/petition review branch—HB 218
Natural resources cabinet orders, venue for appeal of—HB 869
Notice of noncompliance, correction deadline increment—HB 830
Permits,
  broad form deed dispute resolution prerequisite—HB 95
  require legal authority for—HB 414
Permitting acreage overlying underground mines, limitation on—HB 94
Practice, unauthorized, exempt coal employe testimony as—HB 883
Reclamation project liens—HB 65
Remining permit—SB 374
Rulemaking petition, request for denial—HR 54
State surface mining administration, financial report on—SJR 54
Two-acre bonds—SB 179
Violations, penalty alternative—HB 839

STRONG, PEARL

HR 1, 8, 12, 14, 15, 21, 35, 52, 70, 73, 84, 98, 103, 111, 158, 166, 189, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 36, 105, 126, 461, 508, 509, 515, 612, 625, 677, 733, 825, 860, 869, 915, 942, 985

STUDIES DIRECTED

Annexed territory, study of school attendance in—HR 168
Auditor of public accounts, study of statutes on—HCR 145
Certified building officials foundation program fund study—HCR 46
Child care facilities needs assessment—SJR 44
City classification statutes, variations study—HCR 6
Community educational television study—HCR 136
Domestic preference bidding laws study—SCR 97
Earlier retirement for teachers and state workers, study of—HCR 131
Economic
  assistance legislation study commission—HR 140
  development planning commission creation—SJR 78; HJR 116
Education statutes, review of—HCR 114
Forestry industry expansion plan—HJR 126
Free textbook program, study of—HCR 74
Hazardous materials emergencies task force—HJR 99
High school
  graduation requirements study—SCR 98
  programs, review of—HJR 115
Homeless persons, study of—HCR 147
Hopkins County coal park task force—HJR 107
Industrial revenue bonds study—HCR 135
Insurance
  industry investigation—HJR 58
  study task force—HJR 139
International trade, task force on—HR 170
Judicial redistricting study—HCR 62
Long-term
  care facilities study—HCR 7
  policy research center study—SCR 91
Medically uninsured study—SCR 59
Mentally retarded adults study—SCR 57
Mineral region study commission—HR 166
Motor vehicle registration study task force—HJR 47
Natural gas recovery study—HR 219
Nurses' educational needs study—HJR 102
Occupational license tax study—HCR 3
Planning and land use regulation study committee—SJR 26
Prison population and prison options task force—HCR 133
Property valuation administrator study—HCR 39
Public assistance recipients, study self-sufficiency of—HCR 121
Retired
  teachers benefits, cost-of-living increment study—HCR 25
  teachers, long-term health care and in-home services study—HCR 40
School
  calendar, year round—HCR 34
  finance, governor's commission on—HJR 106
Security of state buildings—HJR 35
Space needs of state agencies—SCR 30
Tax amnesty study—HCR 146
Teacher preparation and continuing education plan—HJR 100
Testing and remediation programs, study of—HCR 132
University faculty compensation study—HCR 85
Vocational education structure study—HR 190
Water management task force, re-establishment—HJR 81
Workers' compensation, comprehensive review—HJR 78

STUMBO, GREGORY "GREG"

HR 1, 4, 8, 10, 11, 12, 13, 14, 15, 16, 19, 21, 30, 32, 52, 54, 70, 73, 103, 111, 113, 114, 116, 126, 131, 139, 141, 154, 155, 158, 166, 172, 173, 189, 192, 195, 199, 200, 205, 207, 208, 209, 211, 214, 217; HB 24, 179, 213, 214, 215, 218, 221, 222, 223, 228, 229, 235, 237, 239, 259, 262, 311, 398, 400, 418, 424, 468, 495, 504, 567, 594, 595, 598, 612, 625, 672, 677, 692, 709, 722, 733, 740, 825, 869, 885, 886, 893, 919, 942, 946, 947, 956, 980, 988

TAXATION

911 emergency telephone service, user charge for—SB 233
Alcoholic beverage wholesalers' tax—HB 969
Amnesty study—HCR 146
Atmospheric fluidized bed combustion generating, tax treatment—HB 234
Board of tax appeals, petition filing deadline—SB 42
Cable TV gross receipts license tax for schools—HB 651
Church motor vehicles, tax exemption amendment—HB 110
Cities
  delinquent tax collection notices—SB 69
  license fees on trades, occupations and professions—HB 335
  of 3rd, supplemental levy by—HB 955
Coal consumption tax credit—HB 942
Coal, overweight hauling tax—HB 978
Commonwealth venture fund, investment tax credits for—HB 149
Corporate investments in poor neighborhoods, credits for—SB 365
County occupational license tax—HB 464
Income
  tax educational expense deduction—HB 676
  tax medicaid benefits, income tax refund program—HB 679
  tax retirement benefits, reciprocal tax exemption of—HB 717
  tax, artistic charitable contributions deduction—SB 214
  tax, artistic contributions deduction—HB 506
  tax, corporate, exclude in-state food processing income—HB 260
  tax, credit for corporations using Ky. agricultural products—HB 309
  tax, federal code adoption—HB 894
  tax, household and dependent care services credit—HB 250
  tax, military retirement annuities exclusion—HB 130, 145
  tax, police and fire fighters' retirement exemption—HB 498
  tax, superinsulated house, credit for—HB 136
  tax, tobacco growers, no net cost assessment credit—HB 665
Inheritance
  tax, agricultural and evaluation for partnerships—HB 116
  tax, burial expense deduction increment—HB 331
  tax, surviving children, exemption increment for—HB 171
  tax, trusts and life estates inclusion—HB 892
Insurance premiums license tax, rate limit—HB 620
Intangible tax assessment—HB 512
Legal process tax, application of—HB 11
Local
  economic development, credits for—HB 165
  governments, tax increment financing—SB 107
Manufacturers, coal-fired facility tax credit—HB 112
Motion picture companies, sales and use tax credit—HB 938
Motor
  carriers, highway user fee on—HB 990
  fuels tax, refund for nonprofit arboretum—HB 696
  vehicle tax exemption authorization—HB 577
  vehicle taxes, payment on registration—HB 326
  vehicle usage tax exemption—HB 834
  vehicle usage tax, actual sale price basis for—HB 461
  vehicle usage tax, define for older vehicles—HB 895
  vehicle usage tax, trade-in credit—HB 712
  vehicles, evaluation for assessment—HB 36

TAXATION (Cont'd)

Oaths or affidavits, revise statutes on—HB 843
Occupational
  license fee sharing, counties with 1st—HB 69
  license tax study—HCR 3
  license taxes, rebate for nonresidents—HB 858
  tax, county, application to nonresidents—HR 2
Pari-mutuel
  tax credit, equine program funding—HB 825
  tax credit/equine program funding—SB 398
  tax, standardbred tracks, extensive credit for—HB 328
Penalties, omnibus revision—HB 844
Property
  tax—HB 503
  tax assessment appeal, eligibility for—HB 655
  tax assessments, correction procedure—HB 410
  tax, church buses, exemption of—HB 792
  tax, delinquency notice, mail service of—HB 854
  tax, farm machinery rate reduction—HB 119
  tax, joint city-county services funding—HB 122
  tax, local rates—HB 736
  tax, motor vehicle assessments—HB 578
  tax, motor vehicles, assessment of—HB 193
  tax, state rate on motor vehicles—HB 576
  tax, state tax rate calculation—HB 409
Race track admissions tax—HB 915
Real estate transfer tax, exempt payment by state—HB 817
Restaurant tax, cities of 4th—HB 451
Revenue
  cabinet, omnibus housekeeping bill—HB 959
  estimates requirement—HB 646
Sales
  and use tax, horse sales, taxation of—HB 605
  tax exemptions—SB 151, 193, 236, 237, 371; HB 197, 242, 302, 415, 569, 594, 595, 648, 725, 739, 782, 822, 842, 848, 920
School
  tax recall—HB 979
  taxes, foundation program and power equalization revisions—HB 896
  taxes, levy and administration—HB 407
  taxes, petition for referendum on—HB 187
Severance tax on coal, transportation expense and gross value—HB 921
Special fuels tax refund for nonhighway—HB 766
Taxing district, counties with 1st, voter approval of—HB 269
Transient room tax increment—HB 279
Transportation center, use of gasoline tax for—HB 873
U-Drive-Its and lease vehicles, taxation of—SB 372
Utilities gross receipts tax—HB 850
Utility gross receipts license tax base—HB 408
Weight
  distance tax and fuel tax—HB 980
  distance tax repeal—HB 126

TEACHERS

Certification, requirements for—HB 351
Child adoption, sick leave for—HB 840
Classroom assistants—HB 21
Duty-free lunch period, effective date of—SB 83
Emergency leave for school employes—HB 287
Future teacher clubs, establishment of—HB 324
Instructional leaders, training requirements for—SB 81
Internship, beginning teacher committees—SB 314
Kindergarten teacher aides, effective date of—SB 91
Leave for legislative testimony—HB 493
Life insurance coverage—HB 866

TEACHERS (Cont'd)

Lunch duty, calculation of teachers' non-instructional time for—HB 306
Moment of silence, observance of—HB 105
NEA Convention commendation—HR 217
National Teachers Day—HR 120
Preparation and continuing education plan—HJR 100
Prohibited speech or conduct directed toward—SB 271
Retired
  teachers' benefits, cost-of-living increment study—HCR 25
  teachers, declaration of week for—SB 43
  teachers, health insurance premiums for—HB 83, 159
  teachers, long-term health care and in-home services—HCR 40
Retirement
  after 27 years—HB 19
  cost-of-living increase—HB 261
  final average salary calculation—HB 796
  fund, prohibit transfer to general fund—HB 96, 109
  nonpublic school service credit—HB 312
  service credit additions—HB 684
  system package, request governor's support for—HCR 24
Scholars award program—HB 386
Schools for deaf and blind, teachers' salary status—HB 298
Sick
  leave bank—HB 764
  leave, immediate facility redefinition—HB 26
Student suspension or expulsion, causes for—HB 872
Teachers in shortage areas, loans for—HB 983
Teachers' retirement system, omnibus revisions—HB 677
Teaching standards and practices, commission on—HB 889
Testing and internship—HB 579
Training and evaluation, pilot sites for—HB 393
Vocational agriculture, duties of—HB 59

TELEVISION

Channel 15 educational television, support for—HB 940
Community educational television study—HCR 136

TERRELL, STEVE

Elected page, p. 2

TEXTBOOKS

Braille textbooks, state board selection of—HB 952
Free
  textbook program, study of—HCR 74
  textbooks—HB 125
Grades 9-12, rental program and indigent books—HB 924
Textbook adoption cycle and groups, reduction of—HB 385

THOMAS, SAMUEL "SAM"

HR 1, 8, 9, 12, 14, 15, 21, 52, 70, 73, 103, 111, 158, 192, 195, 199, 200, 205, 207; HB 19, 34, 37, 126, 136, 161, 322, 331, 452, 489, 568, 677, 691, 786, 794, 808, 825, 980

TOBACCO

Bloomfield tobacco festival, official designation of—HR 18
Marketing card, assessment for legislative activity—HB 797
No net cost tobacco fund—HB 665
Task force re-establishment—HR 95
Tobacco
  problems, memoralize Congress concerning—HR 125
  task force, reauthorization of—HCR 20

TODD, THOMAS "TOMMY"

HR 8, 12, 14, 15, 21, 51, 52, 69, 70, 73, 84, 103, 111, 113, 122, 158, 163, 173, 188, 189, 192, 195, 196, 199, 200, 205, 207, 214; HB 24, 41, 51, 59, 98, 105, 112, 126, 150, 272, 308, 377, 378, 453, 501, 536, 566, 612, 677, 692, 746, 799, 800, 806, 917, 942, 947, 949
Voting modifications—HB 455Y to abstain, p. 530; HB 777N, p. 2349; SB 317N to Y, p. 3158

TOURISM

Counties with 1st, commission membership—SB 313
Kentucky Pride program—HJR 137
Oil Field Museum, designation of—HJR 28
Transient room tax increment—HB 279

TRADE PRACTICES AND RETAILING

Alcoholic beverage, wholesaler/retailer discrimination prohibition—HB 958
Auto repair regulation—HB 957
Automobile guaranty coverage, definition of—HB 332
Brewers, prohibit price discrimination by—HB 387
Consignment of art—HB 540
Consumer rebates on malt beverage purchases—HB 405
Employes, overtime pay exemption deletion—HB 365
Farm equipment, repurchase by manufacturer or wholesaler from retailer—HB 154
Grocery store price display requirement—HB 303
New car lemon law—HB 733
Overtime pay exemption redefinition—HB 914
Plastic containers, redemption of—HB 988
Pyramid sales, prohibition—HB 485
Transient merchant permit—HB 489

TRAFFIC SAFETY

Bicycles, require headlamps on—HB 694
Callboxes, installation directive—HJR 80
Child
  restraint violation penalty—HB 320
  restraints, penalties regarding—HB 855
DUI service fee apportionment—SB 276
Lamps on vehicles, requirement for—HB 484
Motor
  carrier safety program grant—HB 687
  vehicle bumper height restriction—HB 634
  vehicle operators, occupational license following revocation—HB 508
Motorcycle helmet requirements redefinition—HB 333
Offenses, penalty point system for—HB 913
School
  bus safety—HB 870
  buses, markings alternation upon transfer—HB 647
  buses, stopping on four-lane highways—HB 686
Seat belts, mandatory use of—HB 643
Slow-moving vehicles, flashing lights required—HB 194, 195

TRAILERS AND RECREATIONAL VEHICLES

Mobile
  home transporters, exemption from regulation as motor carriers—HB 602
  homes, inspections required for—HB 141
  homes, sales tax exemption—HB 648
  homes, sales tax exemption for—HB 725
Parks, camping space fee limit—HB 928

TRANSPORTATION

Airport zoning commission, chairmanship designation—HB 13
Axle weights for motor carriers—HB 865
Charter air transportation permits—SB 17
Coal transportation, regulation of—HB 945
Coal, extended weights for carriers—HB 978
Forest products, non-consumer, transportation of—HB 563
Fossil fuels transport, public safety factors—HB 590
Highways, relocation assistance program—SB 16
Industrial materials, permit for hauling in overdimension vehicles—HB 291
Ky 1851 and 2317, urge weight increase—HR 77
Mass
  transit authorities, development fund for—SB 265
  transit authorities, permissive insurance provisions—SB 264
  transit authority, regulation and adjoining area service—SB 284
  transit employes' rights—HB 801
Mississippi River Parkway Commission, establishment of—SB 50
Motor
  carrier cab card fees—HB 47
  carriers, definition of—HB 806
Plans for state highways and parkways, repeal provisions on—HB 48
Rural secondary road funding—HB 355
School transportation, means of—SB 278
Six-year road plan approval—HR 208
Toll roads, elimination of tolls upon debt payment—HB 293
Transportation
  cabinet, exempt from small purchase regulations—HB 704
  center, use of gasoline tax for—HB 873
Vehicles above 10,000 lbs., interstate highway operation of—HB 15

TREASURER

Checks
  and electronic transfer entries, state, preservation of records—HB 558
  and records, photostatic copies of—HB 518

TURNER, RICHARD

HR 1, 8, 10, 11, 12, 13, 14, 15, 21, 32, 35, 51, 52, 70, 73, 84, 103, 111, 113, 138, 158, 163, 192, 195, 196, 199, 200, 203, 205, 207, 208, 214; HB 24, 85, 126, 139, 141, 179, 308, 348, 418, 509, 566, 570, 668, 672, 673, 677, 692, 746, 795, 915, 982
Voting modifications—HB 225N to Y, p. 1428; HB 627Y, p. 1428; HB 8N to Y, p. 1995

UNEMPLOYMENT COMPENSATION

Benefits, referee determined, bar recoupment of—HB 175
Commission members, compensation increment—HB 317
Extended benefits, computation of—HB 867
Omnibus revision—HB 274
Worksharing—HB 89

UNIFORM LAWS

Minors, Uniform Transfers Act—HB 466
Uniform commercial code, omnibus revision—SB 28

UNITED STATES

Arrow Air contract, condemn award of—HR 64
Balanced budget amendment petition—HJR 36; HCR 31, 65
Beckman, Seaman Frank, urge release of—HR 129
Coal imports, urge congressional study of—HCR 5
Community action agencies, urge continued funding of—HR 211; HCR 141

UNITED STATES (Cont'd)

Flag, require instruction concerning—SB 117
Job
  Corps, urge continued funding—HCR 4
  training partnership act implementation—HB 652
Man o' War stamp, endorsement of—HCR 75
Olszewski, Dariusz, urge Polish release of—HR 87
Presidential candidate preference referendum—HB 691
Vehicle fuel efficiency standards—HR 61
Volkmer-McClure firearms owner protection act, urge passage of—HR 130

UNIVERSITIES AND COLLEGES

MSU forestry industry expansion plan—HJR 126
Athletic grants-in-aid, drug traffic penalties under—HB 811
Boards of regents, graduate on—HB 462
Campus police, training priority for—HB 731
Cooperative extension service, urge increased funding—HR 69
Distinguished students, recognition of—HB 209
Employes' retirement benefits, tax exemption for—SB 70
Faculty compensation study—HCR 85
Fraternal hazing activity, regulation—HB 325
Hearing impaired students, instructional aids for—HB 322
Hopkinsville community college, request auditorium for—HR 202
Hospitality education as discipline—HB 780
In-state tuition, authorization for persons with military experience—HB 180
KSU cooperative extension program—HR 134
Kentucky State University centennial—HR 43
Law enforcement officers, deceased, tuition for dependents—HB 352
Owensboro, community college in—HB 455
Remedial instruction prohibition—HB 319
Robotics center advisory board—HB 671
U of L varsity cheerleading squad, honoring—HR 45
UK
  board of trustees, county extension agent member of—HB 28
  cooperative extension, service appropriation—HB 943
  debate team commendation—HR 210
  experiment station farms, use of proceeds from sale of—HB 566
  faculty, honor Fulbright grant recipients—HR 82
  mining and minerals building, funding for—SB 20
Universities, purpose of—HJR 26
University keys, duplication of—HB 301
Veterans' dependents, tuition waivers for—HB 384
WKU sheriffs' training academy, establishment of—HB 690

VETERANS AFFAIRS

Disabled
  veterans' dependents, tuition waivers for—HB 384
  veterans, military service retirement credit for—HB 176
Guardians of veterans, accounting for—HB 189
Hunting and fishing licensure, exemption of disabled veterans—HB 68, 378
In-state college tuition authorization—HB 180
License plates for disabled veterans—HB 16
Merchant Marine, adjourn in honor of—HR 122
Military retirement annuities, income tax exemption—HB 130, 145
Reserve service, retirement credit for—HB 910, 929
Retirement credit for military service, KERS/CERS—HB 382
State retirement credit for military service—HB 128
VA hospitals, handicapped parking permits from—HB 292
Veterans affairs subcommittee, re-establishment request—HCR 117

VETERANS AFFAIRS (Cont'd)

Veterans'
  State War Memorial, repair appropriation—HB 626
  Vietnam bonus—HR 915; HB 67
  affairs subcommittee—HB 479
  nursing home, establishment of—HB 30

VETERINARIANS

License reinstatement without examination—HB 421
State veterinarians, employment condition of—HB 144

VOTING

Nomination petition filing date—HB 192
Omnibus revision—HB 124, 172
Presidential preference primary, establish—SB 29; HB 101
Registration forms, provision to precincts—HB 158
Voter lists, telephone number inclusion in—HB 908

WAGES AND HOURS

Construction and mining firms, wage payment surety requirement—HB 435
Employes, expand definition of—HB 362
Mediation, prohibit information disclosure—HB 633
Minimum
  wage increment—SB 143; HB 360
  wage, delete tip credit—HB 361
Negotiations, third party involvement—SB 266; HB 874
Overtime
  in excess of 40 hours, prohibition—HB 430
  pay exemption deletion—HB 365
  pay exemption redefinition—HB 914
State employes' wages and hours, federal conformity of—SB 88

WASTE DISPOSAL

Beverage containers, restrictions on—SB 256
Hazardous
  and solid waste, regulation of—SB 101
  waste management—HB 428
  waste reports to counties—HB 118
  waste site permit applications—HB 615
  waste sites, approval requirement—HB 511
Landfill bonds, release time of—HB 392
Local solid waste services, private service conflict—SB 235
Low-level radioactive waste compact, approval of—SB 63
On-site sewage disposal systems, installation—HB 275
Open dumps, regulation of—SB 99
Plastic containers, redemption of—HB 988
Radioactive materials disposal—SB 343
Solid
  waste management services, local funding of—HB 777
  waste, prohibit disposal beyond county—HB 201
Vehicles, exempt from axle weight provisions—HB 937

WATERWAYS AND DAMS

Boats, title certificate for—HB 173
Dam spillway and freeboard criteria—HB 674
Dams, ensuring safety and containing costs—HB 294
Kentucky River Authority, creation of—HB 699
Pollution abatement and water resources finance authority—HB 758
Riverport and river development functions transfer—HB 214
Water
  management task force, re-establishment—HJR 81
  plan, state—HB 406
  source contamination, cause of action for—HB 492
  withdrawal, diversion and allocation—HB 482
Wild rivers, addition to—HB 798

WATERWORKS

Local governments, contracting for—HB 878
Private water supplies, testing and assistance concerning—HB 418
Water
  district commissioners, maximum salary of—HB 81
  district projects, exempt from PSC approval—HB 899
  districts, rate increment pass-through—HB 810
Well drillers, omnibus revision—HB 898

WATTS, MARGARET

Elected enrolling clerk, p. 2

WEIGHTS AND MEASURES

Petroleum products, quality standards for—HB 429

WELFARE

AFDC benefits, income calculation considerations—HB 554
Adult protective services—HB 49
Community work experience, public service requirement—HB 949
Food
  stamp food, sales tax exemption—HB 842
  stamp purchases, sales tax exemption requirement—HR 196
Foster
  care, medical assistance under—HB 350
  parents, liability insurance for—HB 55
Indigent health services—HB 701
Long-term care residents, personal needs allowance for—HB 205
Medical
  assistance, limit administrative costs of—HB 853
  assistance, mentally retarded services under—HB 521
Recipients, employment programs required for—HB 327
Social worker caseload—HB 29

WHITE, CAROLINE

HR 1, 8, 12, 14, 15, 41, 52, 70, 73, 84, 103, 111, 122, 158, 166, 189, 190, 192, 193, 195, 199, 200, 205, 207, 214; HB 19, 40, 53, 83, 94, 96, 105, 112, 125, 126, 159, 207, 241, 245, 321, 348, 404, 477, 518, 519, 520, 536, 558, 603, 604, 609, 612, 625, 672, 677, 692, 745, 746, 778, 869, 915, 918, 942, 952, 985
Committee to wait upon the governor, appointment to, p. 11
Voting modifications—HB 223Y, p. 234; HB 154Y, p. 360; HB 277Y, p. 519; SB 208Y, p. 1428; SB 227Y, p. 3202

WILLIAMS, DAVID

HR 8, 12, 14, 15, 21, 27, 35, 52, 70, 73, 84, 91, 92, 93, 94, 103, 111, 113, 114, 190, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 87, 98, 105, 245, 348, 612, 677, 692, 707, 746, 845, 846, 866, 869, 922, 949, 963
Voting modifications—HB 466Y, p. 685; HB 405N, p. 685; HB 65Y, p. 685; HJR 1Y, p. 1262; HB 29N, p. 1262; HB 604Y, p. 1262; HB 600Y to N, p. 1262; HB 360N to abstain, p. 1770; HB 777Y, p. 2349; HB 924Y, p. 2520; HB 237Y, p. 2677; HB 787N to Y, p. 2677; SB 252Y to N, p. 2998; HB 172Y, p. 3082; HB 894N, p. 3158

WILLS AND ESTATES

Divorce, revocation of wills by—HB 932
Inheritance tax, trusts and estates inclusion—HB 892
Minors, Uniform Transfers Act—HB 466
Probate, omnibus revision—HB 467
Wrongful death, loss of affection and companionship by—HB 532

WITHDRAWN LEGISLATION

WITHDRAWN—HB 31, 33, 38, 69, 84, 99, 106, 108, 123, 129, 146, 186, 200, 249, 253, 257, 297, 314, 321, 337, 375, 532, 538, 645, 720, 721, 729, 730, 756, 789, 791, 813

WITNESSES

Crime victims' rights, omnibus amendments—HB 390
Evading process, criminal case inclusion—SB 320
Sexual assault counselor/victim communication privilege—HB 263

WOMEN

Abortion for minors, written parental consent for—HB 589
Domestic abuse remedies—HB 562
Maternity leave, retirement service credit for—HB 891
Sexual offenses, marriage definition under—HB 311
Spouse abuse shelters, expansion of—HJR 1
Surrogate parenting contracts prohibition—HB 668

WORKERS' COMPENSATION

AMA impairment guides—HB 767
Asbestos-related disease claims, 20-year limitation—HB 628
Claim recovery evidence, prohibit racial basis as—HB 198
Claimants, discrimination prohibition—HB 364, 530
Claims, evidence from non-treating physicians—HB 683
Comprehensive review—HJR 78
Injury reports requirement—HB 724
Insurers, penalties regarding—HB 844
Kentucky insurance guaranty association, claims covered by—HB 155
Medical rehabilitation, employer's responsibility for—HB 363
Occupational pneumoconiosis, omnibus revisions—HB 533
Partnership, coverage requirement—HB 132
Reinsurance
  association liabilities statement—HB 893
  association, special fund liability report—HR 181
Special fund, audit requested—HR 161
Summary of law, posting by employers—HB 856
Volunteer
  ambulance service personnel, coverage of—SB 108; HB 288
  firemen, police, civil defense members, coverage of—HB 710
Workers' compensation, insurance carriers, information reporting—HB 653

WORTHINGTON, PETE

HR 8, 10, 11, 12, 14, 15, 16, 20, 21, 30, 32, 52, 54, 65, 70, 73, 81, 111, 113, 116, 122, 125, 126, 131, 139, 158, 163, 192, 195, 199, 200, 205, 207, 208, 214, 217; HB 24, 36, 150, 179, 245, 259, 302, 398, 584, 665, 677, 722, 725, 746, 783, 790, 825, 919, 964, 976, 980
Voting modifications—HB 405N, p. 685; HB 360Y, p. 1905; HB 603Y to N, p. 3202; SB 117N to Y, p. 3202

YATES, JAMES "JIM"

HR 1, 8, 12, 14, 15, 21, 52, 66, 70, 73, 83, 103, 111, 113, 122, 136, 158, 160, 161, 163, 173, 183, 189, 192, 195, 199, 200, 205, 207, 214; HB 19, 24, 33, 66, 76, 126, 142, 191, 220, 233, 245, 255, 269, 280, 382, 392, 394, 395, 433, 461, 470, 487, 570, 588, 630, 636, 677, 678, 692, 693, 705, 741, 746, 800, 801, 804, 818, 849, 859, 887, 908, 915, 977
Voting modification—HB 223Y, p. 234